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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 2.00PM

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

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

MR ROBERTSON: Chief Commissioner, can I just deal with one matter that arises out of my examination of Mr Cheah this morning? I was intending to put to Mr Cheah that during the compulsory examination before this Commission, he didn't volunteer information regarding what I described as the "switcheroo". I also intended to test with him when the first time it was that he disclosed his evidence regarding the money, the \$100,000 coming from Mr Huang then to Mr Clements, then to Mr Cheah. In the course of that examination, I may have inadvertently suggested that Mr Cheah didn't give evidence as to that matter during the course of the compulsory examination. If I did inadvertently do that, that was by inadvertence. It wasn't deliberate. I will review the transcript when it becomes available, and if there's some questions by way of clarification I need to ask Mr Cheah, I will do that. But I should make clear that I'm not suggesting for a moment that Mr Cheah did not tell this Commission in the private inquiry, the private hearing, the compulsory examination, of his evidence as to the Huang-Clements-Cheah-Finance Department exercise. I was suggesting to him and did suggest to him by way of examination that he didn't give evidence in relation to the replacement forms that I've described as the "switcheroo".

20

THE COMMISSIONER: Yes, well, they are two separate issues, and I think it's important that the matter be dealt with formally once the transcript of today's proceedings is available. But in the meantime, any reporting on that incident should have regard to the matter which you've just referred to as having possibly been inadvertently not put correctly, and we will correct the record if it needs to be done once the transcript is available.

MR ROBERTSON: May it please the Commission. I call Tim Xu.

30 THE COMMISSIONER: Yes.

MR G. WATSON: Commissioner, may I seek your leave to appear for Mr Xu?

THE COMMISSIONER: Oh, Mr Watson. Yes, indeed.

MR G. WATSON: Mr Xu, come forward.

40 THE COMMISSIONER: Yes, of course I grant leave, Mr Watson. Thank you, Mr Xu.

MR XU: Yeah.

THE COMMISSIONER: Now, do you take an oath or an affirmation, Mr Xu? To give evidence, do you take an oath, or do you wish to make an affirmation? Do you understand what I'm talking about?

MR XU: Yes. I'll take the oath.

THE COMMISSIONER: Sorry?

MR XU: I'll take the oath.

THE COMMISSIONER: The oath, thank you. Would you mind standing?

<TIAN (TIM) XU, sworn

[2.06pm]

THE COMMISSIONER: Yes, thank you. And just what's your full name?
---Tian Xu.

Thank you. Now, Mr Watson, do you have any application?

10 MR G. WATSON: Yes, Mr Xu would like to assert his entitlement to the
privilege. I've explained to Mr Xu - - -

THE COMMISSIONER: And he understands the provisions of the Act?

MR G. WATSON: Including the limits of the protection. I've explained
that to him in some detail.

20 THE COMMISSIONER: All right, thank you. Mr Xu, before we
commence, I understand that you seek a declaration under section 38 of the
Independent Commission Against Corruption Act, and I understand that you
understand what that involves. It's a form of protection so that the evidence
you give here today can't be used in any other proceedings in the future, be
they criminal, civil, or any other form of proceedings. There is however one
exception to that, and that is that the protection provided by a declaration
under section 38 does not prevent your evidence from being used against
you in the prosecution for an offence under the Independent Commission
Against Corruption Act, including in particular an offence of giving false or
misleading evidence, for which a penalty of imprisonment of up to five
years can be imposed for such an offence. But apart from that exception, it
does provide protection against its use otherwise, as I've earlier stated. Do
30 you understand what I'm saying?---Yes.

Sorry, you have to answer so it's recorded.---Yes. Yes, I do.

40 Thank you. Pursuant to section 38 of the Independent Commission Against
Corruption Act, I declare that all answers given by this witness Mr Xu, and
all documents and things produced or that may be produced by him during
the course of his evidence at this public inquiry are to be regarded as having
been given or produced on objection. That being the case, there is no need
for him to make objection in respect of any particular answer given or
document or thing produce.

**PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT
ALL ANSWERS GIVEN BY THIS WITNESS MR XU, AND ALL
DOCUMENTS AND THINGS PRODUCED OR THAT MAY BE
PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE
AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING**

BEEN GIVEN OR PRODUCED ON OBJECTION. THAT BEING THE CASE, THERE IS NO NEED FOR HIM TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCE.

THE COMMISSIONER: Yes, thank you. Yes, Mr Robertson.

10 MR ROBERTSON: Mr Xu, you were an executive assistant at the Yuhu Group in Australia between March of 2014 and about August of 2017, is that right?---Yes.

And you no longer work at the Yuhu Group or any entity associated with the Yuhu Group, is that right?---That's right.

You might just need to get a little bit closer to the microphone. You don't need to be too close, but just point your mouth in the direction of the microphone.---Okay.

20 So I've got that right so far?---Yes.

Where do you presently work?---I currently work for a start-up called Volt Bank.

And you've had that role since about June of 2018, is that right?---Yes.

And what role do you play in Volt Bank?---I'm part of the capital management team. I help the company to raise capital.

30 THE COMMISSIONER: Mr Xu, I'm sorry, I'm having trouble picking up, would you, if you could just raise your voice slightly.---Oh. Sure.

And if you just stay in the general area of that microphone.---Okay. Yeah.

MR ROBERTSON: As executive assistant at the Yuhu Group, you provided translation services to Mr Huang Xiangmo, is that right?---Yes.

He is also known as Changran Huang, is that right?---Yes.

40 Were you the only person who provided translation services to Mr Huang while you were employed with the Yuhu Group?---No, there are several staff who helped to translate from time to time.

Who were the other staff who would assist?---One of them was Holly Huang. She was the general manager of the company.

Anyone else?---And there are also other junior staff called – when I, during, during the time I worked for them there was also a junior staff called Anna Wu also helped to translate from time to time.

Is it right to say though that whilst you were employed at Yuhu Group you provided most of the translation services to Mr Huang?---I was there for about over three years. The, probably after the first one year I starting to provide most of the translations.

10 So are you saying that in the early time of your role others performed the role more often than you?---Yeah, maybe, maybe 50/50. Maybe I do, I, I think early days I probably do 50 per cent of the job.

And at what point in time did you become the principal translator for Mr Huang?---I think I gradually took over more responsibilities in, in terms of translations.

20 So you started in March of 2014 and you then took over more responsibilities over time. Is that right?---Yes.

Come March of 2015 once you've been at the Yuhu Group for about a year was it principally your role to perform translation services or was it principally someone else's role?---I was, I probably do most of the job.

So as at March of 2015 you would do most of the job. Is that right?---Yeah.

But not all of the job?---Not all of the job.

30 And who would do the other part of the job?---Holly Huang was still the general manager so she, she still help to translate.

So is it right that sometimes Holly Huang would provide translation services in say March and April of 2015?---Yes.

But you were still doing most of it. Is that right?---Yes.

While you were there did Eric Roozendaal work at the Yuhu Group?---Yes.

40 And what was his role?---He, at the time he was deputy chairman of the group.

And what did that involve in substantive work?---Mostly company strategy. From time to time he also offer some advice on public relations and legal issues.

When you say company strategy, what do you mean by that?---Just general company development, business strategy and external relations.

Did that include things like what investments to make, that kind of thing. is that right?---Yeah, from time, he sometimes bringing investment opportunity as well.

What about matters such as government liaison?---Sometimes, yes.

Who is Wun Chi Wong?---Wun Chi Wong is more or less Gary Wong and he is also one of the assistant to Mr Huang.

10 And is he based in Australia or elsewhere?---During the time I work there he is based in Sydney.

And what was his role? I think you said some sort of an assistant. Is that right?---Yeah, he's, he's one of the assistants.

And what was his, what sort of work did he do as assistant?---He mainly help with management relationship with casinos and also he organise trips or accommodations for Mr Huang and his guests.

20 When you say managing relationships with casinos, what do you mean by that?---Before he work for Mr Huang he was working for the Crown Casino so because Mr Huang is a high roller he, Gary's role was to organise all the trip, probably entertainment as well at different casinos in Australia.

Does it follow from that that Gary may have been a junket operator in relation to junkets maintained in Australian casinos?---I'm not very familiar with, with the casino business. I can't tell, yeah.

30 Do you know what a junket operator is?---I know.

And do you know whether Gary was a junket operator for any junkets in which Mr Huang was involved?---I can't say I do because it's simply not my job.

But it was at least his job to manage the relationship between Mr Huang and casinos such as the Crown Casino. Is that right?---Yes.

40 That's not a role that you had any direct involvement in. Is that right?---No, I don't.

But I take it though that as executive assistant if Mr Huang needed something dealt with on the casino side he may well say to you can you organise that in which case you would liaise with Gary in relation to that matter. Is that right?---He will speak directly with Gary. He wouldn't, that message wouldn't come across me.

But there must at least have been circumstances in which you were acting as some sort of a coordinator between Mr Huang on the one hand and Gary on

the other hand.---Gary started working for Mr Huang before I do, so in many ways he's closer to Mr Huang than I do.

So you're saying that most of the time, if it was casino-related matters, Mr Huang would go directly to Gary. Is that right?---All the time, I would say all the time.

10 Well, there must be at least some circumstances in which you may have acted as a, you may have assisted in dealing with matters by speaking to Gary, would you agree?---Not really.

Did you have any dealings with Gary whilst you were executive assistant at the Yuhu Group?---Yeah, we work closely together.

So your title I think was executive assistant. Is that right?---Yes.

Do you recall what his title was?---I think it was the same title possibly, yeah.

20 So in what circumstances would you need to deal directly with Gary in relation to either Yuhu Group business or Mr Huang's business more generally?---Gary would normally inform me about the fine detail, accommodation detail if we would have to travel to Melbourne, where we stay, and if I go to Melbourne with Mr Huang to attend events or a conference, I will tell Gary about our travel arrangement he could help organise.

30 And so there may be circumstances, mightn't there, where you might be with Mr Huang, Mr Huang says, I want to go to Melbourne tomorrow and I want to stay at Crown Casino, you might then speak to Gary and ask Gary to make the arrangements. Is that right?---Yes, yes.

You wouldn't make the arrangements directly with the casino, but you might on behalf of Mr Huang ask Gary to do it. Is that right?---Yes.

40 And likewise, if Mr Huang was with Gary at a particular time and Mr Huang needed something that was within your core area of responsibility, Gary may well speak to you and say Mr Huang wants XYZ, can you take care of it please. Is that right?---Yes.

Now, other than acting as a translator for Mr Huang, what other roles did you perform as executive assistant?---I mainly helped to manage relationships, so from internal relationship to external, I help as more like a secretary organising to meetings, take the meeting minutes and communicate with staff in the company with different responsibilities.

And did you just say that would happen both for internal matters and for external matters?---Yes.

So Mr Huang may want a meeting with a particular person and he might say to you, can you please organise a meeting with a particular person?---Yes.

And it would be you who would call up that person, either that person directly or that person's assistant in order to make the arrangements. Is that right?---Yes.

10 What language does Mr Huang ordinarily speak?---He speak Mandarin most of the time and he also speak his dialect, his local dialect.

How would you describe his level of English skills, at least in the time that you worked for him as executive assistant?---Hardly speak a, hardly speak a word of English.

And so is it fair to say then that if someone wanted to communicate with Mr Huang at least in the time that you were executive assistant and that other person couldn't speak Mandarin, Mr Huang would need a translator?---Yes.

20 And similarly, if Mr Huang wanted to organise a meeting with someone for example, he would need to organise it through an English-speaker such as yourself, rather than being in a position to organise it directly with the person if the person can't speak Mandarin. Is that right?---Yeah, yeah.

And so is it right to say that a significant part of your role as executive assistant was in that relationships issue of doing things like organising meetings, going with Mr Huang to the meetings, taking notes if the notes need to be taken, things of that nature?---Yes.

30 In what circumstances would you not go – I withdraw that. Is it right to say that part of your role as executive assistant was actually to go to meetings with Mr Huang and act as a translator in those meetings?---Yes, when required.

And so that was quite a common exercise for you to perform as executive assistant to Mr Huang. Is that right?---Yes.

40 And I take it that that sort of work increased over time from when you started in March of 2014 and you took on more responsibility with that over time. Is that right?---Yes.

So you would have gone to many, many meetings with Mr Huang. Is that right?---Yes.

In terms of getting to meetings, did you also act as a driver for Mr Huang or were other arrangements made in terms of getting to the locations?---He has a full-time driver so I don't drive for him.

But you may sometimes travel with him in the vehicle to the meeting. Is that right?---Yes.

And at very least you would make arrangements for the meeting, you might speak to the driver, you speak to the assistant of the person he's meeting with and things of that kind. Is that right?---That's correct.

Those sort of nitty-gritty arrangements are not arrangements that Mr Huang would make directly. Correct?---Correct.

10

They would do them, when you were executive assistant they would usually be done with you. Is that right?---Yes.

Now, I take it though that where the person that Mr Huang wanted to meet with could speak Mandarin, you wouldn't necessarily be at the meeting. Is that right?---That's correct.

20

So there was occasions whilst you were executive assistant in which Mr Huang took meetings, but that you weren't in attendance because the other person or persons at the meeting could speak to him without the assistance of a translator. Is that right?---Yes.

Was Mr Ernest Wong one of those people, are you aware of whether Mr Huang ever had any meetings with Mr Ernest Wong?---Ernest Wong speak fluent Mandarin so I know they talk to each other quite often.

So you're aware that Mr Huang and Mr Ernest Wong had regular discussions. Is that right?---Yes.

30

They met with each other from time to time?---Yes.

From your observations they were good friends?---Yes.

Mr Huang would go to Parliament House to meet Ernest Wong from time to time. Is that right?---Yes.

40

Did you ever make arrangements for the driver to drive Mr Huang to Parliament House to see Ernest Wong, can you recall?---I possibly did, yeah.

And that was part of your role anyway, to organise meetings of that kind. Is that right?---Yes.

And to your knowledge did Mr Huang and Mr Ernest Wong speak together on the telephone from time to time?---Yeah, they do call each other.

I'm sorry, say that again?---They do call each other.

And would they meet for meals from time to time?---Yeah.

Do you happen to recall where they would meet for meals? There may be a few different places, but in Sydney at least do you recall a particular location at which Mr Huang and Mr Wong would have meals?---Ernest Wong visit Mr Huang's home in Mosman from time to time. I'm not sure what restaurant they would go to, but I suppose the regular Chinese restaurant Mr Huang go to, he might have met him there.

- 10 Do you recall any particular restaurant at which the two of them may have met from time to time?---There's a restaurant in the Star Casino called Century, Mr Huang go there quite often. I suppose they could meet there.

Anywhere else you can recall?---(No Audible Reply)

What about anywhere in Chinatown in particular?---Chinatown ah, Mr Huang go to a restaurant called Master Ken's Seafood quite often and they could have met there.

- 20 So is it right that you've been to Master Ken's on quite a number of occasions with Mr Huang?---Yes.

You've been to Mr Huang's home in Mosman on a number of occasions. Is that right?---Yes.

You've seen Mr Clements at Mr Huang's home in Mosman from time to time. Is that right?---Yes.

- 30 And you've acted as translator for communications between Mr Clements and Mr Huang. Is that right?---Yes.

You've done that on many occasions. Is that right?---Yes.

But you haven't acted as translator for conversations between Mr Huang Xiangmo and Mr Ernest Wong because they don't need a translator because they can both speak Mandarin. Is that right?---That's correct.

- 40 But you've at least been present at times where Mr Wong and Mr Huang have had discussions between themselves. Is that right?---I'm normally not in the room when they have discussion with each other.

Have you seen Mr Ernest Wong and Mr Huang Xiangmo at Mr Huang's Mosman location?---Yes.

But are you saying that to the extent that the two of them would have discussions, they would have them away from you?---Most of the time, yes.

And amongst other reasons, they don't need you as a translator because they can both speak Mandarin. Is that right?---Exactly.

In terms of the mechanics of organising meetings and events for Mr Huang whilst you were executive assistant, I take it that Mr Huang would be in regular contact with you by telephone. Is that right?---Yes.

So he might call you up and say please organise a meeting with so-and so?
---Yeah.

10

Please organise the car to pick me up and take me to the airport, the casino, a particular event or particular location. Is that right?---Yeah.

Other than by telephone did you also communicate by text message?---Yes.

And what about using an app like WeChat or something along those lines?
---Yes. We do.

20

So in terms of the forms of communication between you and Mr Huang, we've got telephone in the usual way of picking up a phone and using the telephone system. We've got text messages like SMSs or iMessages. We've got WeChat messages. Any other ways that you can recall communicating with Mr Huang?---That's all, I think.

And I take it that when you communicate with Mr Huang in that fashion, you do so in either Mandarin or in the particular dialect that Mr Huang uses?---Yeah, in, in Chinese, yeah.

30

So it's usually in Mandarin, I take - - -?---Yeah, in - - -

- - - in what I might describe as broad stream Mandarin, is that right?
---Yeah, yeah, Simplified Chinese, that's (not transcribable)

But you can – well, in terms of the text, you're using a mobile device, and you're typing it in Chinese, correct?---Yes.

And in terms of an oral communication, either by telephone or using an application like WeChat, you would be speaking in Mandarin, is that right?
---Yes.

40

Is Mr Huang a golfer, to your knowledge?---No, he's not a golfer.

So we've talked about some of the potential locations of meetings. Parliament House was one I mentioned. The Mosman residence was another one. Master Ken's was another one. At least in your time as executive assistant, a golf course was not a regular location for a meeting with Mr Huang, is that right?---No.

You started telling us about meetings between Mr Huang and Mr Clements, and so I think you've accepted that there were at least some meetings between Mr Huang and Mr Clements at Mr Huang's Mosman residence, is that right?---Yes.

There were meetings at Master Ken's Seafood, is that right?---Yes.

10 Do you recall roughly how many such meetings there were? Was that a rare occasion or was that a common occasion in the time that you were executive assistant?---Maybe once in a few months, but not very regularly.

And to try and get a sense of the timing, so as I understand it, you started as executive assistant in March of 2014.---Yep.

20 Can you recall when the meetings between Mr Huang and Mr Clements first started? Was that something that started early in your tenure as executive assistant, or is that something that only developed a little bit later?---I don't, I'm not too sure about exact date, but I believe would be late 2014 they started to know each other.

And do you recall the circumstances in which Mr Huang and Mr Clements first came to know each other?---The first time I met Mr Clement was when I visited his office with Mr Huang together. That was probably late 2014.

Now, when you say in his office, are you referring to the Sussex Street offices of the Australian Labor Party?---Yes.

30 And to be clear, how many times can you recall going with Mr Huang to the Sussex Street office to see Mr Clements?---Only one time.

So you're quite sure in your mind that it happened once and only once? ---Only once.

40 Now, I just want to try and pin down roughly when that meeting may have happened. And what I want to suggest to you – and I'll show you some documents and give you some other information in a moment – I want to suggest to you that that meeting actually happened on the 7th or 8th of April of 2015. So just pausing there. You said unprompted by me that it might, it may have been late 2014. Is it possible that it was actually a little bit later, and it was more like April of 2015?---I'm not too sure about that.

So is it right that, doing the best you can sitting there now, it was possible that it was late 2014, it's also possible that it was April of 2015?---I think it's late 2014.

So that's your best guess, at least at the moment?---That's my best guess.

Can I give you some additional information to assist you? Before we go to that, do you – you know that this Commission has been investigating a Chinese Friends of Labor event that occurred on 12 March, 2015. Are you aware of that?---Yes.

Do you recall whether you were present at that event?---I don't think I attended that event.

10 Was it common for you to attend with Mr Huang at events like Chinese Friends of Labor events?---Yes.

But are you saying you didn't go to every event of that kind that Mr Huang was in attendance?---I didn't go to every one.

Now, I take it that in an event of that kind Mr Huang would want to bring along with him someone who is able to translate from Mandarin to English, is that right?---Yes.

20 And so whilst you were executive assistant at the Yuhu Group, if you didn't attend to be the interpreter or the translator, who would attend instead?
---Normally Holly Huang would attend with, with Mr Huang.

Can I go, please, to Exhibit 247. I'm just going to show you a photograph that was taken – it will come up on the screen in front of you – a photograph that was taken at the Chinese Friends of Labor event in 2015. And you'll see that Mr Huang is the gentleman wearing the blue tie, on the right, is that right?---Yes.

30 And who's the lady sitting to her right, or from the left from our perspective?---That is, that is Holly Huang.

And so Holly Huang was the person who you indicated provided some translation services to Mr Huang from time to time?---Yes.

You've seen this photograph before that I've put on the screen, is that right?---Yes.

40 And is that one of the reasons why you think you may well not have attended the Chinese Friends of Labor event on 12 March, 2015?---Yes.

Is there any other reason why – sorry, I withdraw that. Is it right, though, that you don't have a clear recollection in your mind as to whether you attended or not? Put it another way, it's possible that you attended, you just can't be a hundred per cent sure, is that right?---I'm a hundred per cent sure that I didn't attend any event with Holly, so based on that photo I think I didn't attend the event.

So is it right that if Holly is in attendance, the you don't attend, is that right?---Yes.

And so you have no recollection of being at an event in 2015 at which Holly was also in attendance, is that right?---Yes.

And that's why you're now saying that you don't think you attended the Chinese Friends of Labor event in 2015, because you can see – based on this photograph – that Holly attended, is that right?---Yes, that's right.

10

Going back to the meeting at the Sussex Street office with Mr Clements, just to try and help you get your bearings, in 2015, Chinese New Year was on 19 February, 2015. Mr Huang was out of Australia between 21 March, 2015 until 28 March, 2015. The Easter long weekend in 2015 was between 3 April, 2015 and 6 April, 2015. Now, what I want to suggest to you is that the meeting that you had with Mr Huang and Mr Clements happened within a couple of days of that Easter long weekend, in other words on 7 or 8 April. Do you think that might be right?---The, the first meeting?

20

The first meeting. Well, at least a meeting, a meeting in the Sussex Street office between Mr Clements and Mr Huang, at which you attended.---I think it's unlikely that we would go to his office on a long weekend, given it's not ---

I'm sorry, let me help you. I'm not suggesting to you that it was on the long weekend. I'm just trying to give you a few dates that might help refresh your memory. So the long weekend started on Friday, 3 April. It finished on Monday, 6 April. And I'm not suggesting that the meeting happened on the long weekend.---Okay.

30

I'm suggesting that it may have happened the day after the long weekend, the Tuesday, or the day after that, being the Wednesday. Does that ring any bells?---No.

40

Let me help you a little bit further. Can we have, please, the call charge record document on the screen. Now, what I've just put up on the screen is some records that have been taken from your telephone and from Mr Huang's telephone and from Mr Clements's telephone. You'll see that they start on 6 April, which was the public holiday Monday, but you'll then see that there's a series of communications between you and Mr Clements, Mr Clements and you, and Mr Huang and you. If you just have a look at the phone service A and the phone service B, those are the phones through which communications are made from one person to the other. So just to explain this document in a little bit more detail. If you have a look at the first column, that's the date at which a call is initiated or an SMS is sent. The next column is the time at which it's been recorded that a call has been made or a SMS has been sent. The next column is the telephone number of the originating telephone. We've redacted the middle digits so that

everyone who is following along can't see the full telephone numbers but in the next column is the name of the originating telephone. Phone service B is the recipient telephone, the telephone number and then the next column is the user. Then there's the duration which is the duration of the call or if it's an SMS it says SMS. And then the last column is the approximate location of where the originating telephone was at the time that it issued the call. And you can see there, Mr Xu, that on 7 April, 2015 there's quite a number of communications between you and Mr Clements. Do you see that on the screen?---Yeah.

10

Now, does that jog your memory that you were attempting to make contact and indeed did make contact with Mr Clements on 7 April, 2015 being the first working day after Easter in April of 2015?---Yeah.

So do you now, having looked at that document do you now have a recollection of attempting to make contact with Mr Clements on behalf of Mr Huang?---Yeah.

20 And do you recall why you were attempting to make contact with Mr Clements on that occasion?---I don't remember exactly what, what's the purpose of the call.

Well, do you at least recall that you were attempting to arrange a meeting between Mr Clements and Mr Huang?---Yeah, possibly I did. So it was possibly about arranging meetings.

THE COMMISSIONER: Sorry, I can't hear.---Sorry. It was possibly about arranging a meeting.

30 MR ROBERTSON: Well, what other reason would you have to contact Mr Clements on 7 April, 2015 but to arrange a meeting between him and Mr Huang?---2015 Mr Huang was helping to organise a delegation from China to visit Victoria and at the time Mr Clements was also helping establishing some contact with the Victorian government. That could be one of the reason that we contact each other.

40 But do you see that, for example, at 10.55am there's a communication Mr Huang to you. There's then a series of communications between you and Mr Clements and then further communications between you and Mr Huang. Does that help you at all in recalling what the purpose of the various communications were on 7 April, 2015?---No.

But are you accepting at least that it's quite possible that the reason that you were communicating with Mr Clements on 7 April, 2015 was to set up a meeting between Mr Clements and Mr Huang?---Yeah, it's possible.

And is it possible that the particular meeting that you were setting up is the

meeting that Mr Huang and Mr Clements had at the Sussex Street office?
---No, because the first time I met Mr Clements I don't have his phone number so I don't believe that phone call was about organising a meeting to his office. I met Mr Clements for the first time in his office so I couldn't have contacted him before because we never met each other.

10 So how was that particular meeting arranged then, how was the first meeting with Mr Clements arranged if you didn't have his telephone number?---I believe Ernest Wong was helping set up that meeting but I, it wasn't me that set up the very first meeting because I never met, met with him before.

So at least as you understood it, the first meeting between Mr Clements and Mr Huang was arranged by Ernest Wong. Is that right?---Very likely, yeah, because Mr Clements was, was expecting us when we visited.

And you were in attendance at that particular meeting. Is that right?---Yes.

20 Do you know whether the meeting that you're just referring to was the only time that Mr Huang had been to the Sussex Street offices?---That was the only time with me.

But do you have any knowledge of Mr Huang going with someone else, for example with Holly Huang or with Mr Ernest Wong or some other person?
---No, I'm not aware of that.

Do you recall ever making arrangements for Mr Huang to meet Mr Clements at a meeting at which you did not attend?---No, I don't think so.

30 So to be clear, is it right that you organised many meetings between Mr Clements and Mr Huang?---Yes.

And are you saying that you attended each and every one of those meetings?---Yes.

It's possible, isn't it, that at least one of those meetings were meetings at which you didn't attend. Do you agree?---Possible? Excuse me, can I, can I hear the question again?

40 Yes. It's possible, isn't it, that there was at least one meeting that you arranged between Mr Huang and Mr Clements at which you didn't attend?
---It's highly unlikely. I don't think so.

Well, isn't it possible that Mr Ernest Wong attended such a meeting, in which case they didn't need the services of a translator?---He could organise a meeting but the meeting wouldn't be set up by me.

So are you saying you're quite clear in your mind that there were no meetings that you arranged between Mr Huang and Mr Clements at which

you did not attend?---Look, my memory is not perfect but that's, that's what I think.

That's your best recollection sitting here now?---That's my best recollection.

The meeting that you can recall at the Sussex Street office, what was the subject matter of that meeting?---That was the very first time that they met each other, so it was just a say hello meeting.

10

So how do you know that it was the very first time they met each other? ---It didn't appear to me at the time when I translated they have spoken to each other. At the time my memory was they, it was a meeting to set up direct contact and after that I can contact Mr Clement directly on behalf of Mr Huang and I became the point of contact for those.

So is it right to say that the impression that you gathered from what was being said and what you were translating was that the meeting that you've just discussed was the first meeting between Mr Huang and Mr Clements.

20

Is that right?---Yeah.

THE COMMISSIONER: Have you any recollection now as to what was actually discussed at that first meeting? In other words, if I asked you to repeat what they said to each other, are you able to recall what they said to each other or not, on this meeting we're talking about at Sussex Street? ---I can't recall the exact conversation because it was an insignificant meeting to me and my memory was it was just say hello meeting. They, it was very friendly conversation to get to know each other.

30 I see.

MR ROBERTSON: But following that particular meeting there were many other meetings between Mr Huang and Mr Clements at which you attended. Is that right?---Yes.

And the venues for those meetings included Mr Huang's residence in Mosman and Master Ken's Seafood. Is that right?---Yes.

40 Is it possible that one of the venues for the latter meetings was the Sussex Street office?---I don't recall going back to that office again with Mr - - -

You don't have a specific recollection, but it is still possible that a meeting occurred in that location. Do you agree?---(No Audible Reply)

You're not saying that your memory is such that you're absolutely sure that there was one and only one meeting at the Sussex Street office. Is that right?---I'm absolutely sure that I only accompanied Mr Huang to visit Mr Clements' office one time, one time only.

Do you at least agree though, in part based on what I've shown you, that it's possible, you might think it's unlikely, but it's at least possible that that happened on 7 or 8 April of 2015?---Possible but unlikely.

Now, in terms of the meetings after the first meeting, I take it that one of the matters that was discussed was the Australian Labor Party. Is that right?
---Yeah.

10 Mr Clements you knew was the General Secretary of the Australian Labor Party in 2015 for example?---Yeah.

And he left that role I think in January of 2016.---Yep.

And so I take it that at least one of the matters that Mr Huang and Mr Clements discussed is Mr Huang either directly or through his companies making donations to the Australian Labor Party, is that right?---With Mr Clements?

20 With Mr Clements.---It's hard. I don't think they talk about donation.

Well, you knew Mr Huang was a very generous donor to both community organisations and political parties in 2015 and 2016, correct?---Yes.

The Yuhu Group made substantial donations to both sides of politics, correct?---Yes.

Well, surely Mr Huang and Mr Clements had some discussions concerning that matter, do you agree?---More or less, yeah.

30 So you agree that there was at least some discussions regarding matters of donations between Mr Huang and Mr Clements, is that right?---Yeah.

After the first meeting that you mentioned, how frequently was it that Mr Huang and Mr Clements would meet with each other?---I think they gradually started to know each other through lunches, dinners, over time. Maybe once in a few months. Sometimes maybe a couple of times in, in a month.

40 Well, it eventually became so common that they were meeting each other every few weeks, would you agree?---Yeah.

And so it increased over time when you were the executive assistant, is that right?---Yeah.

Did those meetings stop or continue after Mr Clements had resigned as general secretary in January of 2016?---I think they were less frequent.

But they still met from time to time?---Yeah.

Well, with Mr Clements out as general secretary, what were Mr Huang and Mr Clements talking about?---After that, Mr Clements was using one of Mr Huang's property to start his own consulting business. So they would talk, they would talk about the using of his office and the service that he provided.

10 And when you're referring to that office, you mean a suite on Level 7 of 276 Pitt Street, Sydney, is that right?---Yes.

And that level of that building is a level owned by an entity associated with Mr Huang, is that right?---Yes.

And so Mr Clements took up tenancy in one of the suites on that floor, is that right?---Yeah.

20 What else was on Level 7 of 276 Pitt Street while Mr Clements was there and whilst you were executive assistant, can you remember?---On that level there's another organisation called the Australian Council for the Peaceful Reunification of China.

And what is that organisation?---That is a pro-Beijing community organisation.

Would it be correct to describe it as a front organisation for the Communist Party?---Yep.

30 Did Mr Huang have any involvement in that organisation?---He was the president of that organisation.

And did Mr Clements, to your knowledge, pay rent for that suite on Level 7, 276 Pitt Street?---I don't think he paid rent.

You don't think he paid rent for that? That was something that Mr Huang gave to him as, as it were, a favour, is that right?---Yes. Yep.

40 Was that the only assistance that Mr Clements was given by Mr Huang after he resigned as general secretary?---Yeah. That should be all.

Well, was there any consultancy or other arrangements between Mr Clements, a company associated with Mr Clements, or anyone else associated with Mr Clements and the Yuhu Group or some other entity associated with the Yuhu Group?---He's also on a retainer.

That was a retainer to do what?---To provide consulting services.

What do you mean by consulting services?---Mr Clements would offer him advice on building relationship with government or politicians.

Do you recall when that consultancy arrangement first came into existence? To help you, Mr Clements resigned as general secretary in January of 2016. ---Maybe a few months after that in 2016.

10 And do you recall what the retainer fee was, how much Mr Clements or a company associated by him was paid?---Each invoice was over \$10,000. I, I can't recall exact amount but each invoice was - - -

THE COMMISSIONER: \$10,000 on what basis?---A monthly basis I believe.

And so far as financial assistance by Mr Huang to Mr Clements, are you aware of any such financial benefits that Mr Huang made available to Mr Clements?---No.

20 Do you know of any legal proceedings that Mr Clements was involved in? ---No.

Or any payments made by Mr Huang Xiangmo or paid at his direction towards assisting Mr Clements in any respect, whether it be legal proceedings or otherwise?---Not that I know of.

Did you from time to time act as translator for Mr Huang Xiangmo in what I might call business discussions with people?---Yes.

30 And did you act as translator for Mr Huang when he was having discussions with Mr Clements to set up this consulting business?---Yes.

The one you've referred to already?---Yes, I was involved.

40 And what do you recall about those discussions, about how the discussions started and how they developed in terms of the consulting business between Mr Huang or his company and Mr Clements?---At the time Mr Clements was, was pretty stressful because the loss of his job and he was seeking help from Mr Huang for his own career and he suggest that he can offer Mr Huang the consulting services and which Mr Huang eventually agree and putting on a retainer.

So doing the best you can, is it your recollection that Mr Clements approached Mr Huang about a possible consultancy arrangement or was it Mr Huang who approached Mr Clements about that matter?---To the best of my memory I believe Mr Huang approached Mr Clements after he, after the sudden loss of his job and during the conversation Mr Clements expressed that he was pretty stressful because of loss of income and, and uncertain, uncertainty of his own career. It's a very subtle conversation that, there's a

very, there's a very, between a very powerful man and a, and a person who treated as a friend. To my memory Mr Clements expressed his needs and Mr Huang agreed to, to help him out financially and, and take his service.

And did those discussions become the subject of some formal agreement, a contract or something like that?---Yes, there was a contract.

10 And did Mr Huang employ his own lawyers to do transactional work, or did he, for example in this case of the consultancy, engage external lawyers to draft the deed, draft the contract?---This particular contract was provided by Mr Clements, and Mr Huang quickly agree on the arrangement without consulting an external lawyer.

I see. So there was just a signature by both of them on, was there, on the contract that Mr Clements produced?---Yes.

I don't suppose – do you know whether Mr Huang kept a copy of the contract, or don't you know?---There's a copy in the office of Yuhu Group.

20 You spoke of a retainer. Is the retainer the same thing as the consultancy business, or is that something separate?---Same, same thing.

And do I understand your evidence was that Mr Clements under the, in the consultancy work would offer advice to Mr Huang or his company? Did you say on relations with government and something else?---Um - - -

30 Sorry. What was he going to advise on?---Very general matters in relation to relationship buildings, and sometimes public relations, media attentions, and they also, I think they also in, in contract, in legal matters as well.

And did you become aware after that that Mr Clements did occupy the premises that you referred to earlier?---(No Audible Reply)

And he did take up occupation, did he?---Yes, he did.

And did he have staff, do you know, or - - -?---No, just himself.

40 And do you know whether he did then after that period actually commence work with clients, or others?---Yes.

So the benefit of the retainer or the consultancy business was payment, a retainer fee of something like \$10,000 monthly, plus free rent. Was that the deal?---Yeah, over 10,000. I, look, I'm not sure of the exact amount, but it was somewhere over \$10,000.

Was it part of your responsibilities to make payments on behalf of Mr Huang, or did somebody else handle the financial side of things?---There are accountants, accounts payable in the office to arrange those payments.

And who were the accountants for Sydney purposes?---I'm not sure at the time who, who exactly, because there were several financial manager who work for the company, and I'm not sure of the exact person who's on - - -

So you talk about in-house accounting.---Yeah, in-house accounting.

I see.---In-house staff of, employed by Yuhu Group.

10 Did Mr Huang or his companies retain independent firms of accountants in Sydney to do his financial work, or was it all done in-house?---For the arrangement we would refer to things like arranging payments for a contract or retainer, we, we just do it in-house. I know that there was the external accountant as well, but I, I don't really work with them.

Yes, very well. You were also asked about donations and it was well-known in the public space that he was a generous donor to political parties and the like. Who actually undertook the payment of donations? And so again does it come back to in-house financial people?---For the, for the
20 donation that comes from the company account would be sign off by the accountant in charge.

The company being?---Yuhu Group.

Yuhu Group.---Yuhu Group, yeah.

And Yuhu Group in 2015, their office was located where?---2015, I believe we have moved to the office on Miller Street in North Sydney. On level 15 of 201 Miller Street.
30

You think they'd moved there by 2015 or in 2015?---In 2015, sometime in 2015.

And did Mr Huang discuss donations with you?---From time to time.

In what respects would he engage you for either advice or for just general discussion purposes?---For example, if he agreed to donate money to certain political parties, he would have discussion with me to use which company to make those donations.
40

Did he always discuss donations with you or only sometimes, from time to time?---From time to time.

Did he ever discuss making donations to anyone associated with the ALP? ---Individuals from ALP.

Sorry?---You mean from individuals from, like, ALP - - -

Officials of the party, for example.---Yes.

What sort of discussions did you have in that respect?---Sometimes he share his view with me on how, how does he view the officials and what kind of relationship he's hoping to build with them.

I'm sorry, I missed something you said there. Sometimes he'd discuss what?---What kind of relationship he wants to build with certain officials.

10 That's in relation to officials of ALP?---Yes.

Officials of other parties as well?---Yes.

Did he ever discuss with you any payment of moneys to Mr Clements?
---After he left, after Mr Clement left the Labor Party, we discussed, we did discuss the payment arrangement for, for his contract.

That's the arrangement you've already spoken about?---Yes.

20 Apart from the consultancy business or the retainer, did Mr Huang have discussion with you about payment of moneys to Mr Clements?---No.

Did he have any discussions with you about paying donations to any political parties from time to time?---Yes.

And which parties?---He, he and his company donated to the Labor Party, the Liberal Party, and there was also a smaller donation to the Nationals Party as well.

30 Yes, thank you.

MR ROBERTSON: And those donations were made through a number of different companies, is that right?---Yes.

So sometimes it was the Yuhu Group entity and sometimes it was other entities associated with Mr Huang, is that right?---Yes.

From time to time there was also direct donations from Mr Huang himself, is that right?---Yes.

40

In terms of the retainer that you were answering questions about with Mr Clements, do you know whether that retainer is still ongoing or has that come to an end to your knowledge?---I think it's been terminated.

Why do you think it's been terminated?---Mr Clements mentioned it to me when, when, when, when it was terminated.

So separate from the meetings at which you attended with Mr Huang and Mr Clements, have you had any meetings with just you and Mr Clements?
---I beg your pardon?

Have you ever met with Mr Clements alone and without Mr Huang being present?---Yes.

10 Did any of those meetings occur while Mr Clements was the General Secretary of the Australian Labor Party New South Wales Branch?---Once.

And doing the best you can, when was that meeting?---It was shortly after our first meeting, which I think was in 2014. So I visit his office without Mr Huang once.

I see. So is it right that there were two occasions that you can recall in which you attended on Mr Clements at the Sussex Street office, once with Mr Huang and once on your own, is that right?---Yes.

20 And what was the occasion of the second of those meetings? Why were you there meeting with Mr Clements?---I think I was there just to, it was, the first, the first meeting was just an introductory meeting, but he never, because we never met (not transcribable). The second meeting was also, I think it was a meeting to exchange telephone number or something like that, just the beginning of the relationship.

So are you saying that that was a meeting that happened within a short period of time of the first meeting?---Yeah, maybe a week or so.

30 Is it right to say that when Mr Huang attends a meeting, particularly one that's one on one, it would be not uncommon for him to give a gift to the person he's meeting with?---Yes.

And I take it from that that it would be not uncommon for him to bring to a meeting a bag that might contain that gift?---Yes.

You recall that happening on many occasions in many meetings. Is that right?---Yes.

40 I take it sometimes you would carry the bag on Mr Huang's behalf. Correct?---Yes.

And sometimes he would carry the bag himself. Correct?---Yeah.

But at the very least the person who does the actual giving of the gift would always be Mr Huang, it wouldn't be you. Correct?---Correct.

Maybe that you physically bring the bag into the meeting room but you would then always give it to Mr Huang because Mr Huang would be the one who is presenting it to the other person at the meeting?---Yes.

Do you ever recall seeing Mr Huang with either an Audi car bag or an ALDI shopping bag?---No.

10 Is it right that it's possible that he had such a bag in his possession but you just don't recall one way or the other?---It's unlikely he would have those bags. That's my view.

So it's likely that he would carry bags from time to time. Is that right?
---Yeah.

And in particular carrying bags for the purposes of giving gifts to people he might be meeting with?---Yeah.

20 And you say it's unlikely that there would be a Audi car bag or ALDI shopping bag but you can't exclude that as a possibility. Is that right?---It's extremely unlikely.

It seems unlikely but you can't exclude that as a possibility. Is that fair?---I, I have never, I have never seen such a bag.

You can never recall seeing Mr Huang with such as bag. Is that right?
---That's right.

30 You mentioned a moment ago a separate meeting just with you and Mr Clements. Is that the only time that you and Mr Clements have met on your own?---The only time in the office. That was the only time.

And since he left as general secretary have you met with Mr Clements?
---Several times.

And when was the first of those times as best you can recall? And at the moment I'm just focusing on meetings between you and Mr Clements together.---Yeah. Late 2017.

40 So Mr Clements resigned as general secretary in January of 2016.---Yeah.

And you're saying the first of those that you can recall, separate meeting with just you and Mr Clements was in 2017. Is that right?---Yeah.

And just to get your bearings, I think you told us a little while ago that you first commenced with Volt Bank in June of 2018. Is that right?---Yeah.

And so if you're talking about 2017 are we talking about whilst you're still employed at Yuhu Group or is it after you ceased to be employed at Yuhu Group?---After I left Yuhu Group.

So it must be in September or October or November or December. Is that right?---Yeah, yeah.

What was the occasion on which you and Mr Clements met on that first occasion in the latter part of 2017?---What's the occasion?

10

Yes, why did you meet with him?---We, because we know each other so well and we sometimes just catch up for a coffee, see what we are up to in terms of our career development.

So when you say you know each other so well, how did you come to know each other so well?---During the time I work for Mr Huang, Mr Clements showing an interest in Chinese culture and he was also learning Mandarin. From time to time we would, I would give him some suggestion on language that he was learning and we became close on discussing some matters together.

20

What I'm trying to understand is, it's right, isn't it, that when Mr Clements was general secretary you only met with him on a one-on-one basis on one occasion?---Yeah.

So how was it that you knew each other so well as of say September/October of 2017?---Because of the time we, we have many dinners together with Mr Huang even though it's not just two of us but we could still speak directly with each other.

30

So you got to know Mr Clements well by having regular dinners and meetings with both him and with Mr Huang. Is that right?---Yeah.

The dinners and meetings, were they usually meetings and dinners just with you, Mr Huang and Mr Clements or were they usually meetings or dinners with other people as well?---There are other people as well.

Always?---Not always.

40

So there at least were a number of occasions were there in which there were three people in the room, Mr Clements, you and Mr Huang. Is that right? ---Yeah.

And at least roughly speaking, how many meetings or dinners or lunches of that kind can you recall happening whilst Mr Clements was the general secretary? Are we talking one or two, are we talking 10, are we talking 20? ---Maybe 10.

You said a little while ago that Mr Huang and Mr Clements at least at one point in time would meet every couple of weeks. Do I have that right?
---Every few weeks.

It was a bit slower at the start but it then picked up a pace over time. Is that right?---Yeah, yes.

10 Would it be right to say that most of those meetings were meetings at which just Mr Huang, Mr Clements and you attended, that was the usual case, that it was just the three of you. Is that right?---Yeah.

And those meetings were often at Master Ken's Seafood Restaurant. Correct?---Sometimes at his home in Mosman.

Sometimes at the home in Mosman, sometimes at the Master Ken's Restaurant. Is that right?---Yes.

20 So there would have been many meetings or dinners or lunches of that kind between Mr Clements and Mr Huang at which you attended and gave translation services. Is that right?---Yeah.

And so it would be right, wouldn't it, that if it's happening every few weeks around in 2015 for example, it may be 15 say, maybe 20, maybe a little less, maybe a little more meetings or dinners or lunches of the kind that we're now just talking about. Would that be about right?---Yeah.

30 So roughly speaking, and I'm not expecting you to know the exact number, we may be talking about something like 15 meetings, maybe a little bit more, maybe a little bit less, between Mr Clements, Mr Huang and you, and no one else - - -?---Yeah.

- - - in the calendar year 2015. Do you agree?---Yeah.

And then after Mr Clements ceased to be general secretary in January of 2016, did those meetings still continue every few weeks?---Less often, the amount lessened.

40 They were still fairly regular although not as regular as when he was general secretary. Is that right?---Not as regular, yeah, that's right.

And again the locations would be or at least would include Master Ken's Seafood and the Mosman residence. Is that right?---Yeah.

And to your knowledge do those meetings still take place?---Not, not that I know of.

Do you have any idea when they ended?---I guess before, I guess it ended before Mr Huang left Australia.

But to your knowledge has Mr Clements still had meetings with Mr Huang in countries other than Australia, for example in Hong Kong?---Not that I know of.

You told us a moment ago that you know Mr Clements well and you've met with him alone on a number of occasions. Have I got that right?---Yes.

10 And that's been a, what, a fairly regular occurrence since Mr Clements has ceased to be the general secretary of NSW Labor, is that right?---Yeah.

So roughly speaking, how many times would have you met with Mr Clements, just the two of you, since Mr Clements resigned as general secretary in January of 2016?---Up to now, until now?

Until now.---More than five times.

20 When was the last of those times?---Last met him maybe a couple, maybe, maybe April or month [sic] this year, maybe April or March.

And what did you discuss in April or March?---At the time we were discussing about potential investor referral to my company.

When you say your company, you're referring to Volt Bank, are you?
---Yes.

And is that the only thing you discussed on that occasion?---That's the most recent one, yes.

30 Can we just take a step back. I want to go back to 7 and 8 April, 2015 that you and I discussed a little while ago. You proffered a possibility as to why you may have been seeking to make contact with Mr Clements on 7 April, 2015, when I showed you those call charge records. Can you just explain in a little bit more detail what you thought those discussions may have been about or why you may have wanted to make contact with Mr Clements at about that time.---At the time, one of the things I remember in 2015 was Mr Clements was helping to establish contact with Victorian Government where Mr Huang was hoping to visit with a group of delegation from China. That was one of the conversations.

40 But what was Mr Clements's relevance to that exercise as, at that time General Secretary of NSW Labor?---I think because his connection in the Labor Party and the Labor Government over there. He was helping to establish some meetings.

I'm just trying to understand. Are you saying that in 2015 Mr Huang was trying to establish some kind of relationship with the Victorian Government, is that right?---There was a delegation visit, yeah.

A delegation from?---From one of the province in China.

Can you remember which province?---I think it's Jiangxi Province.

What was Mr Huang's relevance or involvement in that matter?---Because he was a local community leader, from time to time he helped to organise those meetings for delegation from China.

10 But Mr Huang's from Guangdong Province, isn't he?---Yes.

So why would he have an interest in other provinces?---I wasn't sure how he build up the relationship but I was aware of that delegation that he was involved with.

But is the idea that, as best you understood at the time, Mr Huang wanted to smooth the way for a provincial delegation from China to Victoria, is that right?---Yeah.

20 And he asked Mr Clements for assistance in making contact with appropriate people within the Victorian Government, is that right?---Yep.

Do you remember when – I withdraw that. Did that delegation actually come to Australia, can you recall?---They did.

And can you recall when they came to Australia?---Some time in 2015.

Some time in 2015 but you don't recall precisely when, is that right?---No, I don't recall exactly, precisely, no.

30 Back to your one-on-one meetings with Mr Clements. You've told us about the most recent one. You said there were about five or so in total. Have you ever had any discussions with Mr Clements regarding the investigation that this Commission has been conducting or the previous investigation by the Electoral Commission?---We met once in late 2017. At the time he asked me whether, he told me about there was an investigation about Mr Huang delivering a bag of cash to the ALP office, and at the time I thought he said Audi bag, the Audi of the car, and he asked me whether have I heard of such a thing, because he said he doesn't remember such a thing has
40 actually happened, yeah.

So are you clear in your mind that Mr Clements told you not just about allegations of a bag of cash but the particular kind of bag, is that right? ---Yeah, he mentioned bag.

But not just bag, the particular kind of bag, an Audi car bag.---Yeah.

Or perhaps an ALDI supermarket bag.---I thought he said Audi car bag.

Now, is that – but he definitely said either Audi, as in the car, or ALDI as in the supermarket, is that right?---Yeah.

Is that the first time that you had heard any suggestion of an Audi car bag or ALDI shopping bag in connection with any investigation that either this Commission has been conducting or the Electoral Commission has been conducting?---That was the first time I heard that.

10 THE COMMISSIONER: And that discussion took place, you said, you did say the date, but I just want to check, when do you think that discussion took place?---Late 2017.

'17.---Yeah.

And where did you meet with him on that day?---We met at a café in one of the northern suburbs.

20 I see. Did you seek the meeting or did he seek the meeting?---He, he did, yeah.

MR ROBERTSON: Now in terms of the discussion itself, and I appreciate this is hard to do when something's happened some time ago, can I ask you to as best you can remember and tell us what Mr Clements said, what words he used, or at least words to what effect did he use regarding this investigation, and what words you said in response?---He said, he said to me, someone in the Labor office was being investigated, was being asked questions about Mr Huang delivering a bag of cash to the office. And he seemed quite stressed and, about the investigation, because he generally doesn't remember or knowing Mr Huang delivering a bag of cash, and he asked me whether I know that happened.

30 So you said someone being investigated, did he say who was being investigated?---No, he just said someone in the office.

And what else can you remember Mr Clements telling you or saying to you on that occasion?---He said that he doesn't know if such a thing happened.

40 And what did you say to him in response, if anything?---I said to me, it sounds to me very unlikely that Mr Huang could walk into the office by himself, and the, the bag was also quite unusual. I said to him, I, I, I wouldn't know how he can get access to an Audi car bag. I, I said to him, "It sounds like a rumour to me."

Is that all you can recall of that particular meeting in North Sydney?---I beg your pardon?

Is that all you can now recall as to what you said or what Mr Clements said during the course of that meeting?---Yeah, that, that's pretty much what I know. We, we do have some discussion about whether it, it is possible, but I, I, I was very straightforward to him, I, I said to him, "It sounds like a rumour."

Is that the only occasion on which you've had discussions with Mr Clements regarding this Commission's investigation?---Yes.

10 MR LAWRENCE: I object to that question, Commissioner, just that there is a premise in it that the discussion was about the investigation by this Commission, whereas the earlier question was much broader, and pertained to both the Electoral Commission investigation and this Commission's investigation, and left unaddressed, there will be - - -

THE COMMISSIONER: Yes. Oh, no, leave it at that, Mr Lawrence. Your objection is noted.

MR LAWRENCE: Yes. Thank you.

20

MR ROBERTSON: I've asked you a number of questions about meetings between Mr Huang and Mr Clements, but can I ask you about Mr Huang and Ms Murnain, you know Ms Murnain took over as general secretary after Mr Clements had resigned, correct?---Yes.

Were there ever any meetings at which you attended between Mr Huang and Ms Murnain?---Yes.

30 Can you recall approximately how many meetings of that kind?---Maybe two or three times.

And do you recall when, did that happen only when Ms Murnain had become general secretary, or did one or more meetings happen when she was assistant general secretary under Mr Clements?---I think they only start to meet with each other after she became the general secretary.

So your best recollection is that the first direct meeting between Mr Huang and Ms Murnain was after she had become general secretary, is that right?---Yes.

40

And I take it that at least one of the matters that Mr Huang and Ms Murnain discussed concerned donations?---Yes.

So Ms Murnain was trying to encourage Mr Huang, either himself or through his companies, to make donations to the Australian Labor Party, is that right?---Yeah.

Just in relation to Mr Clements' retainer, that you've already answered some questions about, is it possible that the retainer fee was in fact \$200,000, but payable monthly?---Yeah, possible.

What's your best recollection, at least in terms of what you know, as to what the fee was in relation to that contract or retainer?---That should be the right amount. Well, very similar or (not transcribable)

10 So is it right that your best recollection is that the retainer fee under the contract that you answered a number of questions both from me and from the Chief Commissioner was that it was around about a \$200,000 fee per year but payable monthly?---Yes.

Can we have back on the screen exhibit of the CCR document, which is Exhibit – it's not marked as an exhibit, which reminds me I should tender it. I tender the document on the screen entitled CCRs 6 April to 8 April, 2015, Between Huang, Xu and Clements.

20 THE COMMISSIONER: The CCR records, 6 April to 8 April, 2015, in respect of the phone usage involving Mr Huang and Mr Xu and Mr Clements becomes Exhibit 323.

#EXH-323 – CALL CHARGE RECORDS BETWEEN XIANGMO HUANG, JAMES CLEMENTS AND TIAN (TIM) XU AND HUANG BETWEEN 6 APRIL 2015 TO 8 APRIL 2015

30 MR ROBERTSON: Mr Xu, what I'm just trying to understand here is that if the communications of 7 April were really about the delegation that you talked about, why are there so many of them? Presumably all you'd need to do is set up a meeting with Mr Clements. And I'm presently struggling to understand why there'd need to be so many to'ing and fro'ing. In fairness to you I should indicate that where there are multiple SMSs within a few milliseconds of each other, that may simply mean that there was a long SMS that was cut up in two. So, for example, the 10.56.34 and the 10.56.35 may well be a long SMS rather than two. But I'm wondering whether you can assist as to why there would need to be so many communications between you and Mr Clements if all it was was to set up a meeting concerning the
40 delegation that you referred to a moment ago.---It, it could be about meeting arrangements, that maybe events arrangement were updated that we, we have to inform each other the update.

So what are you saying, that in between these particular contacts – noting that all we're seeing on the screen is contacts between you, Mr Huang and Mr Clements – there may well have been other things going on. For example, you may well have been contacting other people with a view to

making arrangements and then reporting back either to Mr Huang or to Mr Clements?---Yep. Yep.

But is it right to say – and I don't say this by way of criticism – but are you right to say that you're speculating that this is what 7 April, 2015 might have been about? And you don't have a specific recollection that the reason you were seeking to make contact with Mr Clements on 7 April concerned the delegation matter that you referred to a moment ago?---Yes, I agree.

10 When was the last time that Mr Huang made contact with you? At the moment I just want a date or a time. I don't want the content at the moment.---The last time he contact me was 6 October this year.

6 October being Sunday of the weekend that's just gone, is that right?
---Yeah, Sunday.

Sunday of the weekend that's just gone.---Yes.

20 Did Mr Huang's communication have anything to do with this Commission's investigation?---Yes.

Before that communication, when was the last time that Mr Huang had made any contact? In fact, before I ask that, the contact on the Sunday of the weekend that's just gone, did you initiate that contact or did Mr Huang initiate that contact?---He call me.

He called you on a normal telephone or using an app?---Using an app called WeChat.

30 Prior to the WeChat call on Sunday of the weekend that's just gone, when is the last communication that you had with Mr Huang before then?---In late 2017, that will be the last time.

THE COMMISSIONER: Late two thousand and - - -?---'17, '17.

'17?---Yeah.

40 MR ROBERTSON: Are you sure there was no other communications from Mr Huang whilst this public inquiry has been on foot?---No.

Do you recall any communications with Mr Huang on or about 28 August, 2019?---Yes.

And that's a communication that's different to the one from the Sunday that's just gone, being the one on 6 October?---That's right. Sorry, I didn't hear your, didn't understand your previous question. So he can't, that was -
- -

So let's just make it clear. The last one was on 6 October, 2019. Correct?
---Yeah, correct.

Mr Huang called you by WeChat. Correct?---Yeah.

The next one that happened before then was on 28 August, 2019. Is that right?---Yes.

10 And did Mr Huang seek to contact you or did you seek to contact Mr Huang?---He called me in both occasion.

And on 28 August, 2019, was that a WeChat call as well?---Yes.

And did that call have something to do with this investigation?---Yes.

20 Prior to that, were there any communications that you understand have arisen from Mr Huang in 2019? And here I'm referring not just to for example Mr Huang picking up the phone or picking up the WeChat app and calling you, I'm also including any attempts of which you're aware of Mr Huang seeking to communicate a message to you, either directly or via others such as family members?---There's been one indirect conversation. It's not really conversation. There has been a message been passed on to my family from him.

So are you saying that at some point this year a message was passed on to your family?---Yes.

30 And where is your family to whom the message was passed on?---My father's in China, lives in Shenzhen City, China.

And do we take it that the message was passed on to your father?---Yes.

And who passed the message on to your father?---A mutual friend of, between Mr Huang and my father.

And is that mutual friend the one who first arranged your first meeting with Mr Huang, the one between you and him?---Yes.

40 And is it right that the mutual friend arranged the first meeting between you and Mr Huang and what arose out of that was your job as executive assistant. Is that right?---Yes.

So either during the course of that meeting that was set up following the mutual friend's discussion, Mr Huang offered you the executive assistant job. Is that right?---Yes.

Now, this mutual friend, so your father has told you that this mutual friend left a message through your father. Is that right?---Yes.

And what did your father say that message was, in general terms?---My father said to me, he said Mr Huang thinks that I have spoken to Australian Government and foreign government regarding his activities in Australia.

10 And was anything else that you can recall communicated back to you by way of the message?---I think his view was I played a role in having his visa cancelled, I think he's somehow disgruntled about the fact that his permanent residency was cancelled and he believed that I played a role in that.

What did you understand that conversation to mean, in other words, what as you understand it from your father was the mutual friend seeking to communicate on behalf of Mr Huang, as you understood it?

20 THE COMMISSIONER: Just before that question's answered, Mr Robertson, Mr Watson might be able to also shed light on this, how this bears on the issues that I'm dealing with and, if it does, whether the evidence should be subject to any orders by way of suppression or otherwise. I'm in your hands. I'm not quite sure what's coming.

MR ROBERTSON: I've deliberately not asked in open session the name of the mutual friend, by being careful with respect to that matter, and the timing of this meeting seems to be of some significance.

THE COMMISSIONER: If it's going to be - - -

30 MR ROBERTSON: Sorry, "of this message" I should have said, rather than "meeting".

40 THE COMMISSIONER: Yes. But the question is what inference will I be asked to draw from it. And if it's an adverse interest against a particular person, there may be difficulty in calling in any further evidence that may be required about that matter, there may be a problem. I'm not sure if there will be a problem, but I'm just raising it more by way of a cautionary interruption to ascertain whether the evidence will be germane to an issue and, if so, whether or not it will be left on the basis of drawing inferences, and if it's a question of drawing inferences, whether there's a proper basis from which a particular inference can be drawn, and I'm in your hands to some extent.

MR ROBERTSON: Can I deal with that at two levels? First, obviously enough, this is not – at least as matters presently stand – a matter I can put to Mr Huang, because Mr Huang, as you know, Chief Commissioner, has been given an opportunity to give a statement and make himself available for cross-examination, including by way of video link, and has declined that matter. So that does create a practical difficulty in that sense, but in circumstances where Mr Huang has been given that opportunity by the

Commission and where he is represented with leave to appear, that in my submission shouldn't in and of itself be any impediment to proceeding further down this path. Plainly enough, the matter on which I'm presently asking questions is hearsay, and as a result the weight and usefulness of that information is of less probative value and of less use than if I was, for example, putting it directly to Mr Huang. But in circumstances where Mr Huang is, for all practical purposes, an unavailable witness, at least at the moment, and in circumstances where he's been given an opportunity to first be heard by way of solicitor and counsel, where there's been no objection to the questions I've been asking, even though he's represented here by Mr Unsworth, who I can see in the, I think, fourth bar table, in my submission that shouldn't be an impediment to proceeding further. There is, however, an important question as to the forensic utility of the matter and - - -

THE COMMISSIONER: It's really that point that I'm raising.

MR ROBERTSON: Yes, and what's not presently clear on the evidence that Mr Xu has so far given us is the precise details of the particular message, because there may be a question as to whether the message pertained only to matters other than matters that this Commission is concerned with, in which case it will be of limited probative value, or it may be connected with those matters, which was a matter that I was about to explore with the witness in a little bit further detail. But I appreciate that that latter matter is a matter that will affect the assistance to which Mr Xu's evidence may assist this Commission's inquiries.

THE COMMISSIONER: If the evidence points to the source of the message – that is to say the person who's the originator of the message rather than somebody who's been the medium through which the message has been delivered – is suggested to be a person of interest to this investigation, then the question will arise as to whether or not the evidence, as you say, hearsay in nature, can be used in fact-finding in any way, or whether it has some utility otherwise and for that purpose.

MR ROBERTSON: Quite so. My submission, though, is that that's not a matter that can presently be assessed without some more detail in relation to this particular conversation. But I appreciate that one may find oneself in a situation where the mutual friend is a person of relevance to this particular discussion, and then there'll be a question as to whether the mutual friend is in a position to be called.

THE COMMISSIONER: All right. Mr Watson, do you want to be heard on this issue or not?

MR G. WATSON: Maybe to say that we trust the judgement of Counsel Assisting.

THE COMMISSIONER: Yes. All right. Thank you. Yes, you proceed.

MR ROBERTSON: In relation to the message left with your father, you've told us about the message in general terms, but did the message include any recommendation, advice or direction marked in your direction? In other words, was there any suggestion through this intermediary of the mutual friend and to your father as to what you should or should not do?---No.

No suggestion at all?---No.

10 Chief Commissioner, I apply for the direction that was made under section 112 of the Independent Commission Against Corruption Act on 12 June, 2019, in relation to the compulsory examination of Mr Tim Xu be varied insofar as it would otherwise prevent identification of the fact that Mr – sorry, publication of the fact that Mr Xu gave evidence on that occasion insofar as it would otherwise prevent the publication of any question asked or answer given in this public inquiry.

20 THE COMMISSIONER: Yes. In respect of the direction made under section 112 of the Independent Commission Against Corruption Act on 12 June, 2019, in respect of the compulsory examination of the witness, Mr Xu, I vary the direction to the extent that it would otherwise prohibit evidence given as to the fact of Mr Xu's participation in the compulsory examination as a witness and insofar as it would prevent questions and answers from that compulsory examination being now put to the witness.

30 **VARIATION OF SUPPRESSION ORDER: IN RESPECT OF THE DIRECTION MADE UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT ON 12 JUNE, 2019, IN RESPECT OF THE COMPULSORY EXAMINATION OF THE WITNESS, MR XU, I VARY THE DIRECTION TO THE EXTENT THAT IT WOULD OTHERWISE PROHIBIT EVIDENCE GIVEN AS TO THE FACT OF MR XU'S PARTICIPATION IN THE COMPULSORY EXAMINATION AS A WITNESS AND INsofar AS IT WOULD PREVENT QUESTIONS AND ANSWERS FROM THAT COMPULSORY EXAMINATION BEING NOW PUT TO THE WITNESS.**

40 MR ROBERTSON: Mr Xu, can you just assist us in approximately when this message was passed on to your father. Do you have any recollection of when, when that was? If we can do it in stages, at least whether you recall when the message was first passed on to you from your father?---First passed on to me only in June this year.

And do you have any recollection of whenabouts in June?---I don't remember the exact date but it was in June.

THE COMMISSIONER: Was it before or after the compulsory examination on 12 June, do you know?---It was before, right before it.

MR ROBERTSON: And you gave evidence in a private session before this Commission and you gave some evidence about the message that you and I have just discussed. Is that right?---Yes.

10 And do you recall that during the course of that examination you noted that Mr Huang said to the friend, the mutual friend, “The truth will come out for Tim.” Do you remember giving that evidence?---Yeah.

Now, do you have a recollection of that being part of the message that Mr, sorry, that your father communicated?---That’s part of the message.

That was part of the message. Is that right?---Yeah.

20 Before you attended the compulsory examination you were given a summons, a piece of paper that said you have to turn up. Is that right? ---Yeah.

Do you recall whether – and then the examination itself happened on 12 June, 2019. I’ll just tell you that for your assistance. Does that help you with when the message was communicated? Obviously it must have been on or before 12 June, 2019.---Yeah.

Do you agree with that, yes?---Yes.

30 Do you recall how far before 12 June, 2019 it was?---It was on the day that I received the summon notice.

So it was on the day that you received the summons notice. Is that right? ---Yes.

Do you happen to recall whether it was before or after you received the summons notice?---I think it was the same day.

Other than lawyers, did you tell anyone about the fact that you’d received a summons from this Commission?---No.

40 And I should just indicate to you that you suggested in the private hearing that the call from your father may have been on 4 June, 2019, which was a couple of days before the summons was served, but you did say “I think it should be”. You weren’t quite sure. What’s your best recollection, sitting there now? Was it on the day that the summons was received or - - -? ---Maybe a couple of days before.

May have been a couple of days before. May have been a day or two after. ---I think a couple of days before I received the summon notice.

A couple of days before, is that right? That's your best recollection?
---Yeah.

That's the examination, Chief Commissioner.

THE COMMISSIONER: Mr Xu, just in relation to the occasion you said you went alone to Sussex Street and saw Mr Clements, that was the second time, was it that you had been to the Sussex Street premises?---Yes.

10

And how did you come to go there on that day? What brought you there?
---It was probably after the first meeting. I remember the time I was just (not transcribable) the direct contact with Mr Clements. So I was under Mr Huang's instruction to meet with him. And it was very brief meeting, "say hello" kind of meeting, to build up these direct contact. I was in the office for maybe about five minutes or so.

Sorry, I missed what you said. Something about a dispute, did you say?

20 ---No, just to establish a direct contact with Jamie Clements because I will be the person he talk to if he needs to speak with Mr Huang.

I see. In relation to the making of donations by Mr Huang, were you involved at all on any occasion when he made any donations in the actual transaction process, as it were, to have the donation paid to a party or organisation or person? Or was that dealt with by others on behalf of Mr Huang.---For donations that are from the company, I normally organised paperwork and I provide transfer detail to the accountants.

30 I see. Do you have personal knowledge of any donations that were paid in cash?---No.

I take it you were not made aware of the details of some of the donations that he did make? In other words, he didn't consult with you as to how much he should donate. He made those decisions himself.---That's right.

Yes, very well. Any application to cross-examination this witness?

40 MR LAWRENCE: I wonder, Chief Commissioner, I wasn't able to be here between the hours of 2.00 and 3.00 unfortunately, as was flagged a little bit earlier. I wonder if I might have the opportunity to review the transcript of that hour overnight and reserve my position until tomorrow morning?

THE COMMISSIONER: All right. Mr Xu, where are you presently resident?---I live in [REDACTED].

Sorry?---[REDACTED].

Whereabouts?---[REDACTED]. In the, one of the Inner West suburb.

I see. All right. Very well. Well, Mr Lawrence, you might speak as necessary to Counsel Assisting and deal with this tomorrow morning.

MR LAWRENCE: Certainly, I'll do that, thank you.

THE COMMISSIONER: Yes, very well.

10 MR ROBERTSON: And can I just inquire through you, Chief
Commissioner, whether there's any other applications. I didn't see anyone
else jumping up.

THE COMMISSIONER: Yes. There were no other applications, I take it,
to cross-examination? Very well. Mr Xu, we'll let you go today. There's a
small chance that you may be required to re-attend for some, as I understand
it, brief cross-examination. That may or may not arise, but Commission
officers will be in touch with you.---Thank you, sir.

20 Thank you for your evidence. You may step down.---Thank you,
Commissioner.

THE WITNESS STOOD DOWN

[3.50pm]

30 MR ROBERTSON: Can I deal with one matter that arises out of that
evidence. There is now obviously evidence before the Commission that on
three occasions Mr Huang either directly or indirectly sought to make
certain communications with Mr Xu. It's of course entirely open to Mr
Huang if he wishes to do so to present his side of the story, if any, in
relation to those events and any other matters that this Commission is
investigating, and as the Commissioner's made clear, as I've made clear,
I'm content to cross-examine him by video link should it be necessary to
cross-examine at present in Hong Kong or in some other part of the world
other than this country.

THE COMMISSIONER: Yes.

40 MR ROBERTSON: I think Mr Unsworth is here and has just heard what
I've said.

THE COMMISSIONER: Yes. Mr Unsworth, as I understand it your client
has shown an interest in conveying information about the matters under
investigation at the moment. It was made clear at the outset of this
investigation at this public inquiry that if he wanted to have information put
before this Commission then it's open to him in accordance with the same
procedure that applies to any witness to do so, and I will take steps to have
him called to do that. And it's not open to him to seek to have information

placed before the Commission in any other way. That invitation is still open and in this day and age and modern technology it is often done now in the Supreme Court as you'd be aware, witnesses give their evidence by video link and that's a facility that the Commission can offer in this case for your client that may facilitate his position in that respect.

MR UNSWORTH: Yes, thank you.

THE COMMISSIONER: Right. Anything else?

10

MR ROBERTSON: Nothing else on my part.

THE COMMISSIONER: Very well. I'll adjourn then till 10 o'clock tomorrow morning. I'll adjourn.

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