

AEROPUB02149  
08/10/2019

AERO  
pp 02149-02210

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

Reference: Operation E18/0093

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 8 OCTOBER, 2019

AT 10.30AM

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

MR ROBERTSON: Chief Commissioner, can I deal with timetabling matters first.

THE COMMISSIONER: Yes.

MR ROBERTSON: I'll continue with Mr Cheah today and I hope to finish with him during the course of the morning. I'll then call Mr Tim Xu. I doubt that Mr Xu's evidence will be finished today, there's a good chance it will spill over until tomorrow. I'll then call Mr Clements and I'll then call  
10 Mr Wong. At the moment it still appears to be on track that we'll finish the main part of the hearing either on Thursday or Friday this week. I think Friday's probably more likely than Thursday. The main part of the public inquiry will certainly not continue into next week, because as I understand it there's another public inquiry that is listed to continue on Monday of next week. That's the timetabling matters.

Can I deal with a couple of housekeeping matters arising from Friday. On Friday in a question that I asked of Mr Cheah at page 2145 of the transcript, line 47, I included a list of people who I described as having come clean to  
20 this Commission. That list of people included Mr To Yip. The wording of my question to Mr Cheah could be taken to suggest that Mr Yip had given inconsistent evidence to this Commission, but it was not my intention to make such a suggestion. Although Mr Yip admits that he signed a reservation form and disclosure form to the Electoral Commission that referred to a \$5,000 contribution, Mr Yip consistently said to the Electoral Commission and to this Commission that he signed those documents because Jonathan Yee told him that the documents pertained to a whole \$5,000 table rather than just a \$500 seat that Mr Yip agreed to buy. So I just  
30 thought it was appropriate that I make clear that I wasn't intending to suggest that Mr Yip had changed his story in the evidence that he'd given before this Commission, although obviously there's an inconsistency between on the one hand, signing a document that says or refers to a \$5,000 contribution, but in fact his evidence being that he made a \$500 contribution only.

Next there's a bundle of accounting documents. If I can have that on the screen, please, Mr Operator. On Friday Mr Cheah accepted at page 2127 of the transcript, line 15, that there had been an example in which cash had  
40 been received by the Sussex Street office in April of 2016 but the donors of that cash had not been identified until June of 2016, but he didn't accept that the cash had been banked before the donors had been identified. Over the weekend some reports have been produced from the MYOB file of NSW Labor and there's a bundle of which the first page is now on the screen. If we can just zoom in to the first half of the screen, please, the first window, you'll see there that it appears from the MYOB file that on 20 April, 2016, donations of \$5,000 times 10 were recorded as being payable by a generic person, namely Chinese Friends of Labor Dinner. It then seems that that invoice was later in substances reversed, as you'll see, Chief Commissioner,

by reference to the second line under description, it says, reversal invoice and reissuing of a series of invoices. And if we can then just scroll down the page, we there see a bank deposit but what is apparent from this window and from the documents that follow in this bundle that I'll shortly tender is that although \$50,000 in cash was noted as having been received on 20 April, 2016, it was first recorded as being received by the generic title, Chinese Friends of Labor, but the records were later changed on 25 July, 2016, to identify specific donors of cash, including Mr Chan, Mr Zhou and others that we can see on the second window. The remainder of this bundle that's presently on the screen has a series of further reports that makes good the proposition that I've last indicated, the substance of which being that it appears at least from the 2016 MYOB file that on 20 April, 2016, cash of \$50,000 had been received by the Sussex Street office and banked, recorded in the first instance as being received by Chinese Friends of Labor Dinner rather than by reference to individual names. That was then changed on 25 July, 2016, to identify the particular donors of that cash.

THE COMMISSIONER: So that as at that date there still remained to be identified a number of donors, individual donors?

20

MR ROBERTSON: That's so. And Mr Cheah accepted that there was a delay between at least the receipt of the cash in April of 2016 and the identification of the donors of that cash, so there seems to be a common thread of evidence at least in relation to the receipt of the cash. He didn't accept that the cash had in fact been banked and indeed his evidence is that cash is not banked as the donors of it is known. That evidence seems to be inconsistent with the document that is on the screen, although in fairness to Mr Cheah, Mr Cheah is not the person who's responsible for banking the cash, at least on the evidence before the Commission, it's the Finance Department members who are responsible for that matter. I should indicate of course that this Commission is not investigating the 2016 Chinese Friends of Labor dinner, it's investigating the 2015 not the 2016 dinner. The reason for me dealing with the 2016 dinner, and also events in 2014, is to see if there's a pattern of a kind that may shed light on the particular matters that this Commission is investigating. Of course, whether there should be a broader investigation in relation to the 2016 dinner is a matter for other authorities – it seems in particular the Australian Electoral Commission – because it appears that the particular \$50,000 to which I'm now referring found its way into a federal account, or at least was disclosed as federal money, as distinct from state money, if I can put it that way.

40

THE COMMISSIONER: However it reflects any deficiencies or irregularities in the accounting and other processes associated with donations when it comes to consideration as to corruption prevention matters is however still a question to be determined.

MR ROBERTSON: Quite so. As I indicated in the opening, one of the matters that the Commission will no doubt consider is what

recommendations if any should be made in light of the conduct the subject of this investigation. One matter that will be important will be whether – I withdraw that. One matter that will be important is the state of the procedures, as in, as at 2015, but also importantly whether the procedures have changed between 2015 to date, which may affect what recommendations this Commission might give.

THE COMMISSIONER: Yes.

- 10 MR ROBERTSON: And I'm told that NSW Labor is intending to put forward a statement in relation to that issue. That hasn't yet arisen, but I would be hopeful that that would be coming within relatively short order.

THE COMMISSIONER: Yes, I recall you noted that on the last occasion. All right, thank you.

MR ROBERTSON: So I tender the bundle of screenshots and reports from NSW Labor's MYOB file for the financial yearend of 30 June, 2016, the first page of which appears on the screen.

20

THE COMMISSIONER: Yes, those records will be admitted and become – thank you – Exhibit 317.

**#EXH-317 – BUNDLE OF SCREENSHOTS AND REPORTS FROM THE MYOB FILE OF NSW ALP FOR THE FINANCIAL YEAR ENDING 30 JUNE 2016**

- 30 MR ROBERTSON: Those are the only housekeeping matters from my perspective. I'm ready to proceed with Mr Cheah.

THE COMMISSIONER: Yes, thank you. Mr Cheah, yes, we'll start again with the – Mr Cheah, on the last occasion, I think you took an affirmation?

MR CHEAH: That's correct.

THE COMMISSIONER: I'll have that administered again.

MR ROBERTSON: Mr Cheah, on Friday afternoon I suggested that you should very carefully consider whether on reflection you were able to provide more assistance to this Commission's investigation than you have provided to date. Now that you've had that opportunity, is there any other information that you wish to put forward by way of either expansion, correction, or qualification of the evidence that you've given so far?---So I spent the weekend trying to re-piece the evidence of like 17 April, in regards to the email that was sent to Jenny regarding receipts being issued. So I can confirm that, from my phone records, that I did call head office at that time to, to speak to Jenny. So that call would have been from me. On that day, on the 17<sup>th</sup>, after looking at various phone records, diary entries, et cetera, I did, I did receive instruction from Ernest Wong about two forms that needed to be processed, because a mistake was made. I didn't ask him to elaborate on that. It was a short phone call. In essence, he asked for the, for the replacement forms to, to replace two of the, two of the original forms. And he asked if that could be done before the receipts get issued, so the first thing on my mind was to get the receipts, to get the correct receipts issued instead of the wrong receipts. I wasn't thinking of fraud or anything like that, I was just thinking about getting everything processed. That was the 17<sup>th</sup>. On the 23<sup>rd</sup> I was going to be starting a new job for Shaoquett Moselmane in the parliament so I was anxious to clear all the invoices and all paperwork to do with my job in the next few days, so I would have given that instruction to the Finance Department without really thinking about the reason why. And because on, on the face of things I had no reason to think of fraud at the time. These are people I would deal with regularly so I have no reason to not trust them.

30 Can we just unpack that a little bit.---Sure.

Do I take it from what you've just said that by 17 April, 2015, receipt or tax invoices had not yet been issued in relation to the 20 forms that you were given by Mr Clement on 9 April, 2015?---To my best knowledge.

Well, they must not have been issued, mustn't they, given that you're saying to Ms Zhao on 17 April, please don't issue those receipts.---Yes.

40 So at least in your mind, at least your understanding of the position as at 17 April, 2015, was that first the money had been banked. Correct?---Sorry, which day?

As at 17 April, 2015, before you spoke to Mr Wong and before you spoke to Ms Zhao, your understanding is that the \$100,000 had been banked. Is that right?---Yeah, on the 9<sup>th</sup>.

Because you'd given that to Mr Zhao or at least to the Finance Department on 9 April. Correct?---Correct.

And you'd given the Finance Department the 20 forms at that point in time? ---Correct.

10 So at least your understanding was that by at least the start of 17 April, 2015, the forms had been processed by the Finance Department and the money had been banked by the Finance Department. Is that right?---Yes, yes.

But your understanding was that the invoices or the receipts had not yet been sent to the donors. Is that right?---Or if they hadn't been, to make sure the correct ones go out.

20 So are you saying you didn't know one way or the other whether the invoices pertaining to the 20 forms that you gave to the Finance Department of 9 April, 2015, had been sent out or not?---I wouldn't have, I wouldn't have been able to conclusively say because that's not my job to issue the invoices. I don't get a notification when the invoices get issued by the Finance Department.

But can we just go to Exhibit 163. You remember that that email, which was the message that you left for Mr Zhao – I think you've accepted that you did leave that message. Is that right?---Yes, yes.

30 And the subject heading says, "Please call Kendrick urgently. Don't sent out the receipts from this morning." So at least at the time that you're leaving that message you must have at least thought that the receipts for the \$100,000 hadn't been issued yet. Is that right?---Yes.

Now, I think you're pointing out you don't know that conclusively because it's not your job to send out the receipts. Is that right?---Yes, that's what I'm trying to say.

And to the extent that any receipts were printed on say 9 April or within a couple of days, those receipts didn't come to you to distribute for example, did they?---No, no.

40 And whilst we saw an example on Friday of where the receipts went to Ernest Wong's office rather than directly to the donors, is it right to say that there's never been a circumstance in which the receipts have come to you, rather than to the donors?---Correct, yeah.

So then focussing on 17 April, is it possible that the discussion that you referred to with Mr Wong on 17 April, 2015, actually took place at Parliament House rather than over the telephone? Does that ring any bells? ---It's, it's possible.

Let me try and help you this way. I want to suggest to you that in the morning of 17 April, 2015, which was a Friday, arrangements were made for you to meet with Mr Wong at Parliament House and to have a coffee with him at about 2.00pm.---Okay.

Does that ring any bells?---I know I had a phone call with him at around 11.00 that morning, so that would, that would possibly be the case.

10 So what I want to suggest to you is that he contacted you around about 11.00, maybe a few minutes after 11.00, and said words to the effect of, can you come down to Parliament House and meet with me at about 2.00pm. ---Very possible.

And you will note that – you’ve accepted that you left a message for Ms Zhao with the reception, is that right?---Yes, yes.

And so I take it that when you left that message you were not in the Sussex Street office?---That’s correct.

20

Is it possible that you were with Mr Wong at the time that you left that message, or at least coming back from a meeting or coffee with Mr Wong? ---I would have been coming back from somewhere when I left that message.

And but you don’t have a particular recollection of where you may have been coming back from?---From my phone records, I could have been in the, the vicinity of Parliament House, so, there’s a, there is a possibility that I was there.

30

But are you saying you don’t have a recollection sitting here now of having a meeting with Mr Wong in Parliament House on Friday, 17 April, 2015, which is the Friday the week after the money was received by you and banked by the Finance Department?---No recollection of, of, of sitting in his office, but - - -

Any recollection of seeing Mr Wong in person as distinct from just having a telephone call with him?---No. But I, I mean, following on from that, if he was to see me in person, I would think he would just give me the forms rather than email them to me, logically speaking.

40

Well, except if he had the forms by way of email, at least a possibility you would accept is that he forwarded them to you by email, so that you had them by email?---I, I accept that he did forward them to me, because there’s obviously emails to show that, but I mean, if he was to see me in person at his office in Parliament House, logically I would say he would just print them and give them to me, rather than forward them by email.

Well, what I'm suggesting to you is this, you had a call with Mr Wong at about 11 o'clock in the morning and he said words to the effect of, "Can you come to see me at Parliament House at 2.00pm?" I think you accept that there was a telephone call around 11.00am, is that right?---Yes.

But are you saying you can't recall one way or the other whether Mr Wong said to you, "Please come and see me at 2 o'clock"?---Yes.

10 At that point in time, did you have a Parliament House pass that you get your way in, or would Mr Wong have had to sign you in if you were to go and see him?---No, I had my own pass.

You had your own pass at that time?---Yes, yep.

20 And then I want to suggest to you that either during your meeting with Mr Wong, or at least on the way back from your meeting with Mr Wong, you called Ms Zhao and asked her not to send out the receipts in relation to the \$100,000. Now, I think you're accepting that you did at least leave a message for Ms Zhao to that effect, is that right?---Yes, yes.

But are you saying you can't recall one way or the other whether you did that when you were with Mr Wong, when you were walking back from Mr Wong, or perhaps if you were at some other place, is that right?---I normally don't make calls with people when I'm meeting them, or I couldn't make the call if I'm on the phone with him at the time. Like, it would have been after, whatever the interaction was, it would have been after that.

30 But are you saying that you don't remember whether it was, whether that call was made after you'd left Mr Wong?---If we're assuming that I did meet him, then it would have been after.

So your usual practice wouldn't be to make a telephone call whilst you're having coffee with Mr Wong in Parliament House, correct?---No, no, no.

You accept, I think, that you left a message with Ms Zhao because at that point in time you weren't in the Sussex Street office, correct?---Correct.

40 Because if you were in the Sussex Street office, you would have just walked down the corridor and spoken to her, correct?---That's right, that's right.

But you don't recall whether you were making that telephone call after leaving a meeting with Mr Wong or whether you were simply leaving some other event or circumstance on that day?---That's right. That's right.

THE COMMISSIONER: Do you know whether your phone records give you some idea as to where you were when you left that message for Ms Zhao?---The, my phone records say where the origin of the call is, in, in a certain vicinity. So my, it says Royal Botanic Gardens. But by the same

token, because I deal with parliamentarians a lot, I, I go up to parliament a fair bit, hence why I have a pass, and I was also starting my job with Shaoquett Moselmane in the Upper House a week after.

So Royal Botanic Gardens would be, as it were, near or contiguous with the Parliament House complex itself.---That, that, that's correct, yep.

10 MR ROBERTSON: Now then I want to suggest to you that in the following week, so remembering that 17 April was a Friday, in the following week you then told Ms Zhao to do replacements in relation to two forms. Do you agree with that?---Yes.

And then just to be clear what Mr Wong's instructions were of you, or at least suggestions, did you say that Mr Wong told you that some mistake had been made, is that right?---My best recollection is that he said that there was a mistake. There was a pretty short conversation about that.

20 So do you have a recollection of him using either the word "mistake" or some word similar to "mistake"?---Something along those lines. Like there's been an error that needs to be fixed, so we need to get these - - -

Did he explain what the error was?---No.

And you said a little while ago that he was going to provide you with, you used the phrase "replacement forms", do I have that right?---Well, I don't know if he used the word replacement, but there were forms that would be provided.

30 But he made clear that there was going to be two forms that he was going to provide and that those forms would replace some other forms that had previously been provided, is that right?---Yes, yes, because of whatever mistake made.

And I take it that he must have specifically identified the particular forms to replace it with?---Yes.

40 So in other words, I'm going to send you two forms and I want you to replace person X and person Y, is that right?---Yes. Otherwise I would have no way of knowing - - -

You would have no way of knowing what instructions you should then give to the Finance Department - - -?---That's right.

- - - as how to fix what Mr Wong described as a mistake or something like that, is that right?---Correct.

And you remember you said that when Mr Clements gives you the forms, you have 10 times two times five.---Yes.

10 forms times two people times - - -?---Yes.

Sorry, times two parties times \$5,000.---Yes.

Did Mr Wong say one of these forms is to replace a form that pertains to NSW Labor or Country Labor? Did he indicate the particular party?---I don't recall, don't recall that level of detail.

10 Well, do you remember whether you said to the Finance Department, "Here's a form for Steve Tong and I want you to get rid of the form for, say, Valentine Yee and do a replacement"? Was there a discussion along those lines with Ms Zhao?---I don't think there was any discussion along those lines.

Well, doing the best you can - - -?---Yes.

- - - what was the instruction you gave to Ms Zhao as to the replacement of the forms?---These two forms are to replace those aforementioned two forms.

And so you would have identified the specific individuals in respect of whom should be replaced?---Valentine and Harbour, Harbour City or whatever, yeah.

Harbour City Group. But did you say it's the Valentine Yee form for NSW Labor that needs to be replaced or for Country Labor?---I probably assumed that those forms would just be for the same place where the original form is for, if that follows.

30 But you remember that there were two forms in the ones that you were given by Mr Clements for Mr Yee, Mr Valentine Yee, and for Harbour City Group.---Right, right.

I'm just trying to understand how it is that it was one of those forms rather than the other that was being chosen. Do you understand what I'm asking or should I - - -?---Oh, I see, I see. Oh, okay. I don't have any explanation for that that I can recall. I don't recall having, giving any instructions to, whether it should be Country Labor or NSW Labor.

40 But you'd at least accept, wouldn't you, that the Finance Department would need to know that matter, they'd need to know whether to replace, for example, the Valentine Yee NSW Labor form - - -?---Labor form or the Country form.

- - - as distinct from the Valentine Yee Country Labor form, correct?---Yes, yes, yes.

Is it possible that you went back to the inference that you and I discussed on Friday? When you had two forms, it must have been intended that you go to two parties, NSW Labor and Country Labor. If you get rid of one of those forms, you then only have one form that's talking just about NSW Labor and not talking about anyone else, and therefore it's assumed that the one form must be NSW Labor. Is that a possible approach that you took?  
---That, that's a, that's, that's very possible.

10 And then if you take that approach, obviously enough the form that needs to be replaced from Valentine Yee, for example, or Harbourside City Group - -  
-?---Corresponding.

- - - would have to be the extra form, the extra form being the Country Labor form, is that right?---Yes.

After giving these directions to the Finance Department, did you tell anyone else within the Sussex Street office that Mr Wong had told you to make, to effect these replacements?---I don't think so.

20 Well, it was at least suspicious, wasn't it, that Mr Wong was saying to you, "Although you've got two signed forms from Valentine Yee and Harbour City Group, we're going to pretend as if two of those forms never existed," would you agree?---In hindsight, looked very suspicious, but at the time all I was thinking about was getting through all the invoices, processing donation forms, finishing off all the paperwork that I had to do before I went off to Shaoquett's office in parliament the week later.

30 So you're accepting that at least with the benefit of hindsight the request that Mr Wong made of you looks suspicious. Is that right?---With the benefit of hindsight, yes.

But are you saying it didn't look suspicious to you at the time?---It didn't occur to me because I wasn't looking, I wasn't looking for fraud at the time from anyone.

40 But it's suspicious on its face, isn't it? It would be one thing for example for Mr Wong to say, look, there was an error here because you may have thought that there was a donation from Teresa Tay and the true name is Teresa Tam, or perhaps there's another mistake because To Yip intended to make the donation in his own capacity rather than through his company.  
---Sure.

On can understand errors of that kind, but how could it be a mistake or error for a form to say Valentine Yee, instead to say for example Quanbao Liao? It must have seemed suspicious to you on the face at the time, and not simply with the benefit of hindsight.---Well, it didn't occur to me that it was anything suspicious, I just followed the instructions as I wasn't really

looking for fraud or any, any, I wasn't being, looking at the forms with suspicion.

But as at 17 April, 2015, you'd at least accept that you now have 22 forms in relation to \$100,000 in money. Would you agree?---Yes, because, yeah, 22 because two are to replace two wrong forms.

10 Right. So instead of having just the two times – I withdraw that. Instead of just having the 10 times two times five, you know have 10 times two times five plus an additional two. Correct?---Correct. Right.

That must have seemed to you to be at least questionable on its face at the time, surely?---I don't look at it as 22 when two of those forms are double-ups, not double-ups, that's a bad word to describe it, two of those forms are to replace two wrong forms, then that's 20.

But Mr Wong didn't give you any explanation as to why they were, why they were wrong forms.---Right.

20 So ostensibly you've got Mr Valentine Yee saying I've donated \$10,000, two forms, and without speaking to Valentine Yee, Mr Wong says, oh, well, let's ignore that second form and let's treat him as only \$5,000.---Mistakes happen. I make mistakes at work.

But what I'm suggesting to you is this isn't a mere mistake such as getting someone's name wrong or putting something in a company name when it should be an individual who's associated with that company, it's a wholesale change from, for example, Valentine Yee to either Quanbao Liao or to Steve Tong.---Right.

30 It must have look at least questionable at the time.---Like I said, in hindsight, yes, but I didn't pick it up at the time.

Can we go please to volume 2, page 198. I just want to try and get the timing of all this as clear as we can get it. So money banked Thursday, 9 April, 2015. Instructions from Mr Wong on Friday, 17 April, 2015. The next week you're trying to get out the door ASAP to start the new job. Correct?---Sorry – is there a document? Wait a minute.

40 It's going to come up shortly. In the next week you're trying to get out the door as quickly as you can for the new job. Is that right?---Yep.

And you've accepted that you give instructions to Ms Zhao to do what Mr Wong told you to do, in other words, replacement of the two forms. Is that right?---Yes.

And just to try and get the timing, can we have up volume 2, page 198. I'm showing you here an email from Ms Zhou to you of 21 April, 2015.---Ah  
hmm.

So that's in that following week. "I have some question to ask you. Could you please come to my office when you get a minute." Do you see that there?---Yeah.

10 And does that ring any bells as to a discussion that you have had concerning this issue with Ms Zhao on Tuesday, 21 April?---This could have been in relation to many things, various invoices from other campaigns.

I'm just asking you whether this refreshes your memory that the timing of the instruction to Ms Zhao may well have been on Tuesday, 21 April, 2015. ---It's possible, but more possible that when I got back to the office on the 17<sup>th</sup> that I would have given the instruction, since I was - - -

20 Can I help you with one additional piece of information. The actual change in the accounting records appears to have occurred on Wednesday, 22 April, 2015.---All right.

30 Now, plainly enough, you wouldn't have done that exercise, it would have been done by Ms Zhao and Ms Zhao's given evidence that she did it. What I'm really asking is whether this email jogs your memory that your instruction to Ms Zhao may well have occurred on 21 April, 2015. Before you answer that I'll assist you a little bit more in saying you then ultimately – we'll go to the next page, you then respond to that email it seems and say, "I'll come after lunch," and if we then turn one further page, Ms Zhao says that there's no problem. Does that jog any memories as to any discussion that you may have had with Ms Zhao after lunch on 21 April, 2015? If, if what you said happened on 22 April then, then the original email, then it makes sense your theory that I would have spoken to her on the 21<sup>st</sup>.

But you don't have a specific recollection of when it was in that period?---I can't remember which day it was.

40 And you're doing your best to try and tide everything up. You're about to start a new job and you were getting through a whole lot of work in order to get out the door. Is that right?---Yeah.

And so you have a clear recollection of giving the instruction to Ms Zhao to do what Mr Wong told you to do but it may have happened on Friday, 17 April, it may have happened on the following Monday, it may have happened on the Tuesday, it may well have happened on the Wednesday? ---According to my records I was away on Monday so it didn't happen on the Monday.

So Friday, Tuesday, Wednesday are really our main possibilities. Is that right?---Yes.

Chief Commissioner, I tender the pages on the screen being an email exchange between Ms Zhao and Mr Cheah 21 April, 2015, volume 2 public inquiry brief, pages 198 to 200.

THE COMMISSIONER: The email 21 April from Ms Zhao to Mr Cheah be admitted and become Exhibit 318. Thank you.

10

**#EXH-318 – EMAIL EXCHANGE BETWEEN JENNY ZHAO AND KENRICK CHEAH ON 21 APRIL 2015**

MR ROBERTSON: Now, after you went to the new job that you just mentioned during the course of that week I think you were still doing some part-time work at the head office. Is that right?---That's not – so I was told on 9 April that I would be moving to Shaoquett's office full-time and not  
20 doing one day as previous, previously and then a few months later, I can't remember how many, three to six months later head office decided that they needed me back for one day a week and then reverted back to the four days working for a parliamentarian, Friday at head office so I was - - -

And so doing the best you can, when did that one day a week start or restart?---Somewhere between three to six months after.

So are we looking at sort of the second part of 2015. Is that right?  
---Probably, yeah.

30

So full-time at head office up until the week beginning 20 April?---Yeah.

Then full-time elsewhere for a period of time, say three to six months?---20 April. So 23<sup>rd</sup> is a Monday.

Sometime during - - -?---Is that right?

The 20<sup>th</sup> is Monday. Monday, 20 April is my note.---Oh, okay.

40 So sometime during that week you stopped being full-time at Sussex Street and become full-time elsewhere. Is that right?---Right.

Continue that as a full-time basis for another three to six months or so. Then that drops back to four days a week. Right?---Correct, yeah.

And the one day that you've got left with that four days a week is back at head office. Is that right?---That's right.

And that one day a week situation has continued up until today. Is that right?---Yes. Except for when election campaigns were on where I get to full-time maybe a week or two before an election.

So you're still, in that whole period we've just discussed you've still been community relations director usually one day a week but sometimes it would change particularly when you were required for election campaigns and things of that kind?---Right.

- 10 Jumping back to the first question I asked you this morning. You've given some further assistance in relation to what I described on Friday as the switcheroo. Is there anything else that having had the opportunity to consider the matter over the weekend you consider you're in a position to assist this Commission with?---You raised the, you raised the 50,000, the \$50,000 donation 2016.

Yes.---And you asked why I would have given advice just to give the receipts to Ernest's office.

- 20 Yes.---And if you look at the emails, it's, it's the Finance Department asking me, "What should we do with these receipts?" It's not like I'm giving them instruction.

But you then respond, don't you, and say, "Let's send them to Ernest's office," is that right?---Yeah, just because I thought that would be easier, because he was the one that organised these donors, these donations, to save them the trouble.

- 30 But I still don't understand why it's easier to send invoices or receipts to Ernest's office rather than to email addresses that were handled at the Sussex Street.---In terms of easier for the Finance Department, it's attaching all the receipts to one email, sending them to Ernest, and letting them worry about that from there, rather than them having to email 10 different receipts out.

So does it follow from the answer that you've just given that it was your idea to send it to Ernest's office, as distinct from someone within Ernest's office idea?---Think it was my advice, just as a matter of save you the trouble. But it wasn't - - -

40

But what I'm just trying to make clear, this wasn't an example like the switcheroo that we've discussed, it wasn't Ernest saying - - -?---No, no.

- - - "Can you arrange this?" This was your idea to send it to Ernest's office, is that right?---I think so. Yeah, I'd, I'd be quite sure of that. Just as a matter of trying to be helpful.

Any other matters that you, on reflection, consider you can assist this Commission's investigation with?---I don't think - - -

Could you just pardon me for a moment? Well, hold off on the question I've just asked you, Mr Cheah, because you may be able to assist on another matter.---Okay.

10 But I'll ask you a few questions by way of leading up to that matter. Now, you became aware in 2016 that the Electoral Commission was investigating the 2015 Chinese Friends of Labor dinner, is that right?---I became aware that the Electoral Commission was investigating?

Yes.---Yeah, when they contacted me, I think.

Well, when was the first time you became aware of that investigation, do you remember?---One of the Electoral Commission guys contacted me, I can't remember whether it was to ask questions or just to arrange the interview.

20 Prior to that point in time, were you asked by anyone within head office for information concerning the 2015 Chinese Friends of Labor dinner?---Prior to the knowing about the investigation?

Yes.---No.

Did Ms Sibraa have any discussions with you in or about December of 2016 concerning the Chinese Friends of Labor dinner in 2015?---I think the only discussions I had with her ever were after the investigation started.

30 Well, can I assist you this way, in December of 2016, the Electoral Commission provided a notice to produce documents and information to the Electoral Commission, so at least the Electoral Commission was telling NSW Labor and Country Labor that there was an investigation in December of 2016. Do you remember whether you provided any assistance in responding to those notices to produce from the Electoral Commission? ---Probably.

40 Well, do you have any recollection of Ms Sibraa in about December of 2016 asking you any questions regarding the 2015 Chinese Friends of Labor dinner?---I know we had a few discussions about it in her office. I can't remember the timeline of it, though.

So you at least have a recollection of having a few discussions with Ms Sibraa regarding the 2015 Chinese Friends of Labor dinner, is that right? ---Yes.

Now doing the best you can, what did Ms Sibraa ask you concerning that dinner, and what did you say by way of response?---To the best of my

memory, she wasn't working with us when the dinner took place, so she basically wanted to know what happened.

And what did you say in response?---I told her that to the best of my knowledge, Mr Huang came in with a bag of donations.

Now, are you quite clear in your mind that you did refer to Mr Huang?  
---Yes.

10 You're quite clear in your mind?---Yes.

There's been a few things that you and I discussed, particularly on Friday, where you didn't have a recollection one way or the other. Some things you've improved your recollection on on the weekend, other things perhaps you haven't. But I want you to be quite clear about your response to this, you're quite clear in your mind that you told Ms Sibraa that Mr Huang had brought in the money, is that right?---Yes.

20 What else did you tell Ms Sibraa during those discussions?---I told her the same was what I had given in my evidence, that Mr Huang came in, met up with Jamie for a small period of time, he left. A short period after that, Jamie came out, handed me the donations and the forms, asked me to check that the forms were okay and count the money, and if they're okay processing with Finance. Now, I'm pretty sure I told her that, you know, I didn't finish it that day. Took the money home. Then obviously I had to explain that because like everyone else, everyone's always really, you know, surprised that I took the money home. But I brought it back, obviously, the next day to finish the process.

30 Is there anything else you can remember telling Ms Sibraa during those discussions?---Nothing specifically.

Did you tell her about the type of bag that you could recall?---Probably, probably said ALDI bag.

Well, do you have - - -?---I usually say ALDI bag because it's not a common bag that I use.

40 But do you have a clear – sorry, it's not a common bag that you would use, is that what you said?---Yeah.

It is a common bag?---Not a common bag that I use.

But do you have a clear recollection in your mind that you did refer to an ALDI bag? And I assume when you're saying ALDI bag I assume you're referring to an ALDI shopping bag.---An ALDI plastic shopping bag.

But are you clear in your mind that you did say that to Ms Sibraa?---Quite clear.

Or you're just not sure one or the other?---Quite clear.

THE COMMISSIONER: I thought you said a moment ago you probably did refer to (not transcribable). I just want to be clear. Are you speaking from memory now or are you assuming something?---To the best of my memory I would have said ALDI bag.

10

"Would have" is not helpful to this Commission, as I've mentioned to other witnesses. It's a question of what you did do or what you did say. Do you see the difference and the importance of the difference?---If you want to, if you want me to be totally conclusive, then I can't confirm whether I said ALDI.

MR ROBERTSON: Do you recall anything else that you said during these discussions with Ms Sibraa?---Nothing more than just the details of what I told you (not transcribable) yeah.

20

Did you explain to Ms Sibraa where the money had come from? In other words, where that money was? So I think you've explained, I think you've said that you told Ms Sibraa that you got the money from Mr Clements, who got the money from Mr Huang Xiangmo. Just to be clear, did you say, how did you describe Mr Huang? Did you say "Mr Huang"? Did you say "Mr Xiangmo Huang", "Mr Huang Xiangmo"?---I think I said "Mr Huang" and at some point she would have asked me, either that conversation or in subsequent conversations, "Who is Mr Huang?" I would have given her a background on who he is.

30

And what background did you give Ms Sibraa as to who Mr Huang was? ---Community leader. Rich businessman. Powerbroker in the Chinese community.

Property developer?---Don't think I was aware at the time if he was a property developer.

Well, you at least knew as at December 2016 that Mr Huang was associated with a property development company, do you agree? December 2016 I'm now focusing on.---I think I knew that in around 2017.

40

Well, just reflect for a moment. I want to suggest to you that at least by December 2016, come back to 2015 in a moment, but at least as at December 2016, you knew that Mr Huang was associated with a property development company.---Can't, can't ascertain a hundred per cent. I know that by 2017 I definitely did because it was in the lead-up to council elections and I'd read in the paper and heard from other people that he had an interest in the redevelopment of Eastwood Plaza.

Well, I want to focus on 2016 now. Are you denying that you knew that Mr Huang was associated with a property development company as at December 2016? Or are you just saying you're not sure one way or the other?---I'm not sure.

Well, can I help you this way? I'm going to suggest to you that in about September of 2016 you had an exchange of emails with Mr Brendan Byron regarding who Mr Huang Xiangmo was.---Okay.

10

Does that ring a bell?---I had plenty of emails with a lot of people, so not that specific name, but okay.

Who's Brendan Byron?---He was an organiser in head office, another staff member.

He was also a disclosures assistant for a period of time, is that right?---Ah -  
- -

20

Someone who worked with Ms Sibraa to help her with her job and help the Finance Department?---Possibly. He's been, he'd been working at head office for a while at various roles, so I'm not sure whether he actually worked in disclosures.

So he's been a party organiser for some time. Would you agree with that?  
---Yes.

30

But is it right that you don't recall whether he assisted with disclosures for a period?---I don't know. I mean it's very possible, I just don't have a concrete recollection.

Is he someone you know well?---Fairly well.

And are you saying you don't have any recollection of discussing or having exchange of emails with Mr Byron during the latter part of 2016, in the latter part of 2016. You don't have a recollection of that?---No recollection, but it's highly likely that I would have had email exchange with him about a number of topics.

40

But it's likely or it's at least possible that one of those topics was who Mr Huang Xiangmo was. Is that right?---Possible, yeah.

And particularly in circumstances in which Mr Huang had, according to you, brought in \$100,000 in April of 2015, you would find it quite interesting to know who Mr Huang was. Correct?---Sorry, I don't understand what you mean.

Well, in your capacity as community relations director and the other roles you've had within the Labor Party, I take it you keep up to date with the press?---Yes.

You'd read the main newspapers, if not every day then at least most days?  
---I try to.

10 And if there was an article that concerned Mr Huang Xiangmo, you would read that with particular interest in 2016, particularly given that something somewhat unusual happened in your life in 2015, namely Mr Huang brings in an Aldi bag - - -?---Sure.

- - - full of \$100,000 in cash.---Sure, yeah, yeah.

20 And so you would accept, wouldn't you, that if some matter concerning Mr Huang was notorious in the press – in other words, the subject of articles concerning him and concerning his status – it's something that you are likely to have read, and read carefully. Correct?---Not read carefully. At least I would have like, glossed over.

At least read and found it as something that you would like to know something about. Correct?---Yeah.

THE COMMISSIONER: Well, if there had been publicity in 2016 about Mr Huang and that publicity had an association with some aspect of Labor politics, that would reinforce on your mind that person, wouldn't it?  
---What do you mean, reinforce that person?

30 Well, it would impress upon your mind the name of that person if there was considerable publicity in the media about the same man you say came in with the cash and the media publicity associated him with the Labor Party in some way.---Yeah, but I – yes, I would say that, but the only other thing I would qualify that with is that in relation to, I think at that time was when there were media, there was media speculation about the South China Sea and Sam Dastyari, so if that being the case, sometimes if I'm not in the mood to read something negative about someone I know, then I just kind of gloss over rather than intently study it.

40 Well, I'm talking about headlines, not just small stories.---Sure.

But if a person's name is raised more or less in headlines, big stories in the media, not something you find on page 10, but page 1 or 2, and that named person is associated in some way with the Labor Party, that would impress itself on you mind, wouldn't it, that - - -?---Yes.

MR ROBERTSON: Now, as at 2015 you knew that property developers were prohibited donors as a matter of state law. Correct?---Yes.

And so if you later found out that Mr Huang Xiangmo was a property developer or at least associated with property developers, that would be a significant matter, wouldn't it?---If he had been, if, if he had brought in donations on my watch, then yes.

10 But he did bring in donations on your watch, he brought in \$100,000 in an Aldi bag which then got processed and received in state accounts. Correct? ---But those, but those (not transcribable) forms that were filled out by other people, so they weren't, that wasn't money from him. He might have been the courier, so to speak, but to my best knowledge he wasn't the source of the money.

As at December 2016, the general secretary was Ms Kaila Murnain. Is that right? December 2016?---I think so.

Mr Clements resigned in I think January of 2016.---I believe that's the case, yeah.

20 And Ms Murnain was acting secretary in January 2016 and elected as general secretary in February of 2016.---Yes.

To your knowledge did Ms Murnain know as at December of 2016 that the money, the \$100,000 had been brought in by Mr Huang?---Just repeat. Did Kaila know as at December?

As at December 2016 did she know to your knowledge?---I can't categorically, I mean I would say I think so but then if you want - - -

30 Did you tell her?---That the money was brought in by - - -

By Mr Huang.---I don't have the specific recollection of talking to her about that donation.

So you're clear in your mind that you told Ms Sibraa that Mr Huang had brought in the money. Is that right?---Yes.

40 But you don't recall one way or the other whether you told Ms Murnain who as at 2016, at least January and February 2016 is the general secretary?---I didn't have any meeting like I had with Julie Sibraa about that matter.

Just taking a step back. Do you agree that at last as at December 2016 you knew that Mr Huang was associated with a property development company?---Sorry, sir.

I'm sorry. That was too fast. Do you accept that as at December 2016 you knew that Mr Huang was associated with a property development company?---I think that's the same question you asked me before so I

accept it's highly likely considering that I'm sure that by 2017 I knew so December 2016 is obviously very close.

And you'll recall, won't you, that particularly in about September of 2016 there was some controversy concerning Mr Huang and donations that he had made to both sides of politics?---Can't remember if they're about donations or if they're just about the South China Sea press conference.

10 Let me help you this way. Can we go to volume 2, page 228 and just before that comes up and just to be clear, I think you've answered this. You may have had communications with Mr Byron regarding this matter?---Yeah.

But you just don't recall one way or the other. Is that right?---Right.

And to help you on that let's bring up that document volume 2, page 228. Now, here is an email from you to Mr Byron of 1 September, 2016 where you attach what you appear to describe as interesting articles. Do you see that there?---Yeah.

20 Does that ring a bell as to any communications you had with Mr Byron that were relevant to Mr Huang?---Yes.

So what do you now recall having had your memory refreshed with this email?---I think he would have called me on the office landline and said what's the deal with Mr Huang basically meaning do you know anything much about him and I would have done a quick Google search to find articles that would easily describe holistically everything just rather than me typing everything out.

30 Now, I take it that the articles that you picked up you read given that you at least came to the view that they were interesting?---Yes.

And why would Mr Byron want to know what the deal was with Mr Huang, do you recall?---If he was working in disclosures at the time then that would make sense. He also worked as an organiser for various seats so there may be functions where candidates or members have been invited to attend which are associated with him.

40 But is it right to say that you don't presently recall why Mr Byron was interested in knowing about Mr Huang in about August or September of 2016?---Not a specific reason.

But you do have a recollection of - - -?---I do have a recollection of this.

- - - a request and responding to it by the email that we can see on the page?---I do have a recollection of this, yes.

And if we just turn to the next page so we can look at the interesting articles. If you have a look at the second paragraph do you see there that Mr Huang is described as Chairman of property developer Yuhu Group. Do you see that there?---Yes.

10 And so in light of seeing that do you accept that at least as at the time that you sent this email to Mr Byron, 1 September, 2016, you knew that Mr Huang was associated with a property development company?--- I think what's more likely to have happened is I searched for these articles, saw the headline and copy and pasted from there without really going through the article with a fine-toothed comb.

Well, you've already accepted that you read the articles. Is that still your evidence?---I didn't accept that I read these specific articles, no.

THE COMMISSIONER: Well, it's likely that you did, isn't it?---In this case I would have just googled them and sent what I thought the most relevant thing to be in a, in a faster - - -

20 MR ROBERTSON: But how did you know that there were, how did you know that they were interesting without having read them?---The headline, as the Commissioner said.

THE COMMISSIONER: Well, it's not a headline. You've got a photograph there of three people, one of whom was Mr Huang and the other was the then Prime Minister of Australia.---So?

30 Well, that would have rather spiked your interest, I imagine, in Mr Huang. ---Mr Huang takes photos, no, it wouldn't have, because Mr Huang takes photos of politicians all the time. He attends many functions with, with politicians from both sides of politics.

But do you accept it's likely that - - -?---I think the Federal Government gave him a, some kind of position, chair of some, some committee. So to me it's no surprise at all that he's in a photo with the Prime Minister.

40 But the headline itself would have caught your interest, wouldn't it? Talking about political donations and warnings from Mr Huang Xiangmo. ---Yeah, which is why I sent it to Brendan, because he was asking about it. That's why I would have, that's exactly why I would have chosen that article to send to him.

And do you accept the likelihood is you would have read the article?---No, I don't accept it.

Why not?---Like I said, I would have just picked the article from the headline and sent it to him.

Why would you have done that and not have read the article?---Because I had my other work to do.

Doesn't stop you from reading newspapers, though, especially if it's relevant to your sphere of activity.---Does when I don't have time. Well - - -

10 You were right in the middle of donations yourself, political donations, at this very time, weren't you?---I, it's really got nothing to do with my day-to-day job unless I have paperwork that comes from him saying that he's a donor.

But everything to do with the political party you were there working for. The topic of this article - - -?---Yes.

- - - there's a direct interest to the work that you were doing for the ALP. ---Yeah, I, that doesn't mean I read the article.

20 You seem to be wanting to distance yourself from having read it.---No, you're asking me a direct question, whether I read the article, and I can tell you point blank that I didn't.

You can say you did not.---I know how I work. I would have just looked for the quickest way to get him information that he needed, which I would have ascertained from the headline and then sent it along. I don't see why that's so hard to understand.

30 But you've got somebody who's a fellow employee specifically asking you about Mr Huang Xiangmo.---Yes.

You turn up an article, Sydney Morning Herald, talking about the man himself, Mr Huang Xiangmo.---Yes, yes.

And you must have acted on the basis that this employee, Mr Byron, is not just acting, raising this question as to who he is out of mere idle interest. ---Right.

40 But it was germane to, relevant to the work he was employed to do.---Okay. Right?---Yes.

So you must have then said, well, I'm going to look into this because I have an employee who has a real reason and a valid reason to raise the question. That right?---He's got a valid reason to raise the question.

Well, that would have then attracted your interest in the subject matter that he'd raised with you. That is, who is this man. Correct?---Yes, yes.

Well, your interest then would have taken you to at least perusing, reading through – even if you didn’t read every word – the article to be able to answer that question for yourself to find out the answer to the question “Who is this man?”---I don’t even deny that I didn’t know. You’re asking me whether I can confirm at the time whether he was a property developer. I don’t even deny it. I don’t know when that was that I found out.

10 Well, this article would give you whatever information was being published about Mr Huang and his activities.---If I had read it and if I had remembered everything about it, then, yes.

MR ROBERTSON: You did read these articles, didn’t you?---No.

Let’s go back a page. Look at your email. Now, my note – I may have it wrong – my note is that you accepted from me, when I showed you this document, that you read the articles. But putting that to one side, subject heading is “Interesting article” not “Interesting headlines”. I suggest to you that you couldn’t possibly have come to the view that the articles are interesting - - -?---That’s a ridiculous inference.

20

I’m putting to you that you can’t possibly have understood that the articles were interesting without reading the articles, do you agree?---That’s, that’s a ridiculous inference.

This is happening just the year after Mr Huang brings in a ALDI bag of \$100,000 in cash, correct?---Yes.

30 That was a significant day in your life, because it’s something that hadn’t happened to you before and hadn’t happened since, correct?---It’s not a significant day in my life. It’s something out of the ordinary.

It’s something out of the ordinary and in respect of which you have a clear recollection, correct?---Yes.

40 And here you have all over the press a series of interesting articles regarding that very man, and you’re saying you didn’t read them, even though you came to the view that they’re interesting and you sent them to Mr Byron? ---I came to the view that they were interesting because of the headlines, I assumed from the headlines they would be of note, of interest to what he was, the information he was looking for.

Have a look at the third URL that’s on your email, which the last bit of it says, “Chinese King of the Mountain brush with corruption scandal,” do you see that there?---Yes.

Did you read that article?---I can’t remember. That one, maybe. Can you show me the article?

Well, I'll show you the article in a moment. But based on what I've shown you so far, do you recall whether you read the article or not?---I can't say either way, I can't remember.

Well, surely you were interested in a corruption scandal, or at least what The Sydney Morning Herald said was a brush with a corruption scandal, in relation to a man who gave \$100,000 in cash, to Mr Clements, who gave it to you.---Yes, yes, that's fair.

10 And so you must have read that article - - -?---No, I - - -

- - - must have at least read that article.---You, you can't make that assumption, because I can't tell you either way, whether I did or didn't.

THE COMMISSIONER: Well, that admits - - -?---I agree with your previous inference.

MR ROBERTSON: Well, do you at least accept that it is possible that you read these articles?---It's possible.

20

But you don't recall one way or the other, is that - - -?---No.

Is that the best we can get to?

THE COMMISSIONER: Well, given the enquiry you were making on behalf of Mr Byron, as soon as your eyes fell upon the words "corruption scandal", that would have sparked your interest, wouldn't it?---Sparked interest, yes, hence why I thought they were interesting.

30 And that would then take you to looking at the article yourself, in all probability.---There's a possibility that I could have opened the tab up to read later and then totally forgotten about it.

No, no, no, I'm talking about a different possibility, Mr Cheah. I'm talking about the possibility that your eyes fell upon the words in the article described as "corruption scandal", concerning the person in question.---Yes.

40 The high likelihood is that would have sparked your interest sufficient for you to look at the article to see what they were saying about it. Whether it was true or not, of course, is another question. Correct?---It's a possibility.

No, no, I'm putting it as a highly likely scenario, that having seen the article, the third one there, which referred to "corruption scandal", would have sparked your interest sufficient as matter of likelihood, not mere possibility, that you would have then cast your eyes over that, to see what they were saying about him. Whether the article, of course, was true or not is another question. But it would have sparked your interest sufficient to see

what they were at least saying about him.---I may have cast my eyes over it.  
But that doesn't mean I read - - -

Oh, I see. So you're now resorting to this position, that your eyes moved across the words, but your brain wasn't actually comprehending what the eyes were seeing, is that what you're asking me to accept?---I'm saying it's a possibility that I cast my eyes over the article. I can't remember whether I did or not.

10 But if you did, then you would have absorbed the message, wouldn't you, if you did read that article?---I hope so.

MR ROBERTSON: Just to understand the process of selecting the interesting articles, I think you said a moment ago that your best recollection is that you put in some Google search terms to try and find some articles, is that right?---I would have just put in the Google search term "Huang Xiangmo".

20 And if you put that Google search term, you would accept that that would bring up not just newspaper articles, it may bring up all sorts of things, correct?---Well, I would have just clicked on the news link tab, whatever you call it.

And that may have the result of identifying news that concerns Mr Huang but has nothing to do with the particular inquiry that Mr Byron has made of you. Correct?---I'm sure there were a long list of articles that mentioned his name.

30 That's my point. So you must have at least clicked on the links in order to come to a view as to whether a particular article is interesting enough to forward to Mr Byron. Do you agree?---Right, right. And the link also has the headline on it which would help me choose which ones to click on.

Yes.---So I'm looking for things - - -

But you at least clicked on the three links that we can see on the page. Correct?---I definitely clicked on them, definitely.

40 And no doubt you clicked on a few other links and found that they weren't relevant to Mr Byron's inquiries. Correct?---I would have picked what I thought were the most relevant.

Yes. But you must have at least clicked a few other links, looked at the articles and found that they weren't sufficiently interesting or relevant to Mr Byron's inquiry.---Not necessarily if I was taking it from the headlines which are on the page which has the list of news articles.

So to be clear, you're not denying that you did read these articles, you're just saying, you're just being, you're just saying you don't recall one way or the other. Is that right?---Right.

Now, you drew these interesting articles to the attention of Mr Byron. Did you bring them to the attention of anyone else within the Labor movement? ---I don't think so.

10 What about Ms Murnain, the general secretary?---I don't think so.

Well, the person who brings in the bag of cash allegedly has a brush with a corruption scandal. Not a matter that should be brought to the attention of the general secretary or an assistant general secretary?---I said at the time my understanding was that those donations were from the people who were on the forms.

20 But it's still at least curious, isn't it, that the money's being brought in by an individual who, at least according to this article, had a brush with a corruption scandal?---Well, it didn't occur to me to raise it with her so I didn't.

Have you ever had any discussions with Ms Murnain concerning the 2015 event and in particular whether anything suspicious may have occurred in connection with that event?---Nothing more than after the private inquiry here, things like, are you okay, or is everything all right.

THE COMMISSIONER: Sorry, what does that mean?---When I came here for the private interview here.

30 So what did you say about that matter? As I understand it you said you had a - - -?---I didn't have any other conversation with her regarding this, that matter, that dinner and any straw donors or anything like that, other than when I returned from this, the private inquiry and it was just a, are you okay, okay, that's it.

Well, do you recall having a discussion, brief or otherwise, with her about what had transpired - - -?---No.

40 - - - in the private hearing?---No.

MR ROBERTSON: Did you tell her about the switcheroo that Mr Wong had asked for? In other words, the swapping over of the replacement forms?---I don't recall, but I would say highly unlikely.

Because that was a matter that you dealt with directly with the Finance Department. Is that right?---Yeah, yeah.

And you didn't think it was suspicious at the time. Is that right?---No, it was just, yeah.

Did Ms Murnain ever have any discussions with you to say, well, there's some concerns about there are fake donors or straw donors in connection with the 2015 event?---We never had a conversation like that.

10 So is it right to say that the only discussion you ever had with Ms Murnain concerning either the Electoral Commission's investigation or this  
Commission's investigation is the one that you just relayed to the Chief  
Commissioner a moment ago?---I think so, yeah.

No further discussions other than that one. Is that right?---No.

20 Just back on your knowledge of Mr Huang, you recall that in your evidence on 27 August, 2019, you said that you knew that Mr Huang was associated with a property development company as at April of 2015. I asked you the question a few times, ultimately you admitted that you knew he was a property developer as at April of 2015. Do you agree?---I think I got confused between the terms donor and developer, I think.

You've since provided a statement to this Commission saying, "I actually made an error," when you answered that particular question I think first of all by Mr Clements' counsel and then by me by way of clarification. Is that right?---Yes, yes, yes.

You at least knew as at April of 2015 that Mr Huang was associated with the Yuhu Group. Correct?---Sorry, say again?

30 You at least knew as at April of 2015 that Mr Huang was associated with the Yuhu Group. Correct?---April, 2015?

April 2015.---Yes.

And you knew that Eric Roozendaal was employed by that group at that point in time, correct?---Yes.

40 Mr Roozendaal is a former member of the Legislative Council, correct?  
---Yes.

After he retired or resigned, his casual vacancy was filled by Mr Wong, correct?---Correct.

And you took the job that Mr Wong previously had as community relations director, albeit it didn't happen immediately, is that right?---I think there was quite a long gap of years between, what do you call it, Ernest being community relations director and myself being community relations director.

But you were the successor in the sense that there was no other community relations director between Mr Wong going to parliament and you becoming the community relations director, is that right?---Sorry, sorry, there was no one in between?

There was no other community relations director between Mr Wong resigning to go to parliament and you being appointed to that position, is that right?---Ah - - -

10

There may have been someone that performed some of the functions, but there was no one with title community relations director, correct?---Right. Right. But I was given the opportunity to choose my title, and I chose that title to kind of help bring some continuity in terms of the role for the office.

Would you at least accept that at the time that Mr Roozendaal accepted the job at the Yuhu Group, it was notorious that the Yuhu Group was involved in property development?---Don't know when exactly he went to Yuhu.

20

Well, at least as at February 2014, I suggest to you, it was notorious that Yuhu Group was involved in property development, do you agree?---Not to my knowledge, because I don't think I knew that at the time.

Can we go, please, to The Sydney Morning Herald article, 4 February, 2014. And let me try and jog your memory with respect of this, Mr Cheah. Now, you'll see here an article of 4 February, 2014, where Mr Roozendaal is described as joining a Chinese firm that was a big donor to New South Wales political parties. Do you see that there?---Yep.

30

And you would have read, if not this article, you would have read the press concerning that matter, when Mr Roozendaal accepted that position. Would you agree?---Yeah, some, some article of some sort.

And if we then just turn the page, you see there on the second paragraph, "Last October a Yuhu Group subsidiary, Yuhu Group Property, purchased the Eastwood Shopping Centre and has development approval." Do you see that there?---Yes.

40

And I think you referred to the Eastwood Shopping Centre a little while ago.---I did.

So you must have known in 2014 that the Yuhu Group was associated with property development, do you agree?---Only if I had read this specific article.

Well, I'm suggesting to you that it was a matter that was notorious in the press and it's therefore something that you would have known, do you agree?---I think I was more interested in the politics of Eric going to work

there and the machinations behind who would replace him, rather than the company itself.

But part of the politics and part of the surprise about that particular appointment was that the Yuhu Group was an organisation associated with property development, correct?---Say that again.

10 Part of the matters that were notorious and were the subject of political comment was the fact that Mr Roozendaal was going to work for a property development company, do you agree?---No.

You know that this state has had a number of political controversies concerning property developers, correct?---Right.

In fact to such a point that the parliament has decided that property developers should be prohibited donors at a state level and at a local council level, correct?---Yes, yes, yes, yes.

20 So surely it would have come to your notice, when the matter of Mr Roozendaal at least hit the press that he was going to work for the Yuhu Group, what the Yuhu Group actually was, do you agree?---Like I said, whenever I had any questions about the Yuhu Group, I googled it and it came up with agriculture or something.

But I'm suggesting it goes more than that. I'm suggesting that as a diligent individual involved in politics and someone who has, I assume, political ambitions, you read the newspapers and you read matters of political interest, you'd agree with that?---When, yeah, look. I try to. I try to.

30 You would agree, wouldn't you, that you have and over the years have had political ambitions, correct?---Had.

Not anymore?---No.

You've stood for parliament before. Is that right?---No.

You stood for local council at least?---Correct.

40 And you would have had political ambitions in 2014 and 2015. Do you agree?---Not really.

You at least would follow the press carefully on matters of interest to state politics. Correct?---To the best like, if you want to define carefully as in read every single article on state politics, no.

I'm not suggesting you read every single article. I'm suggesting - - -?---I'm just trying to frame what you would use your words carefully.

What I'm suggesting is that the matter of Mr Roozendaal going to work for Yuhu Group was a matter of sufficient notoriety in the press as at 2014 that firstly you would have known that Mr Roozendaal took that position. Do you agree with that proposition at least? You would have known in - - -?  
---That - - -

You would have known in 2014 that Mr Roozendaal went to work for the Yuhu Group. Correct?---Yes, yes, yes.

10 But you would have known more than that. You would have known that the Yuhu Group was an organisation associated with property. Do you agree?  
---No.

Chief Commissioner, I tender the article on the screen being an article from The Sydney Morning Herald of 4 February, 2014.

THE COMMISSIONER: The Sydney Morning Herald Article, 4 February, '14 will be admitted and become Exhibit 319.

20

**#EXH-319 – SYDNEY MORNING HERALD ARTICLE DATED 4 FEBRUARY 2014 TITLED ‘FORMER NSW TREASURER ERIC ROOZENDAAL JOINS CHINESE FIRM THAT WAS BIG DONOR TO NSW POLITICAL PARTIES’**

MR ROBERTSON: Even if you didn't know in 2014, can I suggest to you that you at least knew in March of 2015 and that you were right when you answered me on 27 August, 2019 when you accepted that you knew what  
30 Yuhu Group did, and to assist you in answering that question, can I draw another matter to your attention. One of the matters that you mentioned a moment ago that led you to understand – I think this is right – that led you to understand the Yuhu Group was controversies concerning Mr Sam Dastyari. Is that right?---Yes.

And so there was controversy about the fact that Mr Dastyari had had certain expenses paid for him by amongst others the Yuhu Group. Is that right?---I'd say there was a different (not transcribable) Yuhu.

40 There was one in relation to Top Education which is what you might be thinking about.---Yeah, yeah.

But there was also in relation to the Yuhu Group as well. Is that right?---I don't know about that one.

Well, why did you say that controversy concerning Mr Dastyari led you to understand something about the Yuhu Group?---I was talking about the press conference that we held at the government, the Federal Government

offices where Sam I think gave a conflicting policy view on the South China Sea.

But as well as that matter you also were aware, weren't you, that Mr Dastyari had certain expenses paid for him by the Yuhu Group?---No.

Well, that was a matter of significant controversy and was part of the reason that he resigned from the front bench of the federal party in 2016. Surely you knew that?---Maybe at that time but you said 2014.

10

Well, let's take this in stages. One of the ways that you found out about what the Yuhu Group did was the controversy concerning Mr Dastyari. Is that right?---Yes.

And part of that controversy as you've said was comments that Mr Dastyari made about the South China Sea. Correct?---Yes.

20

But another part of that controversy was that Mr Dastyari had certain expenses paid for him by the Yuhu Group. Do you agree?---Not clear on that to be honest.

But if that was a matter that was the subject of press you would have read the press at that time. Do you agree?---Like I said, if it's matters concerning someone who is a friend of mine which I know are going to be negative, which I know are written from a certain slant, then I don't really always read them.

30

Surely a matter of interest that you would want to know about a former General Secretary of NSW Labor, you want to know what the controversy is?---Not if I think he's being slandered or something like that.

At least part of the controversy associated with Mr Dastyari found its way to the press in March of 2015. Would you agree?---Is that the Top Education?

About the Yuhu Group stepping in to help Mr Dastyari including in relation to expenses. Do you agree?---The only expense case I really remember about Sam's one is Top Education paying an invoice.

40

Well, do you have any recollection of there being press between the Chinese Friends of Labor dinner in 2015 and the receipt of the money concerning the Yuhu Group?---To Sam receiving money?

Concerning Mr Dastyari.---No.

Then Senator Dastyari.---No, I don't have any recollection.

Let me help you this way. Can we go to the article of 27 March, 2015. So to get your bearings, Chinese Friends of Labor dinner, 12 March, 2015.

Money banked 9 April, 2015. This article in between. And you see from the topic sentence, “One of the largest donors in NSW Labor Party, a Chinese-based property group, picked up the tab for Senator Dastyari.” Do you see that there?---Yes.

Now, does this refresh your memory that at least by March of 2015 you knew that the Yuhu Group was a property group?---No.

10 THE COMMISSIONER: Well, if you read that article, you would have known, obviously.---If I had read this article.

And this is an article produced, published by The Sydney Morning Herald. ---Okay.

Do you read The Sydney Morning Herald?---When I have time, yes.

It’s one of the main media outlets that you would have read on a daily basis.---That’s fair.

20 Just pause there. Mr Robertson, do you want to adjourn for - - -

MR ROBERTSON: No, just pardon me for a moment (not transcribable). I’m sorry, Chief Commissioner.

30 THE COMMISSIONER: So just to finish off on that, would you accept that the article that’s now on the screen, 27 March, 2015, could well have been read by you at the time that it was published, at or about that time?---I accept, I accept that it could have been. I don’t remember reading this particular article.

MR ROBERTSON: But you’re not denying that you read it? You’re just saying you don’t recall one way or the other, is that right?---Right. Yeah.

But you’re accepting that if you had read it, it would have drawn to your attention that the Yuhu Group was a property group, is that right?---Yes.

40 Chief Commissioner, I tender the article, 27 March, 2015, Sydney Morning Herald, entitled Chinese Donor: The Yuhu Group Steps In to Help Sam Dastyari.

THE COMMISSIONER: Yes, that article, Sydney Morning Herald, 27 March, 2015, becomes Exhibit 320.

**#EXH-320 – SYDNEY MORNING HERALD ARTICLE DATED 27 MARCH 2015 ‘CHINESE DONOR THE YUHU GROUP STEPS IN TO HELP SAM DASTYARI’**

MR ROBERTSON: And I think I neglected to tender the email referred to as "Interesting articles" from Mr Cheah to another, volume 2, page 228 to 243.

THE COMMISSIONER: Yes, they'll be marked one exhibit, Exhibit 321. That is, the emails between Mr Cheah and Mr Byron

10 **#EXH-321 – EMAIL FROM KENRICK CHEAH ON 1 SEPTEMBER 2016 AT 12:17PM TITLED 'INTERESTING ARTICLES' AND ATTACHED NEWS ARTICLES**

MR ROBERTSON: Can we have, please, the witness statement of 30 August, 2019 on the screen, please. Now, you've provided a witness statement to this Commission that says in effect you made a mistake in one of the answers to the questions that I asked you when you accepted that you knew who Mr Huang was in April of 2015, is that right?---Right.

20

And the witness statement, the first page of which is on the screen, is that right?---Yes.

Now, having now been shown a number of other documents such as newspaper articles and the like, are you still clear in your mind that you didn't know what business Mr Huang was associated with in April of 2015? Or is it more fair to say you're just not sure one way or the other?---My best recollection of finding out when, of me finding out that he was in property development is when I learned about the Eastwood Shopping Plaza, which was in the lead-up to the 2017 council election.

30

THE COMMISSIONER: And when was that election?---When was that date of that election?

Yes, the Eastwood Council.---I believe it's in September 2017.

MR ROBERTSON: So is it fair to say that's your best recollection, but it's possible that you're mistaken and that you in fact knew Mr Huang's line of business as at March and April of 2015?---Possibility, but it really stands out in my head because I was surprised and that's why it stands out in my head, when I learnt from reading about the Eastwood Plaza, what do you call it, redevelopment.

40

Subject to the matters that you've told us about today, do you confirm that the document that's on the screen described as the Second Witness Statement of Kenrick Cheah, is true and correct to the best of your knowledge and belief?---Yes, yes.

Commissioner, I tender the document titled Second Witness Statement of Kenrick Cheah dated 30 August, 2019, comprised of 11 paragraphs.

THE COMMISSIONER: Yes. The statement of the witness, Mr Cheah, will become Exhibit 322.

**#EXH-322 – STATEMENT OF KENRICK CHEAH DATED 30 AUG 2019**

10

MR ROBERTSON: I want to jump forward to September of 2016. Can we go please to, or can we have ready Exhibit 204, I won't put it up on the screen just yet. In preparation for this examination in this public inquiry, is it right to say that you've given consideration as to whether you had any communications with Mr Wong on 16 September, 2016?---Yes.

20 You recall that both Mr Wong and Ms Murnain have given evidence that they had a discussion with each other towards the back of Parliament House on the evening of Friday, 16 September, 2016?---Yes.

And I think you recall that there was evidence that Mr Wong may have sought to make telephone contact with you on the evening of 16 September, 2016.---From previous evidence that's been tabled, the call logs of Ernest Wong, there was a phone call to me and you mentioned it I believe a few times in your remarks.

30 Do you have any recollection of a conversation with Mr Wong on the evening of 16 September, 2016?---On 16 September, 2016 I was at the Himalaya Restaurant in Granville for a Subcontinent Friend of Labor media dinner which Ernest Wong would also have been expected to attend, so the call he placed to me was to tell me that he was running late or he wasn't going to make it.

So you have a recollection of him specifically saying that to you. Is that right?---Yes.

Did he say anything else to you during the course of that discussion?---No.

40 Do you recall roughly how long that discussion took place?---Oh, wouldn't have been too long.

A minute or two?---Pretty short, yeah. But nothing, definitely nothing longer than two minutes or a minute and a bit.

Was that the only discussion that you had with Mr Wong that you can recall on 16 September, 2016?---Yes.

Are you sure about that?---Yes.

You didn't have discussion with him at about 11.30 on that day?---In the daytime?

During the daytime.---Not that I can recall, but if there was it would have been him asking me probably what the venue was for the function that night.

- 10 Have you had any discussions with Mr Wong where Mr Wong has expressed any concerns in relation to the 2015 dinner?---Only what I've already said before in evidence.

What do you mean by that, what are you referring to?---I think there was a line of questioning about possible conversations that I might have had with him. I think I said we had like one or two short conversations about it.

- 20 But has Mr Wong ever indicated to you that he was concerned that one or more of the putative donors in relation to the \$100,000 might not have actually donated the money that they said that they did?---Never anything like that.

So you're aware at least that at least as at 2016 the Electoral Commission was concerned that there might be what I've described as fake donors or straw donors in connection with the Chinese Friends of Labor event of 2015?---Right.

- 30 You became aware of that when Ms Sibraa first spoke to you and asked you for some information about that dinner. Is that right?---Either when she first spoke to me or when I was contacted by the Commission.

Has Mr Wong ever said anything to you that would lead you to think that those suspicions might be true?---No.

And you've said to us before that you're quite close with Mr Wong, is that right?---Yes. Yes.

You would see him quite regularly?---Yes.

- 40 You'd have coffee with him quite regularly?---Not coffee, but I'd see him at functions quite regularly. We both go to Parliament House quite a fair bit, or did.

And are you saying you've never had a discussion with Mr Wong where he's given you any information that might tend to suggest that the Electoral Commission's suspicions may well be true?---He's never come out and said that, you know, there are straw donors or, you know, fake donors or whatever.

THE COMMISSIONER: Well, once you became aware that the Electoral Commission was investigating the matter, I daresay you did at some stage speak to Mr Wong about the question of donations from the March, 2015, dinner, if only to confirm whether there was something that you should know, as to whether things had gone improperly or not.---No, I didn't ask.

Well, this close friend of yours who was the organiser of the dinner – is that right?---Yes.

10

Was probably the person in the best position to provide information on how the fundraiser was designed and put into effect.---Right.

That right?---Yes.

20

So once you knew questions were being – not only questions were being asked, but formal investigations were on foot about this same dinner, did you not say, “Ernest, I want to know, is there anything wrong, or was there anything wrong that took place about this dinner?”?---No. I, because I'd rather keep my involvement in the whole thing to what it was, doing my job, with no knowledge of any wrongdoing, if there was any wrongdoing.

Well, you're aware of the fact that the Electoral Commission's held a suspicion, not only that the dinner didn't go well, but there was a suspicion of illegal conduct associated with the dinner and the fundraising aspect of it in particular.---Okay.

You knew that.---After the, after, yeah, as we had previous discussed, yes.

30

Well, you were called as a witness.---Yes.

And you were told in the notice that you were served why you were being called as a witness.---That was correct.

40

Well, once you became aware, whenever that precisely was, that the Electoral Commission held a suspicion of illegal conduct associated with the fundraiser, surely you would have said something along the lines, “Ernest, level with me, is there any substance to the suspicion that the Electoral Commission say they hold?”---Never said anything like that, and I didn't want to ask.

But I would have thought that would have been the most obvious thing that you would have wanted, because you had been involved in the dinner yourself, to know whether you needed to be informed about something, even in your own interests, let alone the party's interests.---If I had asked questions like that, that would just draw me in deeper, if something had gone untoward, which I didn't want to have anything, I didn't want to be a party to.

But if you had never been party to any wrongdoing yourself, you would have been very concerned that if somebody had been party to wrongdoing, you wanted to know about it.---I know that I had done everything the way it should be done without any, without doing anything wrong. So - - -

I'm suggesting that as an active member of the ALP – and you were a member of the ALP as well as being an employee of the ALP branch office, is that right?---That's correct.

10

If only in the interests of the party of which you were a member, why wouldn't you have said, or perhaps you did, "Ernest, I want to know if there's any substance to what the Electoral Commission are now saying, tell me," did you ever - - -?---Why wouldn't I have said that? Or did I say that?

I said, I'm asking you, did you ever say that?---Never.

20

And why not, in the interests of the party?---Maybe I put self-interest first, but I don't want to be involved in anything that may be untoward. As you said, the, what do you call it, the Electoral Commission was investigating, so there's a possibility that something has gone wrong or, or, or not been done properly. But the more I asked questions, I would find that I would probably get more involved and be drawn in deeper, so I'd rather, I know what I've done in regards to this, and that's that.

30

Well, with respect, I don't understand the sense of that, because if you yourself had done nothing wrong, had always acted with the best of intentions and your conduct was completely beyond criticism, why wouldn't you say to the person who organised this fundraiser, "Ernest, I'm worried, in the interests of the party, that I may have been dragged into something that will damage the party. Tell me, please, is there anything that did go wrong which gives support for what the Electoral Commission are doing"?---Any further information like that, if you were to hypothetically say that something had gone wrong, would just draw me in deeper. I told you that I had wanted to know exactly my role in it and that was it.

Well, it would only draw you in deeper if you were already partly in it. ---No.

40

Well, it would. If, if - - -?---I've done everything innocently.

The word "deeper" suggests it would drag you into even more to the web of deceit.---No, I played no part in any conspiracy or web of deceit.

You were completely innocent and you still maintain that?---Yes.

Then why wouldn't you ask the person who organised the dinner that's being investigated by a statutory authority, "Ernest, tell me, is there any truth to the suspicion" - - -?---Because I don't want to be - - -

- - - "to the suspicion that illegality occurred in the course of this fundraiser?" Why wouldn't you have just asked him the question?  
---Because that means I would, if he said yes, that means I would be complicit in a way because I would know some information.

10 And if he said yes, you would go straight to the party or the Electoral Commission or both and say, "I've got information that I must in the public interest, in the interests of the ALP, tell you what I now know."---I would take some action.

You would have been a hero, not drawn into it in a negative sense.---I don't want to be a hero. I don't want to be involved.

20 You would have done your civic duty, wouldn't you, if he told you, yes, there was wrongdoing involved and you reported it to the authority.---My civic duty is not to investigate.

Why didn't you merely ask him the question? You were very close friends at the time.---Just as I said, I didn't ask him because I didn't want to be involved any more than I already was, which, to clarify, was in the course of just doing my job.

30 MR ROBERTSON: You didn't want to ask because you suspected that something was awry, do you agree?---I didn't want to ask because if the Electoral Commission is investigating, then there is a chance that something could be awry.

So do you at least accept that at least at the time that the Electoral Commission came knocking, you thought that something might be awry.  
---When they came knocking, of course.

I suggest to you that you had that same thought before the Electoral Commission came knocking, do you agree?---To my best knowledge, that as when I first found out.

40 You were faced with a confluence of unusual and suspicious circumstances. There was a delay from 12 March, 2015 to 9 April, 2015 for the money to be banked. The money is brought in by delivery man/billionaire. There are repeat forms, 10 times two times \$5,000, et cetera. You were asked by Mr Wong to replace forms in the way that you and I have discussed this morning. Fixed with that information, you were at least concerned that something may well have been awry in connection with the 2015 dinner, do you agree? You might not have known the details, but you must at least accept that you were fixed with information by at least April of 2015 that

something may have been awry in connection with the 2015 Chinese Friends of Labor dinner, do you agree?---I refute the first part where you said it was unusual for the money to come in late. I refuted that throughout my evidence and said that's a very common practice for that to happen. In terms of Mr Huang bringing the money in, yes, it's unusual, but that didn't mean that he, that it was his money because the forms corresponded with the money. So to my best knowledge up until the investigation, those, what do you call it, those donations were from those donors.

10 THE COMMISSIONER: Now you might care to answer the question.  
---Sorry?

You might now care to answer the question rather than being a commentator on the question. Just answer the question.---What's the question?

MR ROBERTSON: As at April 2015, you were fixed with sufficient knowledge to come to the view that something may have been awry in connection with the 2015 Chinese Friends of Labor event, do you agree?  
---No.

20

Back to your discussion with Ms Sibraa. You're clear in your mind that you referred to Mr Huang during those discussions, is that right?---Yes.

And you're clear in your mind that you referred to Huang to Clements, Clements to Cheah.---Yes.

Cheah to Finance Department, correct?---Yes.

30 And you told her about having taken the money home at least overnight, is that right?---Yes.

But did you tell her anything about how the money got to Mr Huang?---No.

As in where the money was before Mr Huang?---No.

Did you indicate to her that the money that Mr Huang was bringing in were pledges from the dinner?---Did I tell her - - -

40 Did you tell Ms Sibraa?---I said my understanding was that there were pledges from the dinner.

That was your understanding based on what?---What I'd been told.

By who?---Ernest.

THE COMMISSIONER: What did he tell you?---I don't remember a specific conversation, but the fact that they were brought in so long after from people who may or may not have attended.

The fact that the money didn't come in until almost a month after the dinner is an extraordinary fact, isn't it?---It's not extraordinary. We've had this conversation many times.

It is an extraordinary fact, isn't it that - - -?---In your eyes, maybe. In my eyes, it's not - - -

10 Just listen to me and stop talking over people. You're getting yourself into a great deal of trouble, Mr Cheah. It doesn't help you to be - - -?---I apologise.

- - - to be duelling with the questioner. The fact that \$100,000 didn't come in until almost four weeks after a fundraiser was itself an extraordinary fact, wasn't it?---In my experience, no, because, because it takes a long time to, you know, in essence mop up the money after an event, especially when there's an election going on and people are distracted.

20 Well, you may be aware, having followed the evidence in this inquiry, that the thrust of the evidence is very much against that. That is to say that the evidence is to the effect that after a fundraiser the money comes in, is expected to come in within a day or two, or thereabouts, of the fundraiser itself. Now, do you take a different view, do you, from that?---I would say that it's hoped that the money could be brought in in a day or two, like, that would be great. Best practice, it would be great for me too so it would be wiped off.

30 So you reject the evidence as I have summarised it? That is to say that after a fundraiser the money would be expected to be in within a day or two or thereabouts of the fundraiser? You would disagree with that evidence, would you?---I don't reject that it would be expected or hoped.

40 No, I'm not talking about hope or expectation. I'm talking about it is a fact based on past experience in these matters. The thrust of the evidence is, I'll say it one more time, that money is in within a very short time of the fundraiser, and we're talking about days – two, maybe three days – and that for \$100,000 funds raised to take 28 days to come in is an extraordinary situation. That's the effect of the evidence I'm putting to you. Now, do you dispute that evidence?---There's no policy that says - - -

Now, just answer my – no, no, don't worry about policies.---Okay.

We're talking about fact.---Okay, okay.

Based on past experience.---Yes.

Do you take a different view and/or dispute any of that which I've just put to you is the evidence before this Commission?---What, sorry?

Do you dispute that evidence that I've summarised for you?---Are we talking about the fact that it came in, in your words, 28 days after?

Not at all. Are you going to listen now? I'll put it again.---I'm trying my best.

10 Try harder. I'm putting to you that the effect of the evidence given by a number of witnesses before this Commission is that experience has been that after a fundraiser for the ALP the money comes in as raised within a matter of days, normally something of the order of two to three days. The effect of the evidence is it comes in promptly after a fundraiser. Now, do you dispute that evidence?---I would say it's more, more likely to be about a week so if you want to call that disputing the evidence then, yes.

20 So then if it took four weeks for a large amount to come in, such as \$100,000, that would be an extraordinary event having regard to past practice and experience. Is that right?---Yes, it would, that would be a bit longer than usual.

No, no, no. Please just answer my question. I'm putting it to you for your acceptance or rejection. Even accepting that it might take as long as a week from funds raised at a fundraiser to come in to head office, in this case if a large amount is said to have been raised by a fundraising event of \$100,000 took four weeks to arrive at head office in Sussex Street that would be an extraordinary event. Do you agree with that or don't you agree with that evidence?---I don't agree.

30 So if a number of people have said that is the experience you nonetheless say well, I for one will say I dispute all of that evidence?---Yes. In my experience, yes.

Can you point to any other cases where it took four weeks for donations raised at a fundraiser to arrive at Sussex Street?---Other occasions when donations have arrived longer. Is that what you mean?

Just try and listen to my questions.---I'm trying my best, sir.

40 It wastes time if I have to keep repeating the question. Have you ever had experience associated with or knowledge of a fundraiser conducted by the ALP in which it took four weeks for the fundraising funds to come in to Sussex Street?---Yes.

When?---Or one example is we had a trivia night downstairs. I think the money came in, completely banked maybe two months after.

When was that?---2016. Maybe late 2016.

And how much was raised on that occasion at the trivia night?---A couple of thousand dollars.

2,000. Yes.---A couple.

A couple meaning two?---Maybe between two and five.

10 Any other experience that you've had of a four-week delay before funds raised come in the door at Sussex Street from your experience or knowledge?---No specific ones.

No, no, I'm asking you for any occasion when that occurred.---No specific ones.

Well, I want you to identify whether there was any other occasions you're aware of.---I can't remember any.

20 So that if aside from the trivia night to which you've referred there's no other case when it's taken four weeks for the funds to come in at Sussex Street, well, it truly would be an extraordinary event in this case, wouldn't it, for it to have taken almost four weeks for the \$100,000 to arrive at Sussex Street?---If that were the only one ever then okay.

You agree?---If that were the only time - - -

If that were the only one.---If that was the only time that it's ever happened.

Then you would agree it would be - - -?---Then I would agree.

30 - - - extraordinary?---Yes.

Thank you. Sorry, Mr Robertson, it took so long to get to that point.

MR ROBERTSON: You would at last accept though that in 2015 it was not uncommon for money and forms to come in at different times. Do you agree with that?---Yes.

40 And in fact one of the matters that needed to be deal with by way of I think you used the term wash up after an event - - -?---Mop up.

Mop up. Mop up after an event, in particular after an election, is to ensure that there are forms that match the money that has already been received. Is that right?---Yes.

And so in 2015 after the election there was pressure within the staff at Sussex Street to get those matters reconciled and banked as soon as possible. Is that right?---To get all that as reconciled. Invoices, fundraising.

So in the lead-up to the election for example in March of 2015, you were making contact with Labor Action Committees to say, well done on running events, get the cash in, get the cash in, get the cash in. Correct?---Yes, yeah.

And similarly you were wanting to get the forms in as well. Correct?  
---Of course.

10 And was that an exercise that was purely performed by you or were there other people within head office who were encouraging that exercise to happen? In other words, were people like Ms Murnain, Mr Clements, perhaps others, saying to you, come on, we've got to get the forms in, we've got to get the money in, let's get the money banked so that we can start spending it on the election that is a few days or a few weeks away?---Yeah, they would have been, the higher-ups as well.

When you say the higher-ups, who are you referring to?---Well, yeah, Jamie and Kaila would, would definitely be, what's the word, encouraging fundraising to happen as quickly and as efficiently as possible.

20 So do you recall whether in March of April of 2015 either Mr Clements or Ms Murnain were saying to you, come on, we need to get forms in, in relation to money? Do you recall?---Not specifically.

But that would be a common thing that would be done, in particular around the time of an election. Is that right?---Yeah.

30 So it wouldn't just be left to you to take care of all those matters, that was a matter of interest to the people you described as the higher-ups. Is that right?---To get the forms in.

To get the money in and to get the forms in.---Yeah, so that we could spent it.

And when you say the higher-ups, you mean the general secretary and the assistant general secretary I take it?---Yes.

40 Back to your discussions with Ms Sibraa. Do you recall whether you mentioned Mr Wong during your discussions with Ms Sibraa about the circumstances in which the \$100,000 came in?---Don't recall if it came up.

So you definitely referred to Mr Huang, Mr Clements, you may have referred to Mr Wong, you can't recall one way or the other. Is that right?  
---That's right, yeah.

But you at least gave some explanation as to where you thought the money had arisen from, in other words, they were pledges connected with the dinner in 2015. Is that right?---Yeah, yes, yes, yes, yes.

And do you recall anything else you said to Ms Sibraa during those discussions?---Not particularly.

Now, after your discussions with Ms Sibraa where she's asking for your assistance as to what happened in relation to the \$100,000, what was your next involvement in relation to that issue?---With her or - - -

With anyone.---You mean when, when the money came in in 2015 or - - -

10 So we've dealt with March and April of 2015, we've then talked about your discussions with Ms Sibraa.---Right.

Ms Sibraa's asking for your assistance in relation to the Electoral Commission's investigations.---Right, right, right, right.

I think we've exhausted that, have we?---Yeah, I think so.

20 I'm now wanting to know what happened after that. You've assisted Ms Sibraa, she's gone on her merry way and has done whatever she was going to do with the Electoral Commission. Were you then later asked for any help within the Sussex Street office in relation to this question of the Chinese Friends of Labor dinner in 2015?---I was asked – we went through this before, but I was asked to help answer some questions that the Commissioner posed to Labor.

And was this during the discussions with Ms Sibraa or was this discussions with someone else?---With Sibraa.

30 So is that something different to what we've already talked about or is it something - - -?---I think it was a subsequent meeting.

So you may have had a few discussions with Ms Sibraa. Is that right?  
---Yes, yes, yes.

And in that subsequent meeting, what did you tell to Ms Sibraa, was it the same as what you've already told us or was there additional information you gave to Ms Sibraa?---Same information I gave you but I think it was framed in the questions that were asked by the Electoral Commission.

40 So are you saying you have a recollection of Ms Sibraa putting to you particular questions the Electoral Commission had asked the Labor Party and Country Labor?---I remember her saying, "The Electoral Commission have sent through some questions, could you help me put together the answers to some of them."

And did she give you those questions to have a look at and to assist the responses or - - -?---No, she just read them orally to me.

And can you remember what any of those questions were?---Pretty sure I remember the first question, which is - - -

What was that?---Who brought the money in.

And what answer did you give to that?---Mr Huang.

So, just to help you, one of the questions was, "Please provide the names of the persons who handed the donations to the ALP on 9 April, 2015."

10 ---Okay.

Do you recall being asked either that question or something that sounds pretty similar to it?---Something along those lines, yes.

And do you recall what your answer was to that question?---"Mr Huang.

The answer wasn't "Kenrick Cheah"?---No, it wasn't. Because I didn't walk the money in.

20 Now you know now, don't you, that the answer that the Labor Party gave to the question I've just read out was "Kenrick Cheah"?---I do.

And so are you saying that that answer is inconsistent with what you were telling Ms Sibraa - - -?---Of course.

- - - should be the answer to that question?---Of course.

30 When did you first find out that that was the answer that the Labor Party had given to the Electoral Commission's question?---When you showed it to me on the screen here, in the, in the 26<sup>th</sup>.

When you first came in, in the public inquiry?---Yep. Right.

You weren't shown a draft of the response before it went out?---Never. No.

And you weren't shown it thereafter?---No.

40 Can you remember any other questions that Ms Sibraa asked of you?---Not specifically.

What about, "Please advise that the persons who handed the donations to the ALP on 9 April were issued with a formal receipt from the ALP for that transaction," does that ring any bells?---Mmm, not, not really. She might have asked it.

What about, "Please advise as to what form the donations were provided to the ALP on 9 April, 2015, i.e. cash, cheque, EFT, or by any other means"?  
---Can't remember the specific question, but in previous conversations at the

very least, we had, I, I had told her that it was in cash. So she may have known that already.

Doing the best you can, how many discussions did you have with Ms Sibraa concerning the 2015 dinner? It sounds like at least two. Maybe it's more.  
---Two or three.

10 But to be clear, the first of those discussions wasn't Ms Sibraa saying, "Here's some questions, can you help me?" - - -?---Not the - - -  
- - - it was Ms Sibraa trying to find out some information more generally, is that right?---Yes. Yes.

Do you have any recollection of when that discussion might have been?  
---When, the first one?

When the first discussion might have been.---I - - -

20 And I can help you this way, the letter that went to NSW Labor was dated 6 December, 2016, and seems to have been received on 8 December, 2016. So we're getting close to Christmas in 2016. Do you have any recollection as to whether your first discussion with Ms Sibraa on this matter was after that time or perhaps it was before that time?---No, sorry, I don't, I can't.

But you are clear in your mind that you did have at least one discussion with Ms Sibraa where you were talking about it in general terms rather than her putting specific questions to you, is that right?---Yes. Yes.

30 And then, do you recall whether it was one meeting or more than one meeting before you had the meeting with Ms Sibraa where she asked you specific questions?---I can only recall one.

You recall one. And then the one where she asked specific questions, is it possible that she only actually asked you one question, which is the one that I've just given you, or are you clear in your mind that it was at least a few specific questions?---I'm sure there were at least two.

So it may – so at least two, may have been a little bit more.---Possibly.

40 But is it clear in your mind that although she might not have given you a hard copy of the questions, she was reading off a script, as it were, and saying, "Here's a question that we have been asked by the Electoral Commission, what's your answer?"---Yes.

And this is important, I know I've asked you this before, but I want to be clear this is your answer, you do have a recollection of her asking you to provide the names of the persons who handed the donations to the ALP on 9 April, 2015, is that right? You recall her asking you that question or a

question that's very similar to it?---Look, I think more accurately, "Who brought the, who brought the donations into this office?" was the question.

And do you recall whether she put a date on it, "Who brought the donations into the office on 9 April?" or was it just who brought - - -?---Oh, I can't remember, I can't remember whether she, whether she specifically said a date, or whether it was just inferred that that was the date that we were talking about.

10 But are you quite clear in your mind that your answer to that question was not Kenrick Cheah, it was Mr Huang?---Yes, because makes - - -

You're quite sure about that in your mind?---Yes.

And you were about to say?---Makes no sense if I said that it was Kenrick Cheah who brought the money in, because I didn't bring the money in.

Well, it's at least right that in a sense you brought the money in, because you had it at home on the evening of 8 September, oh, 8 April, 2015. Is that  
20 right?---I think the question was referring to when the money initially came to the office, which is, yeah.

And so you're clear in your mind that saying Kenrick Cheah is a pretty silly and nonresponsive - - -?---Makes no sense.

- - - answer to that question, makes no sense?---To me it makes no sense.

But in terms of the physical custody of the cash, you had it at home on 8  
30 April, 2015, is that right?---Yes. Yes.

And in that sense you brought it into the office, but it was Mr Huang who brought it in off the street, as it were, for processing, is that right?---That's right.

And the only reason that you brought it into, physically brought it into the office on 9 April was that you hadn't finished the counting and reconciliation process as at 8 April, 2015?---That's right.

40 So we've got the meeting with Ms Sibraa. General discussion rather than specific questions. We've got the further meeting with Ms Sibraa with specific questions. There may well have been another meeting with Ms Sibraa, is that right?---Possibly.

Possibly. You're not sure one way or the other?---(No Audible Reply)

When were you next asked for your input in connection with the Electoral Commission's investigation?---From - - -

From anyone. From anyone within Sussex Street or perhaps the next request was from the Electoral Commission?---Probably when I came here for the private.

Well, you did have an interview with the Electoral Commission, is that right?---Oh, yeah, yeah, yeah.

And to help you, that was on 22 June, 2017.---Okay.

10 Between your last meeting with Ms Sibraa that you've told us about - - -?  
---Yeah.

- - - and 22 June, 2017, were you asked by anyone, Sussex Street office or elsewhere, for your input in relation to the investigation?---No.

So you went about your merry way. You've got another job at this point in time, and your next involvement in the investigation is when the Electoral Commission wants to have an interview with you, is that right?---Yep.

20 And I take it you've re-read the transcript of that interview in preparation for this public inquiry?---Gazed over it.

Gazed over it but, what, not read carefully.---I didn't sit there and read every word. Maybe I, you know, I'm not that good at reading, but - - -

You were attempting to tell the truth to the Electoral Commission, is that right?---Of course.

30 When you've looked at the transcript, gazing over it or otherwise, is there anything that you've looked at and gone, well, on reflection I shouldn't have said this, I should have said something else?---No.

So do you confirm that even sitting here now, what you said to the Electoral Commission during the course of the interview on 22 June, 2017 is true and correct to the best of your knowledge and belief?---Yes, yes.

You then had a discussion with Mr Jonathan Yee after he had an interview with the Electoral Commission, is that right?---I think there was a short discussion at a function.

40

Well, doing the best you can, what was the discussion with Mr Jonathan Yee regarding that matter?---I think we were both having a smoke at a function and I said, "You okay?" Said, "Yeah."

THE COMMISSIONER: Sorry, I can't hear you. Start again. This is this conversation you had with Jonathan Yee. What were you saying about it?  
---I think we were having a smoke at a function and I think my words were,

“Are you okay?” and I think his response was, “Yeah, I’m okay,” and that was pretty much it. Or that was it.

MR ROBERTSON: Why were you concerned whether he was okay?  
---Because I don’t think it’s a pleasant experience.

Did you at least discuss in general terms the matter the subject of the investigation?---No.

10 Well, you must have at least compared notes as to the things that the Electoral Commission was interested in.---Not really.

In that investigation, you didn’t receive a direction from the Electoral Commission that you weren’t allowed to discuss your evidence with other people, is that right?---Can’t remember if I was or wasn’t.

20 But what I’m suggesting to you is that you must at least have had a discussion in general terms with Jonathan Yee as to what happened in your respective interviews.---I think I specifically tried not to talk in specifics about what was asked in case I get in trouble for it.

Well, did you discuss at least in general terms what had happened during the Electoral Commission’s interview with anyone other than lawyers?  
---Anyone other than who?

Anyone other than lawyers. I don’t want to know about discussions you had with lawyers for the time being.---Yeah, yeah.

30 But did you have discussions, other than with Jonathan Yee and other than with lawyers, did you have any other discussions with anyone regarding your interview with the Electoral Commission?---No.

Well, surely some of the higher-up people were interested to know where the direction of the Electoral Commission was going, so surely you had at least a general discussion with those individuals.---No, because Holding Redlich sent a lawyer to accompany me, so I assume they got their information from her.

40 So you left it to the Holding Redlich lawyer to give any report back that needed to be given to the higher up people?---Yeah. No one asked me.

What about people outside the party, did you update anyone else as to what happened during the Electoral Commission interview, again putting aside lawyers?---No, not to my recollection.

Not Mr Clements for example?---No.

You didn't say to Mr Clements, look, I might have put you in it a bit here because I've told the Electoral Commission that the money came from Huang and that you gave it to me?---I don't think I've had any contact with Jamie since he left the office.

So to be clear about that, at least so far as you can recall no communications with Mr Clements since he left the office in about January or 2016. Is that right?---Yeah.

10 Chief Commissioner, I apply for the direction that was made under section 112 of the Independent Commission Against Corruption Act on 25 May, 2018 be varied insofar as it would otherwise prevent publication of the fact that Mr Cheah gave evidence on that date and insofar as it would otherwise prevent the publication of any question asked or answer given in this public inquiry.

20 THE COMMISSIONER: In respect of the direction made under section 112 of the Independent Commission Against Corruption Act in relation to the compulsory examination 26 [sic] May, 2018 I vary the direction insofar as it would prohibit disclosure of the fact that the witness, Mr Cheah, participated in that examination and insofar as it would otherwise prevent questions and answers being referred to in the course of this public inquiry.

30 **VARIATION OF SUPPRESSION ORDER: IN RESPECT OF THE DIRECTION MADE UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT IN RELATION TO THE COMPULSORY EXAMINATION 25 MAY, 2018 I VARY THE DIRECTION INsofar AS IT WOULD PROHIBIT DISCLOSURE OF THE FACT THAT THE WITNESS, MR CHEAH, PARTICIPATED IN THAT EXAMINATION AND INsofar AS IT WOULD OTHERWISE PREVENT QUESTIONS AND ANSWERS BEING REFERRED TO IN THE COURSE OF THIS PUBLIC INQUIRY.**

40 MR ROBERTSON: Mr Cheah, you participated in a compulsory examination before this Commission in May of 2018. Is that right?---Is that, is that the private hearing?

That's the private hearing. That's right.---Yes.

And you were asked a number of questions about the 2015 Chinese Friends of Labor dinner.---Yes.

Would you agree that during that compulsory examination you didn't mention that the money had been given by Mr Huang to Mr Clements and

then Mr Clements to you. Do you agree with that?---During the private hearing?

During the private hearing.---I'm pretty sure I would have mentioned that.

Well, I want to suggest to you that you didn't suggest that during the course of the private hearing. Do you agree?---Without being able to see what I read, what I said, sorry.

10 But you're at least surprised at that matter. Is that right?---Yes.

So at that point in time you told the - - -?---I would have nothing to hide because I would have already told that to the Electoral Commission.

That's what I was about to say. At that point in time you'd at least told the Electoral Commission?---That's right.

20 But are you quite sure in your mind that you did tell Ms Sibraa of that matter before the Electoral Commission's interview? Let me put it a different way. Was the first time you told anyone about the fact that the money came from Huang to Clements, Clements to you at the Electoral Commission level or are you quite clear in your mind that you said it at some earlier period of time?---I'm not sure which came first but I definitely told Julie Sibraa.

Well, if you assume that Ms Sibraa was asking you questions in connection with the notices that were issued in December of 2016 - - -?---Yeah.

30 - - - based on that assumption I take it that you say that you told at least Ms Sibraa before your Electoral Commission interview in June of 2017. Is that right?---That makes sense, yes.

The reason I'm putting this to you is Ms Sibraa says, and you may have seen this, Ms Sibraa says that you said nothing of, you said nothing of the, nothing of Mr Huang at all.---I read that.

And you've read what Ms Sibraa has said with respect to that matter. Is that right?---Ah - - -

40 You've at least seen media reports in relation to that matter?---I read it.

And notwithstanding that, you're still quite clear in your mind that you did tell Ms Sibraa about Huang to Clements, Clements to Cheah, Cheah to Finance Department. Is that right?---Yes.

Do you know who Alex Wood is?---I know who he is now. I met him in 2017.

What was the circumstances in which you came to meet Alex Wood?---He attended a fundraiser for the, what do you call it, council elections 2017.

And who is Alex Wood to your understanding?---Him and his brother ran a company called, I don't know what it was called. I think it's a development company though.

Are you referring to Wu International?---I think that's it. I know they have, their building is in Chatswood on Archer Street.

10

And are you saying you just had a passing reference to him or have you had a closer relationship than just a passing reference at functions?---I've seen him at maybe, I don't know, my family bumped into him at Chinese New Year the following year. Shook hands, said hello, exchanged pleasantries. Went to a restaurant near his office once. That's about it. It's like a friendly acquaintance.

But what's Mr Wood's relevance to you and to your roles, if any?

---No, nothing.

20

Well, why do you have him recorded as a contact in your contacts at the Labor Party office, your electronic contacts?---I have no idea.

Well, you created a contact in your Outlook system on 28 August, 2018. Do you have any recollection as to why you recorded that contact in August of 2018?---I don't generally create contacts using Outlook.

30

Well, can we go, to help you this way, can we go to volume 2, page 347, so I can show you the particular document I'm referring to. Now, I'm not suggesting it was necessarily done on a computer. It may well have been done on a phone, something along those lines. Volume 2, page 347. If you just have a look at the very top of the screen, in red text is metadata that comes from your mail box, from the PST file, which is a file that Outlook uses to maintain data. And the metadata at least shows a contact created on 28 August, 2018. Do you see that there?---Yep. Yep, yep, yep.

And you see that Mr Wood is recorded as a contact there.---Yes, yes.

40

And so it appears that a contact for Mr Wood was created on 28 August, 2018. Do you have any recollection as to why that record may have been created?---The only reason I can think of would be if I've marked him down in my head as someone that we might try and perform a lion dance for in the future, like a business that may be interested in, what do you call it, procuring our services as a lion dance thing for, like, Chinese New Year coming up. That would be the only reason. Otherwise I had no dealings with him at all besides saying hello to him last year.

Why would that be a significant enough matter to record him as a contact?  
Isn't it more likely - - -?---So I don't lose his contact details.

Isn't it more likely that you're considering him as a possible donor, albeit on  
a federal level rather than a state level?---Not really. To be honest, not  
really.

10 So what you've told us is your best recollection as to the circumstances in  
which this particular contact was created, is that right?---Yes, yes.

Back to the private hearing before this Commission. After you received the  
summons to attend here, did you draw that summons to anyone's attention.  
---The private hearing to come here?

The private hearing summons to come here.---Ah - - -

You must have drawn it to the attention - - -?---Someone - - -

20 - - - of someone within head office.---No, only after.

You didn't go to the general secretary, assistant general secretary, or  
perhaps Ms Sibraa, and say, "Look, I've got this summons. What do I do?  
Maybe I need some legal advice."---I can tell you what happened. When  
whoever rang me on the phone to tell me I had to come in for the private,  
the, what do you call it, hearing, I asked that person, "I've been there before  
where it was two people in a room interviewing me. Is it like that?" He  
said, "Yeah, like that." And so - - -

30 So who is this conversation with, sorry?---I don't know, whoever from  
ICAC rang me. And I said is it, is it, "I've been here before a few years ago  
and it was two people in a room asking me questions. It was quite informal.  
Is it like that?" In reference to do I need to bring legal representation. He  
said, "Yeah, it's like that." So I thought it was just coming in for a chat, so  
hence I didn't tell the office about it because it said on the forms or  
whatever, don't tell anybody about it. I didn't have legal representation, but  
I came. Like, Mr Johnson was there and said, "Did you bring legal  
representation?" and I was surprised and said, "No." And he started going  
through with me, "When the Commissioner comes in, you need to stand,"  
and do all this, which is very different to what I was expecting.

40 At any point, either before or after that private hearing, did you give a copy  
of the compulsory examination summons to Ms Sibraa?---A copy of the  
summons?

Yes.---Possibly.

Do you recall whether it was before or after?---It definitely wouldn't have been, it definitely wouldn't have been before because no one knew I was coming here until after.

And then afterwards did you, I take it you told Ms Sibraa that you had been here. Is that right?---I think it, I think it was Ms Sibraa, yeah.

10 So you told someone within head office that you'd been here for a private hearing. Is that right?---Judging from the dates it would have been Ms Sibraa.

So you told someone and your best recollection is that it's Ms Sibraa. Is that right?---Yes.

Did you tell Ms Sibraa or anyone else as to the nature of the questions that were being asked and the answers that you gave during the private hearing? ---As in did I tell her what was asked?

20 Yes. Not necessarily the specific questions, but in general terms?---Maybe like a, like a brief rundown of what the topics that were asked, like, you know, NSW Labor, Country Labor and the donors and the 100,000.

Did you tell anyone else about the general topics, other than Ms Sibraa, was it just Ms Sibraa you spoke to about those matters?---Just Ms Sibraa.

Not Mr Wong?---No.

30 Not Mr Yee?---Oh, I can't put at timeline on it but I remember I, I remember I gave evidence that I think I had a short conversation with Mr Wong about the investigation, in previous evidence I gave.

So you may have told Mr Wong, at least in general terms, the general nature of what was being asked of you during the compulsory - - -?---Yeah, but a pretty, a pretty fleeting conversation, nothing in detail.

Anyone else?---Like I said, I don't think so, unless, unless it would have been a repeat of something like with Jonathan before, a very quick how are you going.

40 What about any of the higher-up people?---No.

You recall, don't you, that the commencement of the private hearing, what we call a compulsory examination, but you call it a private hearing, you were given a direction not to tell anyone that you had participated in the compulsory examination or the substance of any questions or answers given in the compulsory examination. Do you recall that?---Right, yes.

So you would accept, wouldn't you, that you've breached that direction at least in part by telling things to it seems Ms Sibraa, perhaps Mr Yee and perhaps Mr Wong. You'd agree?---Yes, yes.

THE COMMISSIONER: Why did you breach the condition?---After coming here and seeing how formal and serious it was, I thought the best thing to do would be to tell my employer as it involves them.

10 Well, Mr Wong isn't your employer.---Okay. I was talking about Ms Sibraa in that case, but in terms of Mr Wong, I think we were just having a conversation and it just - - -

Be that as it may, why did you disclose to Mr Wong anything about the compulsory examination when you knew you were forbidden from doing so?---I think it was a bit further on after that and I wasn't really thinking about the forbidden aspect of talking about it.

20 Again, why did you disclose to Mr Wong what you've said, you disclosed to him when you were prohibited from doing that?---I think he asked general questions.

And your response should have been, I'm sorry, I'm prevented, prohibited from answering any of your questions. Why didn't you say that?---Yeah, you're right, the answer probably should have been, but I just answered.

But why, that's my question, why would you when you knew you were prohibited by law from doing that?---Like I said, I wasn't thinking about the forbidden aspect of it.

30 MR ROBERTSON: And so to be clear, you have a recollection of speaking to someone at head office, probably Ms Sibraa. Is that right?---Yes.

A recollection of speaking to Mr Wong. Correct?---Yes.

This is about in general terms what the - - -?---Just general terms.

- - - private hearing was on about. Is that right?---Yeah.

40 The fact that you'd participated in private hearing and in general terms what the lines of inquiries were.---The topics were.

The topics for investigation. Is that right?---Yes.

And also Mr Yee. Is that right?---More likely than not.

And after those discussions have you had discussions with anyone else other than your lawyers regarding this Commission's investigation?---No.

When is the last time you had any contact with Mr Wong?---I saw him at a function two nights ago.

Did you speak to him at that function?---Just said hello and that's it.

Did you have any discussions about the subject matter of this investigation?  
---No.

10 After the discussion with Mr Wong after the compulsory examination that we just referred to, have you had any other discussions with Mr Wong regarding this Commission's investigation?---No.

None at all?---No.

Quite sure about that?---Yes.

What about with Mr Yee?---Like I said, there might have been just one which would have mirrored the first one.

20 But if there's one there was only one. Is that right?---Yeah.

What about with anyone at head office?---No.

Just the one with Ms Sibraa?---One?

Just the one with Ms Sibraa after the compulsory examination.---Oh, okay, yeah.

30 And no more after that point in time.---Only in terms of organising legal representation for this hearing.

So nothing about the substance of the investigation.---Nothing about substance.

But perhaps something about the mechanics of - - -?---Yes, yes, yes, yes.

- - - getting representation and things of that kind. And who were those discussions with?---Glenn - - -

40 Basic?---Glenn Basic, who's the current, what do you call it, governance director. Yeah, as you said, just the mechanics of it. Nothing of the substance of what's been asked or et cetera.

Have you had any discussions with anyone other than lawyers who have given you any advice or direction as to what you should say to this Commission?---No.

Quite sure about that?---Yes.

No discussions with Mr Wong, for example, in connection with that matter?---Hundred per cent, no.

When you were asked – I withdraw that. During the private hearing, you would accept, wouldn't you, you didn't say anything about the switcheroo of the forms that you and I have discussed this morning?---I don't recall saying it then.

10 If you assume that you didn't say it then, why didn't you draw that matter to this Commission's attention until after I put a series of questions to you and until you reflected on it over the course of the weekend?---I don't think there was a specific question about it at that initial hearing, and I don't think, which is, in difference to what you asked me on Friday, when you guys asked me to reflect and I, you know, went through all my records to piece it all together.

20 You just used the phrase "specific question". Is it fair to say that in both the private hearing and in the public hearing, you've been very careful in the responses that you've given to the specific questions with a view to seeking to minimise your involvement in the 2015 Chinese Friends of Labor dinner?---I've been careful in terms of telling you guys what I can remember.

30 But you've gone further than that, I suggest to you. You've been very careful to seek to answer the questions in such a way as would seek to minimise any suggestion of your involvement in the 2015 Chinese Friends of Labor dinner, would you agree with that?---No. I, I had, I had plenty of involvement in the dinner. I had more involvement than any conspiracy.

No, but what I'm suggesting to you is that you've been very careful in the information that you've given to this Commission. You've sought to give the minimum information necessary in response to its questions, would you agree with that?---I've given all the relevant information that I can give when you've asked me questions.

40 And the reason that you've taken that course is that you've been concerned from at least 2015 that something may well have been awry in connection with the 2015 dinner, and you've wanted to seek to ensure that you're not in it in a deep fashion, would you agree?---That's assuming your previous, that I agree with your previous statement.

Well, I'm suggesting to you that you have deliberately been very careful in your responses to questions both in the private hearing and in the public hearing, with a view to minimising any suggestion of involvement in illegality in connection with the 2015 Chinese Friends of Labor event, do you agree?---I agree because I have not been involved in any illegality.

But the particular reason you've done that is that you are concerned that something went awry in connection with that dinner and you've sought to minimise any suggestion of detailed involvement in that matter, do you agree?---Told you my involvement in the dinner, without any, without any, I don't know - - -

Are you just - - -?--- - - - without trying to be misleading, without trying to hide anything.

10 Well, I suggest to you that you had an opportunity during the private hearing, and indeed during the public hearing before this morning, to disclose your involvement in the switcheroo, and you chose not to, do you agree?---Before you brought up the, what do you call it, the switcheroo on Friday, I didn't even remember that that even occurred. So hence if I don't remember how it occurred, how can I bring it up off my own bat at the private hearing?

Well, I suggest to you that you did remember but you didn't disclose it because you didn't want to, you wanted to minimise your involvement in  
20 any adverse contact in connection with the 2015 event, do you agree?  
---That's wrong. That's a hundred per cent wrong.

That's the further examination, Chief Commissioner.

THE COMMISSIONER: Yes. I'll ask you to return at 2 o'clock when we resume.

MR ROBERTSON: Just before adjournment, it may be sensible to take any applications for leave to cross-examine Mr Cheah.  
30

THE COMMISSIONER: Yes, very well.

MR ROBERTSON: In my submission it shouldn't be an opportunity for a second go, as it were, noting that of course I called Mr Cheah on the first day of the hearing and he's already been in the witness box for some time.

THE COMMISSIONER: Yes.

MR ROBERTSON: That's not to suggest for a moment that if anyone  
40 wishes to cross-examine on the additional material that's either arisen during the course of the further examination or during the course of the public inquiry more generally that they shouldn't have leave to do so, but any repetitive cross-examination should not be permitted in my submission.

THE COMMISSIONER: Yes, thank you. Well, I'll see whether there are any applications and if so what the basis of those applications is. Yes, Mr Lawrence?

MR LAWRENCE: Chief Commissioner, it's possible there may be an application on behalf of Mr Clements. I've heard for the first time today some details of what Mr Cheah did and didn't say in his private examination. I would ask over the lunch break that I be given access to a transcript of that private examination and then I can advise or someone will advise on behalf of Mr Clements at 2.00pm. I'm actually not able to be here at 2.00pm unfortunately and I've advised Mr Robertson of that previously, but someone will advise at 2.00pm if there will be an application. I must say I was somewhat surprised to hear that certain things had not been said in  
10 the private interview and somewhat surprised that that matter had not been disclosed certainly to those who represent Mr Clements previously.

THE COMMISSIONER: But Mr Lawrence, as you know, the basis for cross-examination has to be identified and articulated so that the Commission can see how and whether any cross-examination sought can impact upon the person who's making the application, in other words, to see what for example would be the affirmative case that's going to be put so that I can then determine the scope of any cross-examination.

20 MR LAWRENCE: Certainly.

THE COMMISSIONER: That hasn't been done as yet.

MR LAWRENCE: I can indicate this, Chief Commissioner, that it would be going to the credibility of assertions that Mr Cheah has previously made which have been put in issue previously in cross-examination, and it would be cross-examination arising from what we have learned for the first time this morning, being that Mr Cheah in his private interview did not talk about the bag coming into the Labor Party head office.  
30

THE COMMISSIONER: Well then I think before you depart you should let Counsel Assisting have the points that you do what to raise or have raised, then the question comes as to future programming for that.

MR LAWRENCE: Certainly. Thank you, Chief Commissioner.

THE COMMISSIONER: Is there anyone else making application?

MR DIXON: Chief Commissioner, I'll seek to ask some questions in re-examination possibly, if I could take some instructions over the break. They won't be wide-range.  
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THE COMMISSIONER: All right. All right. Thank you.

MR ROBERTSON: Can I suggest this course then, that Mr Cheah be released for today and come back tomorrow morning, because my learned friend, Mr Clements, has a difficulty this afternoon and that would then allow any cross-examination and then re-examination to occur.

THE COMMISSIONER: Yes. I think that is the better course. So what are you suggesting, 10 o'clock tomorrow?

MR ROBERTSON: Yes.

THE COMMISSIONER: Very well. Mr Cheah, I'm going to release you for today and if you'd return tomorrow at 10.00am.

10 Yes, I'll adjourn till 2 o'clock.

**THE WITNESS STOOD DOWN** **[1.03pm]**

**LUNCHEON ADJOURNMENT** **[1.03pm]**