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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 MONDAY 9 DECEMBER, 2019

AT 12.00PM

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

THE COMMISSIONER: Yes.

MR ROBERTSON: Chief Commissioner, this is the continuation of the public inquiry for the purpose of the investigation known as Operation Aero. The program of witnesses for this week has been made available and can I indicate it in general terms now. First today I'll recall Mr Tian Xu, former executive assistant to Mr Huang Xiangmo. I expect today will be a relatively short day and so we may well be finished by 3.00pm or perhaps slightly afterwards. Tomorrow I'll call Mr Bon Leong Teh, external  
10 accountant to Wu International Investments Pty Ltd, he's a new witness who hasn't been called so far in the public inquiry. I'll then call Mr Alex Wood, director of Wu International Investments Pty Ltd, to continue his examination. I suspect tomorrow will be a fairly long day and we may well not be finished with Mr Wood tomorrow, it may be necessary for him to spill over until Wednesday. Once we finish with Mr Wood I then propose to recall Mr Ernest Wong. On Wednesday we'll commence not before 10.15am and I suspect I won't be finished with Mr Wong on Wednesday and he'll continue on till Thursday, and if that's so, it's proposed that the Commission will sit not before 11.00am. That's the program in general  
20 terms.

THE COMMISSIONER: Yes, thank you.

MR ROBERTSON: Since the public inquiry adjourned in October the Commission has been provided with a statutory declaration of Mr Geoffrey with a G, Eric Farnsworth, F-a-r-n-s-w-o-r-t-h, who is a partner of the law firm Holding Redlich. I'll just have that statement put up on the screen. Mr Farnsworth says at paragraph 3 that he's responsible for Holding Redlich's  
30 marketing initiative which seeks to promote the firm's legal services to South Korean companies with offices in Australia and he declares at paragraph 5 that Yuhu Group was not a client of Holding Redlich as late as August of 2017.

THE COMMISSIONER: It did eventually become a client though of that firm, did it not?

MR ROBERTSON: That's so, and Mr Farnsworth deals with that matter and you'll see that at paragraph 8 and following there's some evidence Mr Farnsworth gives in relation to that matter. And if we can then just turn the  
40 page, at paragraph 15 Mr Farnsworth says that he managed Holding Redlich's client relationship with the Yuhu Group, and he then purports to confirm that Mr Ian Robertson was not involved in that matter. I'll ultimately be submitting that that evidence is not evidence that can usefully come from Mr Farnsworth, obviously that's a matter that Mr Robertson needs to speak to, although in fairness to Mr Robertson, at page 1387 line 3 of the transcript, Mr Robertson indicated that he was not personally involved in the Yuhu Group becoming a client of Holding Redlich.

I propose to tender this statement in a moment because it is relevant to at least some lines of examination and cross-examination both by me and by those who cross-examine Mr Robertson. Ultimately I'll be submitting that this statement doesn't go very far in a sense that it provides some general background information but not much more than that.

THE COMMISSIONER: Yes. Well, I'll read the statutory declaration. It's flagged that it may be necessary for Mr Robertson to give some further evidence, but we'll wait and see.

10

MR ROBERTSON: Can I indicate on that, that a copy of this statement has been made available to counsel for Ms Murnain, NSW Labor and Country Labor and they've each indicated that they don't wish to cross-examine Mr Farnsworth on this particular statement. So as matters presently stand I don't propose to call Mr Farnsworth, but if that position changes, or alternatively if any other interested person seeks leave to cross-examine Mr Farnsworth, then they should let me know.

20

THE COMMISSIONER: All right. We'll have that statutory declaration marked as an exhibit. What's the exhibit number?

MR ROBERTSON: I think we're up to 330, Chief Commissioner.

THE COMMISSIONER: Yes, thank you. So the statutory declaration of Mr Farnsworth will become Exhibit 330.

**#EXH-330 - STATUTORY DECLARATION OF G FARNSWORTH  
DATED 24 OCTOBER 2019**

30

MR ROBERTSON: Now, before I recall Mr Xu I think there may be at least one application for leave to appear. I think Mr Clements has a new counsel appearing for him today.

MR BOLAND: Yes, Commissioner, Boland, B-o-l-a-n-d, for Mr Clements.

THE COMMISSIONER: Yes, Mr Boland. I grant leave. Very well.

40

MR ROBERTSON: Those are the only housekeeping matters from my part. I recall Mr Tian Xu.

THE COMMISSIONER: Thank you, Mr Xu.

MR G. WATSON: Commissioner, I seek your leave to appear on behalf of Mr Xu.

THE COMMISSIONER: Yes.

MR G. WATSON: My name's Geoffrey Watson.

THE COMMISSIONER: Yes, Mr Watson. Thank you. I grant leave for you to appear on behalf of Mr Xu.

Mr Xu, do you take an oath or an affirmation?

MR XU: Affirmation.

10

THE COMMISSIONER: Do you mind just standing then and we'll administer that.

<TIAN (TIM) XU, affirmed

[12.07pm]

THE COMMISSIONER: Mr Watson, I think on the prior – sorry, go ahead.

MR G. WATSON: I've explained to Mr Xu the meaning of the request for protection, and he would seek it.

10 THE COMMISSIONER: Yes, very well.

MR G. WATSON: I've explained to him expressly - - -

THE COMMISSIONER: I think I previously made a declaration as I recall it, but I'll deal with it afresh.

MR G. WATSON: Thank you, Commissioner.

20 THE COMMISSIONER: Mr Xu, would you just state your full name for the record.---My name's Tian Xu.

Thank you. Mr Xu, on the last occasion you gave evidence in the public inquiry I understand as I recall it that you then wished and you obtained a declaration under section 38 of the Act which protects you from the use of this evidence in any other proceedings in the future, and that's your wish in respect of today's evidence, is it?---Yes.

30 Very well. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Mr Xu, any documents and things that may be produced in the course of his evidence are to be regarded as having been given or produced on objection and accordingly there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

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

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Mr Xu, you participated in this public inquiry on 8 October, 2019. Is that right?---Yes.

And during the course of the examination you indicated that you were absolutely sure that you only accompanied Mr Huang Xiangmo to visit Mr Clements' office on one occasion. Is that right?---Yes.

And are you sure, do you remain sure of that matter?---Yes, I do.

10 And in addition you told us about a further meeting in Mr Clements' office a few weeks after the meeting with Mr Huang. Is that right?---Yes.

And is it right to say that's the only other occasion on which you've been to Mr Clements' office?---Yes.

So there's two occasions, one with Mr Huang and one without Mr Huang. Is that right?---Yes.

20 When I asked you about the meeting between you, Mr Huang and Mr Clements, I think you told the Commission that it was possible but unlikely that the meeting occurred on 7 or 8 April, 2015. Do you remember giving that evidence?---Yes.

But on reflection do you now agree that the meeting most likely occurred, as I say, the meeting with you, Mr Huang and Mr Clements, on 7 April, 2015? ---Yes.

30 And can we have Exhibit 323 on the screen, please? Now, Mr Xu, this is an exhibit that you and I have discussed before, and you'll recall that it shows a number of SMSes and telephone communications between you and Mr Clements on 7 April, 2015. Do you see that in front of you there?---Yes.

And so do you agree that during the course of 7 April, 2015, you were engaged in communications with Mr Clements?---Yes.

40 And can we go, please, to the mobile phone extraction report? And we'll just go to the first page of that, just so I can explain this document to you, Mr Xu. So what I'm now going to show you is some data that has been extracted from Mr Clements' mobile telephone, and I'm going to show you in particular some messages that have been extracted from that telephone. So I'm just showing you the first page of the document now, and if we can now just go to the last page of the document, the very last page, please, just page 223 of the extraction report. If you have a look towards the very bottom of that screen, can you see there a message going what appears to be to Mr Clements, saying, "Hello, Mr Clements, Tim Xu from Mr Huang's office." Do you see that one there?---Yes.

And is it fair to say that in that message, you are introducing yourself as a person from Mr Huang's office?---Yes.

And is it the case that the first time that you met Mr Clements at least in person was during the course of 7 April, 2015?---Likely the first time, yes.

And when you say likely the first time, is that because you've looked at this message and you see that you're, as it were, introducing yourself as someone from Mr Huang's office?---Yes.

10

Why was it that you were asking Mr Clements to give you a call at about 10.04 on 7 April, 2015?---I couldn't remember exactly the purpose of the call.

Well, was it you that had the idea of speaking to Mr Clements or were you acting on instructions from someone else?---I was most likely acting on instruction on, from Mr Huang.

20

And do you recall whether Mr Clements in fact gave you a telephone call in response to your message?---Most likely he did.

And if you can just have a look up to the next message, you see we've got there, "Is 1.00pm okay? Meeting at your office with Mr Huang." Do you see that there?---Yes.

And is it consistent with your recollection having now seen these messages, that what you were doing on 7 April, 2015, was setting up a meeting with Mr Clements on Mr Huang's instructions?---Yes.

30

And did that meeting ultimately occur?---I believe so.

And do you recall approximately what time that meeting occurred?---Well, most likely 2.00pm, as the message shows.

Do you remember whether Mr Huang explained to you why he wanted a meeting with Mr Clements?---I don't remember.

40

But you do remember in fact having that meeting with Mr Clements and with Mr Huang?---Yes.

And I think you've told us that that was the only occasion that Mr Huang went to Mr Clements' office?---With me.

With you.---Yes.

You would agree though, wouldn't you, that for Mr Huang to go and see someone else, in your experience of him as the executive assistant, that

would be him showing some degree of respect for the particular individual that he's gone to see, would you agree with that?---Yes. Yes.

And so Mr Huang is a wealthy and perhaps powerful man, is that right?  
---Yes.

And is it fair to say that ordinarily he would expect people to come and see him, rather than the other way around?---Yes.

10 But is it consistent with your knowledge of Mr Huang as his executive assistant that by going to see a particular individual, that's him trying to show respect for the particular individual he's going to see?---Yes.

Would you also agree that it would be at least common that if Mr Huang was to see someone, particularly for the first time, he would be likely to give them a gift?---In some occasions, yes, I agree.

20 There's been a number of occasions as executive assistant where you have seen Mr Huang give someone a gift, is that right?---Yes.

There's been a number of occasions in which you have been asked to organise a gift, correct?---Yes.

There's been a number of occasions in which you have carried the gift for Mr Huang, correct?---Yes.

30 But in terms of the actual exchange of the gift, the usual practice would be that Mr Huang would exchange that gift directly to the recipient, is that right?---Yes.

So you might be asked as the assistant to carry it around as it were, but ultimately the gift-giving exercise would be for Mr Huang to whoever he is giving the gift to, is that right?---Yes.

40 If you can just go back to Exhibit 323, please, so we can see how the two documents I've shown you interact with each other. So, do you agree, having seen the two documents, firstly the call charge records showing a series of telephone communications and the messages themselves, that at least one of the things that you were doing on the 7<sup>th</sup> of April, 2015, was setting up a meeting with Mr Clements in Mr Clements office?---Yes.

And that meeting ultimately occurred, is that right?---Yes.

Now, doing the best you can, what happened during the course of that meeting? I take it that you came up to the Sussex Street office with Mr Huang, is that right?---Yes.

Did you drive Mr Huang or did someone else drive Mr Huang?---The driver, the (not transcribable) driver.

And what's the name of that driver?---2015, the driver should be Ken Su. He's had several drivers over the years, I am trying to remember them but I believe the driver at the time should be Ken Su.

THE COMMISSIONER: How do you spell his surname?---Surname is S-u.

10 MR ROBERTSON: And I take it the driver didn't come up to the meeting with you and Mr Huang, is that right?---No.

So you and Mr Huang, what, get dropped off on Sussex Street and then go up to the level of the ALP offices, is that right?---Yes.

And what happens then?---And I would talk to the receptionist and I told her I had an appointment with Mr Clements - - -

20 THE COMMISSIONER: Could you just speak into the microphone a little bit closer, not - - -?---Yeah. So, I, I talked to the receptionist at the office and told her that we had an appointment with Mr Clements and we were let into his office.

MR ROBERTSON: Now, at that point in time, do you recall whether you were carrying anything?---I don't recall carrying anything.

And do you recall whether Mr Huang was carrying anything?---I don't recall.

30 It would be fairly unusual, wouldn't it, for Mr Huang to be carrying anything, at least at that point in time, would you agree?---Yeah. If we were carrying anything, most likely I was carrying it for him.

Perhaps if it was something small, Mr Huang might carry it, but if it's something a bit more substantial, you might be carrying it, is that right?---Yes.

40 But I think you're accepting that it's at least possible that you were carrying something with you on that occasion, is that right?---It's possible, yeah.

And you just said you reported in at reception. What happened then?---And I, we, we waited for a few minutes and we were let in.

Do you recall whether Mr Clements came out to meet you or whether you just went in with someone else's direction?---I think there was a door and someone opened the door, possible a staffer let, let us in. That's my best recollection.

But are you at least clear in your mind that you ultimately ended up in Mr Clements' office rather than, for example, a conference room?---Yeah. It was in his office.

You're quite clear about that in your mind?---I'm pretty clear about that.

10 Doing the best you can, what was the subject matter of any conversation between Mr Huang, you and Mr Clements on that occasion?---It was, it was the first meeting so there was introduction about who we are and they possibly talk, talk about a delegation from China which was later that year, I believe.

A delegation from where in China?---I think it's from Jiangxi Province, they we discuss about the arrangements of the delegation to visit offshores in Victoria at the time.

Was at least one of the purposes of the meeting a request for Mr Huang to set up a meeting with Mr Bill Shorten?---Possibly, yes.

20 Do you have a specific recollection of that, or are you just not sure one way or the other?---I don't remember exactly, I don't remember exactly what, what the discussion, but I, I am aware at the time there was some discussion about meeting Mr Shorten.

THE COMMISSIONER: You mean, you're aware of some discussion prior to the meeting about - -?---Yeah, prior to the, on behalf of the delegation, there was one request Mr Huang raised over that period of time.

30 Do I take it that this, the meeting that took place on 7 April was not confined to one matter, but it was, do you recall whether it ranged over a number of matters in conversation?---In my memory, was a very general first-time meeting. I don't, I don't remember getting up there with a specific request. I felt it discuss a range of issues, a, a matter, a range of matters, yeah.

40 But this was not the first occasion in which you would have accompanied Mr Huang Xiangmo to meet and greet, if I can use that expression, with somebody. You had done that on other occasions with him?---Yeah, from time to time, we, we meet with, you know, business leaders, you know, politicians, yeah.

MR ROBERTSON: You described it a moment ago as the first meeting. How do you know it was the first meeting?---It's based on, it's, it's based, in memory it, it was the first time I met Mr Clements, and based on the text message, I'm, I'm pretty sure it was my first meeting with him, because of what I said.

But are you saying it was just your first meeting with Mr Clements, but also Mr Huang's first meeting with Mr Clements, or you're not sure one way or the other on that question?---I think it's the first proper meeting. Mr Huang might have met him at events or functions before. But it was the first meeting they, one-to-one meeting.

And why do you think that?---In memory, I think Mr Huang mentioned that, oh, I, I met you before at somewhere, I think, that's something that he said at the time.

10

You mentioned a little while ago about the, I think Jiangxi delegation. Do you have a specific recollection of that being discussed during the meeting, or you're inferring that that may have been something that was discussed based on other recollections you have of what happened in 2015?---It's, it's based on -- I don't have, remember exactly that was the discussion, but it's based on what, the arrangement at the time.

Do you recall whether there was any exchange of gifts or other things during the course of the meeting?---No, I don't.

20

Are you saying it's possible that there was an exchange and you just don't recall one way or the other?---It's possible there was exchange.

THE COMMISSIONER: So is this what happened, after you'd made contact with Mr Clements earlier that day, that Mr Huang Xiangmo, you, and the driver set off from Mr Huang's home in Mosman, is that right?  
---Most likely from North Sydney office.

30

From the North Sydney office. So, set off in Mr Huang Xiangmo's vehicle, being driven by the driver?---Yeah.

Travelled to Sussex Street?---Yeah.

City, or thereabouts, is that right?---Yeah.

And are you able to say after the meeting where the group including you went to, or did it go back to the North Sydney office, or back to Mosman, or what?---Most likely went back to Mosman office.

40

When you say most likely, is that based on some limited recollection that you have that that's what occurred, drove to Sussex Street, met with Mr Clements, then after the meeting, returned to where you'd come from?  
---Yeah, that I, I'm assuming that's most likely, that's what normally, what happen.

But you're not suggesting that that trip was undertaken and that the only matter discussed was the China delegation, Chinese delegation, you're not

suggesting that was the only matter of business that was, well, matter of conversation that took place on that day?---No, Commissioner.

You're not suggesting that.---No, no, Commissioner.

But that there was a range of matters discussed.---Yes.

10 MR ROBERTSON: And was one of those matters the question of whether Mr Huang might make some donations to the Labor Party?---I don't recall discussing donation issues in the meeting at all.

So you're saying it's possible that there was such a discussion, but you just don't remember one way or the other?---I felt like it's unusual because was the first meeting. But I don't have a perfect memory of exactly what we discussed on that day.

But you at least have a recollection of some discussions concerning a Chinese delegation. Is that right?---Yes.

20 Do you have a specific discussion, sorry, a specific recollection about a discussion concerning Mr Shorten or is that something that you just inferred may have been discussed?---I think we may have been discussed that.

So your best recollection, you might not be 100 per cent, but your best recollection is that Mr Shorten's name may have been used during the course of the discussion?---Yes.

30 And do you have any recollection of the context in which Mr Shorten's name was discussed?---Maybe would have been a request to meet with, for the delegation leader to meet with Mr Shorten.

So are you saying you've got a recollection of what, Mr Huang asking for arrangements to be made for Mr Shorten to meet with the delegation. Is that right?---Yes.

And was that the only context in which Mr Shorten was referred to?---I think so.

40 Or was there any request by Mr Huang to have his own meeting with Mr Shorten or was that simply to arrange for the delegation to meet with Mr Shorten?---Mr Huang has request to meet with Mr Shorten privately as well and he have met him several, in several occasions, but in that particular meeting I'm not too sure whether the request was to meet with the delegation or Mr Huang himself.

So are you saying that Mr Shorten has met with Mr Huang on many occasions, is that right?---Yes.

And is that in public occasions or private occasions or both?---Both.

Did any of those occasions occur before the meeting on 7 April, 2015?  
---In memory, no.

Was at least one of the purposes of the meeting at the Sussex Street office with Mr Huang to set up an either public or private meeting with Mr Shorten?---It's possible but I'm not 100 per cent sure.

10 Now, in point of fact there was a private meeting that was set up between Mr Huang and Mr Shorten that happened a couple of weeks after 7 April, 2015 meeting. Is that right?---I beg your pardon?

There was a private meeting that was set up between Mr Huang and Mr Shorten at which you attended, a couple of weeks after the 7 April, 2015 meeting. Is that right?---Possibly, yeah.

20 Well, is it consistent with your recollection that on 21 April, 2015, so a couple of weeks after the 7 April meeting, that there was a meeting with Mr Huang and Mr Shorten at which you attended at Master Ken's Seafood Restaurant?---Possibly, yes.

Do you at least have a recollection of at least one occasion in which you were present with Mr Huang and Mr Shorten at the Master Ken's restaurant?---Yes.

Did that happen once or more than once?---Possibly more than once.

30 And do you recall that at least one of those occasions was within short order, perhaps a couple of weeks, perhaps a month, of the first meeting in the Sussex Street office with Mr Huang, Mr Clements and you on 7 April, 2015?---Yes.

Do you recall whether Mr Clements attempted to make any contact with either Mr Shorten or his office during the course of the meeting in the Sussex Street office on 7 April, 2015?---Can you please repeat the question?

40 Do you recall whether Mr Clements made any attempt to contact either Mr Shorten or Mr Shorten's office during the course of the meeting in Mr Clements' office on 7 April, 2015?---Possibly, but I'm not 100 per cent sure.

So he may well have done that, he may not have done that, you're just not sure one way or the other. Is that right?---Yeah.

Is there anything else that you can recall about the meeting of 7 April, 2015?  
---No.

THE COMMISSIONER: How long did the meeting last?---Maybe half an hour, it's not - - -

And did Mr Huang indicate by what he said to you why he was travelling to the ALP office to have a meeting?---To be honest, Commissioner, I don't recall much about what he said.

10 All you do recall is that Mr Huang asked you to set up the meeting. Is that right?---Yeah. I actually didn't remember until I saw the message. I, in memory the meeting was set up because I thought I never met him, it's most likely someone else set up the meeting, but apparently he gave me the telephone number at the time and then I arranged the meeting.

MR ROBERTSON: Now, Mr Xu, you weren't just Mr Huang's interpreter, you were also his executive assistant, is that right?---Yes.

20 And just to try and understand what that role involved, would you be generally aware of Mr Huang's comings and goings and his business activities or were you more responsible for doing particular tasks that Mr Huang would ask you to do from time to time?---I'm more responsive.

So he would give you instructions from time to time on particular tasks to do, is that right?---Yes.

And you performed those roles as you were instructed from time to time, is that essentially how it worked?---Yes.

30 And so to take the example of the delegation, were you responsible generally for making arrangements in relation to the delegation or were you more responsible for performing particular tasks that Mr Huang might require you to do from time to time?---I performed particular tasks.

But did Mr Huang at least give you a general idea of what he wanted to achieve, for example, in connection with the delegation or in connection with a meeting with someone like Mr Shorten?---Yes.

40 And so you must have at least had some discussions with Mr Huang either before the meeting on the 7<sup>th</sup> of April or afterwards where Mr Huang is trying to explain to you what he is trying to achieve with Mr Clements, is that right?---I do remember before the delegation visit, there was, there were, Mr Huang did request to make some arrangement for the delegation.

Some arrangements with Mr Shorten or some arrangements generally?  
---With Mr Shorten and with Victorian Government.

So are you saying that in advance of the 7<sup>th</sup> of April, 2015 meeting Mr Huang explained to you that at least one of the purposes of that meeting had something to do with the delegation?---I'm not sure of this, whether it was

before that exact date but I am aware that before the delegation visit there were several discussions.

When did Mr Huang first instruct you to set up the meeting with Mr Clements?---Probably on the day. He would, he would give me the number of the day and then I sent a text message. On the day I sent a text message.

10 And was that a fairly common practice that you wouldn't necessarily be told in advance, "Do the following things," you might even be instructed on the day to do particular things?---Yes.

We talked a little while ago about presents that might be handed over or gifts that might be handed over and I think you said that on some occasions it would be your responsibility to organise that gift, is that right?---Yes.

20 Is that always the case or would there be other occasions in which someone else would be asked to prepare the gift?---In any occasion that he, he would just ask me to grab something from his car. He would prepare his own items or gifts and occasionally I was asked to prepare something.

Had there been occasions in which someone else had arranged the gift but you have had to carry it for Mr Huang?---Yes.

Is that a fairly common exercise or - - -?---Yes.

So that's happened many times, is that right?---Many times, yeah.

30 So is it the case then that from time to time you have carried gifts, you've given them to Mr Huang and Mr Huang has handed them to someone but you haven't necessarily known what the gift itself actually is?---That's right.

Have you ever given a gift of cash to anyone?---No.

Mr Huang has never instructed you to say give a particular amount of money to a particular individual?---No.

Is it possible though that on at least one occasion you have given a package to someone and that package has contained money in it?---It's possible.

40 In terms of accessing money of that kind, did you have access to some facility where you could withdraw cash from one of Mr Huang's businesses?---No, I don't.

So if you needed to procure cash in order to pay someone for something, how would you arrange that within that organisation?---I would pay with my own cash or card and I would submit a reimbursement form at the company and I would be reimbursed.

But had there been any occasions in which you've needed to settle a bill in cash rather than through a credit card or in some other way?---I beg your pardon?

Have there been any occasions in which Mr Huang or anyone else associated with his organisation required you to settle a bill in cash rather than by way of credit card or in some other fashion?---No.

10 Are you aware of whether Mr Huang or any entity associated with him has ever settled bills in cash rather than by way of credit card payments and things of that kind?---I am not aware of - - -

Well, what about things like simple matters of groceries and things of that kind at the Mosman residence? Would that form part of your responsibility as executive assistant, or would that be someone else's role?---That would be someone else's role.

So I think Mr Huang had a chef, for example?---Yeah, he had a chef and - -

20 And that's who - - -?--- - - - and a driver that would often purchase things for him, for the family.

And do you know whether those individuals were ever given cash in order to pay for expenses of that kind?---It's possible they were given cash.

Have you ever seen that happen, or are you speculating as to whether that's a, whether that happens?---I haven't seen it happen, but I think that's what happen.

30 And do you happen to know how Mr Huang obtains cash for that kind of purpose? I assume he doesn't go down to the local ATM at Mosman. Are you aware of how cash is procured for a purpose of that kind?---I'm not aware of that.

That's at least not something that fell within your responsibility of executive assistant?---No, it's not.

40 Do you happen to know whose responsibility that would fall into?---I'm not sure where he get his cash.

Well, at the time that you were working as executive assistant, if you did need to acquire a substantial amount of cash, who would you speak to?---If I need to get, for the company?

For the company's purposes or Mr Huang's purposes.---If I need cash, I would talk to Mr Huang, yeah, if - but that never happened. I never received cash in advance for any payments.

But Mr Huang is presumably not carrying large amounts of cash on him, he's leaving it to other people to deal with matters of that kind, is that right?  
---He, yes.

And so who within the organisation, if it's not you, who within the organisation would be responsible for dealing with matters of that kind?  
---Withdrawing cash would be very unusual arrangement and, but there was a staff that who arrange casino activities. I've assumed that he could have arranged cash.

10

And who were those staff?---The name is Gary Wong.

And so are you saying you assume that Gary Wong would be able to procure cash, what, through a casino arrangement or account of that kind, is that what you mean?---Yes.

20

THE COMMISSIONER: Who is Gary Wong?---Gary worked for Mr Huang for a long time. He joined the company earlier than I did, possibly before 2013 or maybe 2012, and he used to work for the Crown Group based in Macau, and when Mr Huang came over to Australia, he started working for him as, as an assistant.

So did you understand Mr Huang had an account at the Star Casino, is it?  
---The Star Casino and the, the Crown Casino.

And the Crown.---Yeah.

30

And that his, the person who acted as his agent in respect of dealing with what I'll call casino matters was through, was Mr Wong, is that right?  
---Yes.

Right. Could I just ask you this, just going back to the meeting of 7 April, you said that after you arrived there, you were in due course taken into Mr Clements's office, so that those present were Mr Clements, Mr Huang, and yourself.---Yes.

40

And in the course of the half hour or so you were there, the topics discussed – is this right, that during the course of that meeting, Mr Huang made it known that he was asking Mr Clements to do something for him? That is to say, either making contact with somebody or to establish an introduction, is that right?---Yes, Commissioner.

How do you put it, that in terms of your recollection, what was he asking Mr Clements to do for him? That is, what was Mr Huang asking Mr Clements to do for him in that respect?---In several occasion, Mr Huang asked for Mr Clements' assistance in arrange meeting. He, he wants to see, for example, he wanted to, to meet, meet with Mr Shorten privately, and they had dinner

together. He were asking to talk to his office, asked Mr Clements to talk to Mr Bill Shorten's office, and to arrange those meetings.

You said earlier that you had been in Mr Huang's presence on other occasions when he would be seeking to meet with people who might be regarded as persons of influence or with power. Is that right?---Yes.

10 And are you able to say whether Mr Huang as a, had a practice in effect of seeking to have an introduction made or be introduced to somebody who was in a position of power through using somebody else to make that introduction? Was that his way of operating?---Yes.

So this meeting we've been speaking about on 7 April fitted into that pattern?---Yes.

MR ROBERTSON: You referred a moment ago to Mr Gary Wong. I just want to try and understand what his responsibilities were versus your responsibilities. So I think you explained Mr Wong used to work at Crown Casino in Melbourne, is that right?---In Macau, I believe.

20 In Crown Casino but in Macau, is that right?---Yes.

And Mr Huang is a high roller gambler, is that right?---Yes.

So he spends plenty of time at, for example, or at least in the past spent plenty of time in Crown Casino in Melbourne, for example, gambling. Is that right?---Yes.

30 And is it right that Mr Gary Wong was responsible for the liaison with the casino in relation to matters of that kind?---Yes.

And was that the only casino in Australia that Mr Huang, through Mr Wong, had a relationship with, the Crown Casino in Melbourne, or was there also an arrangement in the Star City in Sydney?---There are arrangements with both casinos.

And any other ones within the country as well or just those two?---Possibly the one on Gold Coast. I know they visit there but, yeah.

40 And was Mr Wong, Mr Gary Wong, just responsible for what I'll call the gambling and casino activities of Mr Huang or did he have some broader role as well?---His role also include travel arrangement and accommodation which most, like, mostly we stay in the Crown Towers. So he would arrange anything related to travel arrangement, dining and flight.

And presumably as a high roller, the Crown Casino will make those sort of things available to Mr Huang and to his guests, is that right?---Yes.

So it's not like Mr Huang is paying for accommodation and restaurants and things of that kind. That's likely to be provided by the casino in exchange for Mr Huang coming in as a high roller gambler, is that how it works?  
---But I don't know exactly whether he pays or not but I know there is an account.

And what would your relationship be with Mr Wong? In what circumstances would you need to make contact with Mr Wong and in what circumstances would Mr Huang just simply deal with Mr Wong directly?  
10 ---Sometimes for me, I would tell Gary Wong our travel plan and I will Telstra him exactly where we need to go, where we need to fly to, how long we stay and he will make those arrangements.

So is it right that when you were executive assistant for Mr Huang, you would have regular dealings with Mr Gary Wong?---Yes.

You'd call each other regularly and message each other et cetera, et cetera?  
---Yes.

20 Can we go please to the CCR document and go to page, PDF page 9. I just want to you ask you a few questions, Mr Xu, about the other things that you were doing on 7 April, 2015. And what I'm just going to put up on the screen is some call charge records obtained from your telephone showing communications between you and Wun Chi Wong, that's the Chinese name of Mr Gary Wong, is that right?---Yes.

If you can just have a look at line 88. Do you see there we've got a 22 second call between you and Wun Chi Wong. We then have another one a little bit later for 45 seconds, another one for 1 minute and 10 seconds and if  
30 we can just go over the page, SMS, SMS, SMS, SMS et cetera down to line 96. Do you see all of that there?---Yes.

Do you have any recollection as to why you were in what seems to be regular contact with Gary Wong on 7 April, 2015?---I don't remember exactly what he call was about.

Well, other than doing things like organising accommodation and flights and things of that kind, what other business would you have in making contact with Mr Gary Wong?---For a short period of time we were actually  
40 staying in the same house in Mosman and, yeah, most likely I would call him about, for work, most likely I call him about, for dining arrangements, Mr Huang might want to book a room at certain restaurant, I will call him. Things like that.

Have you ever made contact with Mr Gary Wong to ask him to procure cash?---No.

Never on a single occasion?---Never on a single occasion.

Because I think you said a little while ago that as you understood it at least there was some sort of an account at least with the Crown Casino in Melbourne, is that right?---Yes.

And so Mr Gary Wong, if it was needed, Mr Gary Wong would be able to get cash if Mr Huang required cash, is that right, as you understood it at least?---I, I am only assuming that he, there was a channel. I have never witnessed that he was able to get cash.

10

Well, you at least know that Gary Wong has and manages the relationship with casinos on behalf of Mr Huang. Is that right?---Yes.

And you at least know that Mr Gary Wong would be able to obtain chips through casinos for gambling purposes. Is that right?---Yes.

And you also know, don't you, that Mr Gary Wong would be capable of obtaining cash from a casino if he needed to. Is that right?---Yeah, yes.

20

But are you saying you've never made any arrangements with Gary, Mr Huang hasn't said, well, I needs \$10,000 for this or \$35,000 for that, can you please arrange for Mr Gary Wong to obtain that cash?---No. Mr Huang would, those kind of request Mr Huang would have made personally to Gary, wouldn't go through me.

So your experience in matters of that kind is if it's anything to do with casinos, chips and perhaps even cash, that's not something that you would deal with, that would be something that Mr Gary Wong would deal with. Is that right?---Yes.

30

And are you quite clear in your mind that there's no circumstances in which Mr Huang has said to you, right, I need say \$10,000 for a particular purpose, please organise it though either Gary Wong or through someone else within the business?---No.

You've never had any responsibility for dealing with cash of that kind. Is that right?---No.

40

Not on a single occasion?---Not on a single occasion.

So then just looking at the call charge records on the screen, is it right that even with the benefit of these you don't have any particular recollection of why you were in fairly regular contact with Mr Gary Wong on 7 April, 2015?---We, we, I think at the time we actually live at the same address, so we worked together, it's just normal that we call each other from time to time, maybe catch up for lunch or dinner or something like that.

If you just have a look at row 88 you'll see that there's a communication between you and Mr Wong at about 2.31pm. Do you see that there?---Yes.

And you said to us before that the meeting with Mr Clements was probably around 2.00pm on that day. Is that right?---Yes.

And you said to the Commissioner that the meeting probably happened, probably took place for about half an hour or so. Is that right?---Yes.

10 And so it looks like, at least based on these records, that either at the very end of the meeting or perhaps just after the meeting had finished, you made contact with Mr Gary Wong. Now, does that help you in any recollection that you have as to why you may have made contact with Mr Wong on that day?---No, I don't remember exactly why I called him.

And can I give you an additional bit of information and see if this helps. It would appear that Mr Huang Xiangmo was at the Melbourne Crown Casino the next evening, being the evening of 8 April, 2015. Does that help at all in refreshing your memory?---The next day we were (not transcribable) 8  
20 April, we were in Melbourne.

Yes. So let me put that again to help you. 7 April, 2015 was the Tuesday after Easter.---Yeah.

So the Friday of Easter was 3 April, 2015, and Easter Monday was 6 April, 2015, and it appears based on what you and I have been discussing this morning that your meeting with Mr Clements was the next business day, 7 April, 2015, and it appears that Mr Huang was at the Melbourne Crown Casino on 8 April, the next day, at least in the evening. Do those dates give  
30 you any assistance in remembering what may have been happening around that time?---I might have told Gary that we need to fly the next day, it's possible.

So it would be consistent with your role as executive assistant that you may have been making some arrangements with Mr Wong as to things like flights and accommodation and matters of that kind?---Yes.

For flights and matters of that kind, would Mr Huang fly commercial or fly private, just out of interest?---Private.  
40

And was that something that you would arrange or Mr Wong would arrange or was that someone else's responsibility?---Mr Wong arranged it, the flight.

Mr Gary Wong would organise flights and that kind?---Yes.

So his role wasn't just strictly casino and attached to casino, like restaurants and accommodation, things of that kind, he also had a broader role in terms

of travel arrangements. Is that right?---The jets are actually Crown, the Crown jets, so most of the time we fly Crown jets.

So that falls in a similar category to restaurants and accommodation and things of that kind, does it, that Mr Gary Wong would say to the casino, the high roller wants to come tomorrow night, can we please have private jet, accommodation, restaurant, et cetera, et cetera, and then Mr Gary Wong would make those arrangements. Is that right?---Yes.

10 And your role in that matter would be restricted to calling Gary Wong and saying, Mr Huang wants to go tomorrow night, he's ready from 4.00pm, et cetera, and then Gary Wong would make the arrangements with the Crown Casino. Is that right?---Yes.

And you said to us a little while ago that one of the topic areas that you think was discussed on 7 April, 2015, was Mr Huang's desire to have a private meeting with Mr Shorten, is that right?---Yes.

20 And do you agree that such a private meeting did happen within a couple of weeks of the meeting in Mr Clements' office of 7 April, 2015?---Yes.

And so do you recall a lunch at, I'm going to suggest to you, Master Ken's Seafood Restaurant on about 21 April, 2015, and Mr Shorten attended, you attended and Mr Huang attended?---I am aware that we, we had dinner at Master Ken's.

You had dinner or perhaps lunch at Master Ken's but it was a private dinner or lunch with Mr Shorten, correct?---Yes, private.

30 And in fact, by definition, if it's at Master Ken's it needs to be private because it's a fully private room restaurant, correct?---Correct.

And I think you said dinner a minute ago but it may well have been a lunch, would you agree with that?---May have been a lunch, yes.

40 And the particular one that we're talking about, so the first lunch or dinner of that kind after the meeting in Mr Clements' office of 7 April, 2015, do you recall who was present? You were present, Mr Shorten was present and Mr Huang was present. Do you recall whether anyone else was present?  
---Possibly a staffer from Mr Shorten's office called Kate Dykes, she might have been there as well.

Actually in the room or perhaps in some anteroom while the rest of you were having lunch or dinner?---Possibly in the room

THE COMMISSIONER: Do you recall if Mr Clements was ever lunching with Mr Huang Xiangmo and/or Mr Shorten and yourself?---Together?

Ah hmm.---Yes.

When was that, what is the same occasion you've been talking about now to another occasion?---I think a number of occasions

A number.---Yeah. And also not just at the restaurant, at, at his home as well.

10 MR ROBERTSON: But what about this particular occasion, so the first lunch or dinner after the meeting of 7 April, 2015, do you recall whether Mr Clements was in attendance as well?---Mr Clements possibly attended the lunch as well.

There was at least one occasion in which there was a private meeting with Mr Shorten at which Mr Clements attended, is that right?---Yes.

20 And that arrangement may have included the one we're now talking about or it may not have but you're just not quite sure one way or the other?---I'm not quite sure, yeah.

But there was at least, what, one or more than one occasion in which there was a private meeting with Mr Shorten, Mr Clements, Mr Huang and you, is that right?---Yes.

Was it one or was it more than one?---Probably more than one.

30 Doing the best you can at this first lunch or dinner after 7 April, 2015, which I think you've accepted was within a couple of weeks of 7 April, 2015. Can you recall the topics of what was discussed during the course of that lunch or dinner?---To be honest I, I don't recall exactly but I presume there would be some discussion about meeting the delegation and things like that and maybe donations.

So it's at least possible then, is it, that at this, what we'll call the first lunch or dinner, that the question of donations was being discussed in the private lunch or dinner, is that right?---Yes.

40 But around this time, we're talking about April and perhaps even into May, there certainly are discussions, you recall having discussions about the Jiangxi delegation, is that right?---Yes.

Can we go please back to the download from Mr Clements' phone and we'll go now to page 222. Sorry, page 221 actually. And just before that comes up, I think you've accepted that there are a few lunches or dinners in this category, the private dinners at least with Mr Clements and also with Mr Shorten on one or two occasions, is that right?---Yes.

And so do we take it from that that there were at least a couple of occasions in which there was discussions about the delegation that you've referred to?  
---Yes.

And what was Mr Huang seeking to achieve in relation to the delegation as you understood it?---My understanding was Mr Huang was trying to help the delegation, making arrangement for them to meet with Australia officials.

10 And why, as you understood it, Mr Huang wished to do that?---Either there is some, some sort of link with his Chinese, Chinese Government, but I don't know exactly what was his role, but I can see that he was making arrangement for the delegation. He was trying to help them to make, arrange meetings with officials.

So he considered it, is this fair to say, he considered it to be desirable for him to have access to senior government officials and for the delegation to have access to senior government officials, is that right?---Yes.

20 And that's consistent with what you had been doing over time as executive assistant? You were assisting Mr Huang in having access to senior government officials and those associated with them, like Mr Clements, like Mr Shorten, but also people on the Liberal side of politics as well, is that right?---Yes.

And in fact that was a substantial part of your role as executive assistant, assisting Mr Huang doing things like setting up meetings, giving donations to political parties, matters of that kind, is that right?---Yes.

30 And in terms of those arrangements, were you always involved in the detail of those exercises? In other words, did you understand what Mr Huang was trying to do, who he was trying to speak with, or were you more focused on performing particular tasks that Mr Huang had asked you to do from time to time?---I focused on particular tasks assigned by him.

40 So were you given a general portfolio, for example, where Mr Huang would say, "Look, I want you to take care of, making arrangements for the Jiangxi delegation to have access to people in Victoria"? Or was it more like Mr Huang would say, "Do this task, do that task, do that task"?---I think I was given a number of task to act on, making particular arrangements.

But were you given discretion to take it upon yourself to, for example, have an extra meeting with Mr Clements or send a particular email or things of that kind with a view to achieving the ultimate objective that Mr Huang was seeking to achieve?---Not really. I act on particular tasks.

“Do this particular task,” and you would do it, rather than, “Achieve this particular objective and take it upon yourself as to how you’re going to seek to achieve that particular objective,” is that right?---That’s right.

Can we go back to the Mr Clements phone records, page 221, PDF page 3. If you just have a look towards the very bottom, item number 587, do you see there it says, “See you tomorrow at 12.00, Master Ken. Tim”? Do you see that there?---Yep.

10 And you’ll see that that’s the message that appears to have been sent from one of your telephones on 26 May, 2015. Do you see that there?---Yep.

And so do you agree that most likely on the 27 May, 2015, there was a lunch at Master Ken’s at which you attended, Mr Huang attended and Mr Clements attended?---Yes.

Do you have a recollection of that particular lunch?---Not really.

20 But you do have a recollection that around about that time, April and May of 2015, there are a number of discussions concerning the Jiangxi delegation, is that right?---Yes.

And so if there was a meeting on the 27<sup>th</sup> of May, 2015, it would be consistent with your recollection that at least one of the matters that was discussed is arrangements in relation to that delegation, is that right?---Yes.

30 And if you just look up the page a bit to 586, you’ll see there there’s another message to you from Mr Clements and there’s a more detailed message on the right-hand side of the screen. I’ll just ask you to read that to yourself and I’ll ask you some questions about it. Now, that particular message, is that an example of a message that you would come up with the text yourself, or is it an example of a message where Mr Huang would say, “I want you to ask these particular things of Mr Clements or someone else”?---These are both Mr Huang’s questions.

And so this is not you coming up with the concept of what’s going to be written, this is you acting on Mr Huang’s instructions, is that right?---That’s right.

40 Having looked at the messages of 26 May and 28 May, does that assist in refreshing your recollection as to what might have been discussed at a lunch that seems to have happened on 27 May, 2015?---Yes, I think it, the discussion would be about the arrangement in Victoria for the meeting senior officials.

So your best recollection, is it right to say that at least one of the things that was discussed at the lunch that seemed to have happened on 27 May, 2015,

was this question of the delegation and what assistance the Labor Party may be able to give in relation to that matter?---Yes.

And more specific than that, what particular assistance might Mr Clements be able to give with respect to that. Is that right?---Yes.

Was that the only subject of discussion that you can recall occurring on 27 May, 2015?---Yes.

- 10 Do you recall whether the discussions were all one way, in other words, Mr Huang asking Mr Clements for things, rather than the other way around? ---It's, Mr Huang would be making requests like similar to this over the lunch.

But did Mr Clements ask for anything?---I don't remember.

Well, it's at least possible, isn't it, that Mr Clements broached the question of donations at the lunch?---It's possible, yes.

- 20 Well, I think you have a recollection, don't you, of at least some circumstances in which Mr Clements discussed the question of donations with Mr Huang. Is that right?---Yes.

It wasn't necessarily at this lunch, but you certainly have a recollection of that happening during the course of a private meeting between Mr Clements and Mr Huang. Is that right?---Yes.

- 30 THE COMMISSIONER: So this communication, 28 May, that your attention's been drawn, it's number 586, relates to a number of requests being made of Mr Clements by Mr Huang, including assisting in organising the Victorian Premier to meet or to have a welcoming state dinner for example?---Yeah.

And the other matters we can see on that record. So this is an example some five or six weeks after the initial meeting of 7 April, Mr Huang now is actively seeking assistance from Mr Clements to achieve Mr Huang's objectives, whatever they be so far as the Victorian Premier is concerned. ---Yes.

- 40 Right. Can I ask you this. After the initial meeting between Mr Huang and Mr Clements of 7 April, there seems to have been a number of meetings or occasions on which there were meetings between Mr Huang and Mr Clements. Is that right?---Yes, Commissioner.

And did that continue, this level of intensity, such that it appeared to you that a relationship had in fact developed between Mr Huang and Mr Clements?---Yes.

By relationship I mean association between them that seemed to have a social and perhaps a friendship aspect had developed.---Yes.

Is that fair?---Yes.

Which included of course dining at restaurants, Mr Clements dining at Mr Huang's home in Mosman, that sort of thing?---Yes.

10 So that form of relationship described as social friendship relationship developed fairly quickly over time after 7 April, the initial meeting at ALP headquarters. Is that right?---Yes.

Thank you.

MR ROBERTSON: Do you recall whether Mr Clements ever asked Mr Huang for a donation or other contribution for some purpose other than the Australian Labor Party?---Not really.

20 Well, when you say not really, why do you qualify it in that fashion?---I, because he's the, he is the chief of staff of the NSW Labor Party, in memory everything was about Labor Party.

Well, did Mr Clements ever ask for any money for personal purposes?---I don't remember anything for personal.

Did he ever ask for any money for purposes connected with the union movement rather than the Australian Labor Party more specifically?---It's possible.

30 Well, do you agree that it's possible that during the course of the lunch at Master Ken's that appears to have occurred on 27 May, 2015, Mr Clements asked for money for a union campaign?---It's possible.

Is that a convenient time, Chief Commissioner?

THE COMMISSIONER: Yes. Very well. Mr Xu, we're going to take the luncheon adjournment. I'll resume in about an hour's time, that is about 5 past 2.00.

40 MR ROBERTSON: Before that happens, Chief Commissioner, can I formally tender the redacted version of the extraction report in relation to Mr Clements' telephone, being a document comprised of five pages.

THE COMMISSIONER: That document as so described will become Exhibit 331.

**#EXH-331 – REDACTED EXTRACT REPORT FROM JAMES  
CLEMENTS’ PHONE RECORDS DATED 17 OCTOBER 2019 AT  
12.47PM**

THE COMMISSIONER: Sorry, just for the record again, you describe it as?

10 MR ROBERTSON: As an extraction report in relation to Mr Clements’ telephone, report creation time 17 October, 2019, 12.47pm.

THE COMMISSIONER: Yes, thank you. Yes, very well. Well, we’ll see you after lunch, Mr Xu.---Yes, Commissioner.

I’ll adjourn.

**LUNCHEON ADJOURNMENT**

**[1.06pm]**