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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 11 DECEMBER, 2019

AT 2.00PM

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

<ERNEST KWOK CHUNG WONG, on former affirmation [2.12pm]

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Mr Wong, before lunch we were discussing your relationship with Mr Leo Liao when he was alive and I think you described it as more in the nature of a business relationship rather than a personal one. Did I get that right?---Probably in between sort of like a personal friend and a business acquaintance.

At least one aspect of the business side was that you provided some assistance to the Wu family in relation to development projects that they were interested in. Do you agree?---Not really assistance, but rather a bit of advice when I was invited to visit the farm.

So you at least gave some advice on the Wu family's desire to develop a farm that was owned by a company associated with that entity. Is that right? ---Yes.

And at the time that you visited that farm you were a councillor at the Burwood Council. Is that right?---I can't remember exactly when was that, I think that was I was already the member of the parliament.

But, well, there was a period of time when you were both a - - -?---Yes.

- - - member of the legislative council and a member of Burwood Council. Correct?---I resigned from Burwood Council in 2015 I think, was it? Yeah. So I'm not - - -

I think you accepted from me before that 2015 was when you resigned from Burwood Council. Was that consistent with your recollection?---2015, yes, yes.

And would it be consistent with your recollection that the farm that you mentioned was a farm that you visited in 2015 as well?---I really can't remember, or, or have no recollection when I visited.

But you at least gave some advice to the Wu family as to matters concerning the development of that particular site. Is that right?---Yes.

And what particular advice did you give?---I've been told or briefed by Dr Liao or other people in regards to the use of the land, but then apparently the, the, the, that was the land where they won't be able to do any development on it, so the only thing that we had in discussion, I was suggesting that they should actually make it into sort of like a separate (not transcribable) farm so that it would be easier for them to sell it to, to, to any, any, any potential purchasers.

And so that particular farm was west of Campbelltown. Is that right?---Yes.

Is it consistent with your recollection that it may have been in an area called The Oaks?---Yes.

And do you recall who was present during the course of that site meeting?
---I won't have any recollection in regards to that, but I'm, I have no reason to believe that Dr Liao would be there.

10

What about Alex Wood?---I didn't recall if he was there but then, you know, probably he would be, yeah.

What is your understanding of Alex Wood's role within any Wu family businesses?---Oh, I probably have no idea but he probably will be someone put there to be in charge but apparently, I think he was just a bit inexperienced in regards to that. So that's my understanding of it. But I can't speak - - -

20

Based on your understanding, who was really in charge then of the Wu family businesses?---I am not too sure about that though but most of the time, if there is any communications or in regards to giving me, to give advice, it's always Dr Liao.

How well do you know Alex Wood?---Well, in Chinese culture he is a junior to me. So I, I, I, I am a friend of the family so he probably treating me is kind of like an uncle but then I, I find it difficult to define the relationship as friend or, or not friend.

30

Well, let me ask it this way, how close was your relationship with Alex Wood in 2015?---As I said before, it's like I am a family friend and I know Alex since he was, you know, in high school or in uni, in uni, when he first came to Australia.

Did you know Alex Wood through his parents or do you just know him directly?---I know, I know his parents, yes, I know the family.

What are his parent's names?---Sorry?

40

What are his parent's names?---The father is called Bobby Wu and their mother, I can't remember.

But you've known those parents for some time, is that right?---Yes.

You'd regards them as friends, would you?---Yes.

And so at least as at 2015, you knew the Wu family quite well, is that right?---Yes.

And you would give them some assistance like the advice that you referred to in relation to the farm, correct?---Yes.

But you would be able to call on them for assistance if you required assistance, is that right?---As a friend, probably, yes, but I can't say 100 per cent.

10 Well, you requested Mr Alex Wood's assistance in obtaining forms in relation to the Chinese Friends of Labor event, is that right?---No.

Well, you at least accept, don't you, that on 30 March, 2015, again something we've talked about before, you made contact or attempted to make contact with Mr Alex Wood, correct?---That I don't have any recollection.

Can we go to Exhibit 238, please, just to level that out. Do you recall Mr Wong, that I have shown you this document before, correct?---Yes.

20 And this shows your call charge records between you and Mr Wood from 25 March to 20 April, do you see that there?---Yep.

But the only time that you have sought to make contact according to these records is on 30 March, 2015. Do you see that there?---Yes.

And I suggest to you that that contact was connected with the email that you sent to Dr Liao on the same day asking for two forms to be filled out, do you agree?---No. I will have no recollection in regards to those calls.

30 THE COMMISSIONER: Well, what else would it have related to on 30 March, 2015?---I would not have recollection at all in regards to what would that be related to.

Well how can you dismiss that it was not related to the matter just put to you?---Sorry?

40 How can you dismiss out of hand that it was not then related to the matter that was just put to you in the previous question by Counsel Assisting? ---No. I do not, I not deny that but I, as I said before I do not have any recollection of it.

Sorry, I don't understand that at all. How can you dismiss out of hand that the communication that your attention has been drawn to on 30 March, 2015 was not in fact related to the matter that Counsel Assisting put to you?---No, first of all, I did not say that 100 per cent not related and, secondly, because I don't think that was something that I have, I have been discussing with Alex Wood at all.

Well, thank you for that answer. I take it from that answer to mean that, yes, it is possible that indeed it did relate to the matter that Counsel Assisting put to you, it's possible, is that right?---Yes.

Thank you.

MR ROBERTSON: Do you have any recollection of any need or desire to make contact with Alex Wood in March or April of 2015?---No.

10 So you must accept that it's at least possible that the reason that you were seeking to make contact with Mr Wood on 30 March, 2015, had something to do with the email that you sent to Dr Liao on the very same date. Do you agree?---No.

You don't agree with that?---No, I don't agree with that.

20 When was it that you first became aware that the NSW Electoral Commission was investigating in relation to the Chinese Friends of Labor event of 2015?---As I said before, I think that was actually the time when I was, when I overheard from some of the Chinese media when I was having lunch with them, they did mention that they heard that there is a, an investigation as such and do I know anything about it? I said, "Not really." That's how I come across that.

And when was that?---I can't remember but probably will be in, I don't know, 2016 or, I really have got no recollection of the date or time.

30 I understood your previous evidence, but I may be wrong, to say that Dr Liao was one of the first people who told you about the Electoral Commission's investigation. Is that right?---He mentioned that to me because he ask.

He leant over and whispered in your ear during the course of a meal. Is that right?---Yes.

40 Was that the first time you knew anything about the Electoral Commission or are you saying that there were media rumours that you were aware of prior to that point in time?---I would not be able to have exact time which comes first and I'm pretty sure that I have overheard certain rumours in the Chinese community and then of course Dr Liao did pass on the message to me as well to request a meeting.

And the message that Dr Liao passed on was that Mr Steve Tong had been given a notice to produce by the Electoral Commission. Correct?---He's, no, that's, I don't think that would be the exact word. I think what he said is that Mr Tong, that is definitely sort of like speculation because I did not have the recollection of the exact word, that Mr Tong needs to produce certain documents and he needs to have some legal advice from Labor.

So it was clear from what Dr Liao had to say that the Electoral Commission wanted Mr Tong to produce some documents. Is that right?---I can't, I can't, I can't have recollection in regards he did mention electoral office but then he did say it's about the election, the, the donations of the electoral, of, of, you know, something it's in regards to electoral matters. Electoral matters, yeah.

10 Well, not just in regards to electoral matters - - -?---Electoral matters, yeah.

- - - but the fact that the Electoral Commission was interested in those matters. Is that right?---I do not recall that that was the exact wording.

No, I'm not suggesting it's the exact wording. I'm saying the effect of what Dr Liao whispered in your ear was that the Electoral Commission was concerned about this particular dinner. Correct?---Yes.

And that it was connected with Mr - - -?---That's my understanding, yeah.

20 And it was connected with Mr Tong in the sense that they wanted Mr Tong to produce some documents. Correct?---Yes.

Around about that time Jonathan Yee also informed you that the Electoral Commission was asking for documents for other people in relation to the Chinese Friends of Labor event of 2015. Do you agree?---I wouldn't have gone into any of those deep discussions in regard to who and whom.

Listen carefully to my question, please.---Yeah.

30 Around about the time that Dr Liao informed you that the Electoral Commission was interested in the 2015 dinner, Mr Jonathan Yee also informed you that the Electoral Commission wanted production of documents from certain employees of the Emperor's Garden Restaurant. Do you agree?---Yes.

40 And in fact you ultimately agreed to procure receipts or tax invoices in relation to those individuals. Do you agree?---It's not because of that particular request but then Jonathan Yee actually asked me where a lot of them they have not (not transcribable) I could not remember those tax invoices and asked me if I'd be able to ask the head office to, to produce.

Are you agreeing with me that Mr Yee told you within a few weeks of Dr Liao whispering in your ears that the Electoral Commission wanted employees of Emperor's Garden Restaurant to produce documents to the Electoral Commission? Are you agreeing with that or disagreeing?---Yes.

And I suggest to you that you then had some discussions with Mr Yee in which you agreed on a story to tell the Electoral Commission. Do you agree?---No.

You cooked up a false story and asked Mr Yee to assist the putative donors to tell that to the Electoral Commission. Do you agree?---No. No, definitely not.

10 Can we go, please, to Exhibit 287, please, and can we go, please, to page 23 of that bundle. Now, what I'm going to show you, Mr Wong, is a letter that was signed by a Teresa Tam and sent to the NSW Electoral Commission. I direct your attention first to the last sentence of the first paragraph. "The donation was made in support of my good friend, The Honourable Ernest Wong." Do you see that there?---Yeah.

So are you a good friend of Teresa Tam?---Not really, no.

20 No. She may have served on you in Emperor's Garden Restaurant, but you're not a good friend of her at all. Correct?---But not like that though because beforehand I think she did ask me to help with some of customers or her friends in certain, in certain issues, so we do come across a bit, but it's not like a good friend as such.

Yes. You're not a good friend of Teresa Tam. Correct?---No.

Could I suggest to you that you told Mr Yee that Ms Tam should write and say certain things, including that she was a good friend of Ernest Wong. Do you agree?---No.

30 Not only that, you suggested to Mr Yee that he should get his employees to tell the Electoral Commission a story, a false story about them donating money in connection with the Chinese Friends of Labor event. Do you agree?---No.

You told Mr Yee that they should, these putative donors, should say for example they got money from red packets. Do you agree?---No.

40 They should tell the Electoral Commission that the denominations of the notes were all \$100. Correct?---No.

And that Mrs Tam should lie and say that there was a joint donation between her and her husband, Ming Tam. Do you agree?---No.

THE COMMISSIONER: Have you read Ms Tam's evidence to this Commission?---Yes.

You know she takes a somewhat different view to what you're now taking? You know that, don't you?---Yep.

What - - -?---And - - -

No, just a minute. From the transcript of her evidence you've read, what do you understand her account is to this Commission, about having been asked to falsify the true position concerning the donations, what do you recall of her evidence?---She's just saying that, she's now saying something different from what she said before.

10 You know that she in effect said that she was leant on to give a false story. You know that from reading the evidence of her?---Yeah.

And you know that she has conceded that she had given false evidence to the Electoral Commission but was now saying that she did so because pressure had been applied to her in effect. You know that's her evidence now to the Commission?---Um, I did not read between the lines in regards to this pressure.

20 No, I'm not asking you what you read between the lines, I'm asking what you read on the lines.---But what - - -

No, please don't talk over me.---Sorry.

You know from reading the transcript, don't you, that she has said that she was leant on to give a false account to the Electoral Commission. You read that, didn't you?---Yes.

30 And she was leant on to give false evidence in the compulsory examination to this Commission.---Right.

But her evidence now is that all of that was an attempt to cover up the true story about these donations. You read that?---Yes, I read it, yeah, that's her evidence.

And she implicates you as one person who was applying pressure upon her. ---I didn't - sorry.

40 You know that's her account?---No, I did not read that where he's saying, she's saying that I pressured her. I did not read that, no.

You did not?---No.

That's news to your ears, is it?---Yes.

All right.

MR ROBERTSON: Not only did you put pressure on Mrs Tam, you put pressure on her husband, Mr Tam, correct?---No, not at all. I only met with them - - -

In fact you gave him instructions as to what he should say to this Commission. Do you agree?---No, it's not instructions at all.

10 I suggest to you that you worked very closely with Mr Jonathan Yee to assess the progress of the Electoral Commission's investigation and this investigation.---No.

Do you agree?---No.

Mr Yee kept you informed at every step of whatever he knew about the Electoral Commission's investigation and this Commission's investigation. ---No.

Correct?---No.

20 You had multiple discussions with Mr Yee regarding the progress of the two investigations.---No.

Do you agree?---No, I don't agree.

And those discussions happened not just in this country but they happened in China as well.---I don't agree.

Do you agree?---No.

30 And in fact the truth is this, isn't it, that you're the ringleader in a fraudulent scheme to cover up the true source of the money that was banked on 9 April, 2015. Do you agree?---No.

Mr Yee was your lieutenant and carried out your instructions. Correct? ---No.

Mr Wood, Dr Liao and others assisted in you carrying out this fraudulent scheme.---No.

40 Do you agree?---No, I don't agree.

But you are the general of this scheme and the others are those who have assisted you in the enterprise. Do you agree?---No.

When was it that you first became aware of this Commission's investigation?---When I was called in for the private examination.

Come on, Mr Wong. Are you seriously saying that the first time you found out about this investigation was the public inquiry?---Will you be able to, to, to rephrase the question?

I will.---This investigation starting from the Electoral Office or starting from

10 No. Let me make it clear. You're aware, obviously enough, given where you're sitting, that this Commission has been conducting an investigation in relation to the 2015 Chinese Friends of Labor dinner.---Yes.

Correct.---Yes.

You're aware that before this Commission conducted an investigation, the Electoral Commission conducted an investigation.---Yes.

You found out about that either through media rumours or through Dr Liao whispering in your ear. Correct?---Yes.

20 But you're aware that there was a point of time in which the Electoral Commission stopped its investigation and instead referred it to this Commission. Correct?---I cannot, I do not have recollection of exactly how I find it out though, but - - -

No. You're at least aware, you're at least aware that this Commission took over the investigation started by the Electoral Commission. Correct?---Yes.

30 When did you find out about that?---I don't have a recollection of exactly when.

You knew about it well before you were first summoned to appear in a private hearing before this Commission. Do you agree?---Yes.

And the reason you know about it was that you and Mr Yee were discussing the progress of this investigation. Correct?---No.

Mr Yee told you about this Commission's investigation, didn't he?---I didn't recall. I didn't have recollection of that.

40 So you accept - - -?---But that could be Mr Kenrick Cheah as well, I suppose that will be either, either one of them, but I cannot, I cannot recall.

So you at least accept, do you, that you knew about this Commission's investigation before you first participated in a private hearing before this Commission. Is that right?---I will not be able to have recollection in regards to exact time, but I - - -

No, no, I'm not asking for exact time.---I'm receiving a summons.

Just pause, just pause.---Yeah.

You participated in a compulsory examination before this Commission in November of last year. Correct?---Yes.

You're not suggesting that the first time you found out that this Commission was investigating was when you got the summons.---No.

10 You're not suggesting that, are you. You knew about it before that point in time. Correct?---Yes.

Who told you?---That's what I'm saying. I didn't remember, I didn't recall that was that Mr Yee or, or Mr Kenrick Cheah. Probably both of them have mentioned, mentioned, yeah.

Someone told you and your best guess is that it was either Mr Yee or Mr Cheah. Correct?---Yes.

20 What I want to suggest to you is that whilst this Commission's investigation was on foot last year, you and Mr Yee discussed the progress of this Commission's investigation and you took notes regarding those discussions. Do you agree?---No.

Can we go, please, to volume 3A, page 322. Mr Wong, I'm showing you a note that was created on your Parliament House computer - - -?---Yeah.

- - - that appears to have been created on 17 November, 2018. Do you see that there?---Yep.

30 And do you see there that a series of notes are taken with the names of particular individuals and saying things like, "Forms with \$5,000 written on top," et cetera?---Yeah.

Do you agree that you took this note that we can see on the screen?---Yes.

40 And do you accept that this is your notes as to matters that you thought were of interest to this Commission as of 17 November, 2018?---I assume I took it down, I can't remember exactly was that before or after that I have been examined by the private, the private session.

Well, what I am suggesting to you - - -?---Put it this way, I come across the names, yes.

What I am suggesting to you is that this is the result of a joint effort between you and Mr Yee with a view to trying to identify where the investigation of this Commission is going. Do you agree?---No.

Do you agree that in, I think it was late 2018 or perhaps early 2019, you attended in China for events associated with the Federation of Australian Guangdong Communities?---Yes.

And one of the locations that you attended, and I'll pronounce this wrongly, Zhaoqing, correct?---Yes.

10 Do you agree that whilst you were in that particular city, you had a discussion with Mr Jonathan Yee where you compared notes on the progress of this Commission's investigation?---I have no recollection that we have compared notes but I do have a recollection that we discussed in regards to his mother being summoned.

So you at least had some discussion as to matters associated with this Commission's investigation, is that right?---Yes. Particularly for his mother.

20 And that occurred after you had commenced the compulsory examination, is that right?---Yes.

At the very start of your compulsory examination, the Commissioner made a direction under section 112 of the Independent Commission Against Corruption Act, correct?---Yes.

And that direction included that you didn't discuss the subject matter of what occurred during the compulsory examination with anyone, correct?---Yes.

30 And not only what was discussed, but as a matter of substance, the fact that you had participated in a compulsory examination at all, correct?---Yes.

Now, you breached that direction - - ?---No.

You breached that direction by telling Mr Yee that you had participated in a compulsory examination, do you agree?---No, no.

40 Are you seriously suggesting that you didn't discuss at all with Mr Yee the fact that you had participated in a compulsory examination?---Look, I think the, I can't remember exactly what we discussed - - -

I'll put the question again, are you suggesting that you didn't utter a word to Mr Yee about the fact that you had participated in a compulsory examination before this Commission?---I do not have any recollection in regards to telling him exactly that that was the case or not.

No, no, no. Listen to my question, listen to my question.---Sure.

THE COMMISSIONER: Mr Wong, with due respect, I think you are side-stepping the question. So would you just listen to the question. It will be put to you again and just focus on it and then give a direct response.---Sure.

MR ROBERTSON: You told Mr Yee that you had participated in a compulsory examination before this Commission, do you agree?---Yes.

10 And now only that, you told him the general lines of enquiry in the compulsory examination in which you participated, do you agree?---No, no.

In fact you, in advance of a meeting that you had with him in Zhaoqing, you write notes as to the line of enquiry that you understood this Commission was pursuing, do you agree?---No,

And you showed him those notes during the course of your meeting?---No.

20 Exhibit 308, please. While that's coming up, I tender the document that was previously on the screen, being page 322 of Volume 3A of the Public Inquiry Brief, being what appears to be a note dated 17 November, 2018.

THE COMMISSIONER: Yes. Thank you. The document so described will be marked as Exhibit 352.

#EXH-353 – NOTE CREATED BY ERNEST WONG ON 17 NOVEMBER 2018 REGARDING THE COMMISSION'S INVESTIGATION

30 THE COMMISSIONER: Mr Robertson, we might have to revise, we won't do it now but after hours, the exhibit numbers given to the preceding three exhibits in case there's been a slippage in the numbering system but we'll come back and correct it.

MR ROBERTSON: If it's happened, I apologies for not picking it up on the fly.

40 THE COMMISSIONER: Well, no, it wouldn't be my fault, it would be my fault. So we'll sort it out in due course.

MR HALE: So it is 352 this one, is it?

THE COMMISSIONER: It is - - -

MR HALE: Because I have a note of another 352, which is probably what you're saying.

THE COMMISSIONER: Yes. Well, we'll sort it out and let you know in the morning.

MR ROBERTSON: Mr Hale has the job of the secondary associate besides being at the bar, that's unfortunate. Exhibit 308, please. Mr Wong, do you agree that what we can see on the screen are a series of notes that you took on your phone?---No.

10 So you - - -?---I do, I do not have any recollection of those notes that I have taken or if that's my phone at all.

Let's do this in stages. Do you agree that what we can see is a photograph of your telephone?---I, I don't even have a clue if that is my telephone at all because I'm using a different telephone in China.

Are you saying you deny that what we can see on the screen is a photograph of your telephone?---Yes.

20 Do you deny that during the course – I withdraw that. Do you agree that Mr Jonathan Yee travelled with you for the Federation of Australian Guangdong Community's events in either late 2018 or early 2019? Do you agree with that?---Yes.

And do you agree that you had a sit down meeting with Mr Yee in Zhaoqing?---Yes.

And do you agree that during the course of that meeting you discussed matters associated with this Commission's investigation?---Yes.

30 And do you agree that you showed him your telephone during the course of that meeting?---No.

Do you agree that what we can see on the screen is a photo of your telephone?---I will not be able to say yes or no.

40 Do you agree that on or about 29 November, 2018 you took some notes as to what you thought the target subject was of this Commission's investigation?---Well, when I read through it I don't even know exactly what that means.

Is the answer to my question yes or no or something else?---I've got no recollection of it.

Well, do you at least agree that on or about 29 November, 2018 you took some notes about what you thought the target subjects were of this Commission's investigation?---I do not have any recollection.

Do you at least accept that during your meeting with Mr Jonathan Yee in Zhaoqing you discussed what you thought the lines of inquiry of this Commission's investigation were?---No. The conversation so much about his mother and how his mother was taking it because I recall that, I do recall that his mother was so about the time when we were in China were being summoned.

10 But I think you've at least accepted that you told Mr Yee that you had participated in a compulsory examination. Is that right?---Yes.

In fact he knew about that before Zhaoqing because you had told him earlier. Do you agree?---Tell him earlier, sorry?

You told him before you were in China, in fact you had told him that you'd been summoned and you told him after you had participated in the compulsory examination. Do you agree?---I didn't have recollection of that, that I've told him.

20 Well, I suggest to you that immediately after, which I mean on the same day, on the same day that you first participated in a compulsory examination before this Commission you had a discussion with Mr Jonathan Yee where you discussed firstly, the fact that you participated in a compulsory examination and secondly, what the lines of inquiry were. Do you agree?
---No.

30 Are you denying it or what are you saying?---Look, we probably have discussion in regards to I may be participating because I think that is no secret where a lot of people will be examined and, I don't know, he probably would be aware that I would be like that as well, I would be summoned as well.

No, but you - - -?---So we have a general discussion about that but I did not share any of those notes.

Well, let's be - - -?---I'll put it this way.

40 Let's be clear. You at least told Mr Jonathan Yee that you had been summoned to appear in a private hearing before this Commission. Correct?
---I have mentioned it I think.

You told him in advance. Correct?---Yes.

You told him before you came here. Correct?---Yes.

And you reported back with him after you had participated in the compulsory examination. Do you agree?---No. What do I have to report to him?

You told him about what the general lines of inquiry were during the course of the compulsory examination before this Commission.---No. No.

You're quite sure about that?---Yeah.

10 Just to get your bearings, you'll remember that you first participated in a compulsory examination on 16 November, 2018 and it then continued to 20 November, 2018. Is that consistent with your recollection?---I do not actually have recollection of the date, but if that you said so, that would be the case, yes.

But it's consistent with your recollection that that was the general time. Is that right?---Yes, yes.

And at that point in time I think you were still a member of the Legislative Council. Correct?---Yes.

20 And I suggest to you that on 16 November, 2018, indeed on the day, the very day of that compulsory examination, you met up with Jonathan Yee and you discussed with him what the lines of inquiry were that were pursued during the private hearing on 16 November, 2018.---I do not have any recollection of that at all.

Well, are you denying that you did that?---I do not deny it, but I do not have any recollection, and I'm pretty sure I do not go into detailed discussion of what has been asked.

30 So does that mean you may have had some discussions, just not detailed ones. Is that what you're saying?---General, general, general, general discussion probably.

A general discussion regarding - - -?---But I can never recall I've met him on the day.

Pause for a moment.---Sorry, yeah.

A general discussion regarding the lines of inquiry of this Commission. Is that right?---Once again it's not my recollection.

40 Well, in answer to one of my previous questions you were, you added the words, "No specific discussion," or something along those lines. Did you do that because it's consistent with your recollection that you had at least some discussions with Mr Yee concerning at least the lines of inquiry of this Commission?---Yes.

And so you accept that you had discussions of that kind. Is that right?
---As I said before, I don't have any recollection, but - - -

Mr Wong, I'm suggesting to you that you knew at the very start of the compulsory examination that you had been directed to not disclose to anyone the fact that you had given evidence or the content of what occurred. Do you agree with that proposition at least?---Yes.

So you knew, and you're a solicitor, so you know the importance of matters of this kind - - -?---Sure.

10 - - - you knew that it would be a serious criminal matter to inform Mr Yee or anyone else, other than perhaps a lawyer, that you had participated in a compulsory examination before this Commission. Correct?---Yes.

But you did anyway, didn't you?---No.

You, I think you - - -?---As I said before - - -

Just pause.---Yeah.

20 I think you've at least accepted that you have told Mr Yee that you did participate in a compulsory examination.---Yes.

Is that right or not?---Yes.

So you at least accept that you breached the direction to that extent. Do you agree?---Yes.

30 But I'm suggesting to you that you went further than that. Not only did you discuss or note the existence of the compulsory examination, you discussed the lines of inquiry, at least in general terms, of the compulsory examination. Do you agree?---No.

You're denying that on your affirmation. Is that right?---Yes.

40 THE COMMISSIONER: Just before we go on, could you just explain to me, you were aware, as you've indicated, of the requirement specified on the ICAC documents, the summons, that you were not to disclose your attendance at the Commission, nor the evidence you gave. You accept however that you did breach those prohibitions. Can you explain to me why you would breach express prohibitions that the Commission had imposed on you? Why did you disclose those matters to Mr Jonathan Yee?---So, look, I cannot give 100 per cent exact explanation, but the reasonable one would be, at the time I think we all know that this group of people will be, will be, will be summoned and Mr Yee probably asked me how did it go. I said, "Look, yes, I am, I'm, I'm, I'm going to be summoned." So that's basically about it.

But that doesn't satisfy my question, with great respect to you.---Yes.

There must have been a reason why, although you knew the prohibitions were in place which required silence from you, that you went ahead and breached those important prohibitions. Why did you do it, in particular why did you disclose those matters to Mr Jonathan Yee of all persons?---I did not purposely disclose it as saying like I go to him and say, look, I am going to be participate or going to be summoned, but it will be in a general conversation where, where he mentioned that, you know, people are, are, are, are being interviewed, are you? I would say, “Oh, yeah.” Along that line.

10

But why did you - - -?---I may be wrong, yeah, I’m wrong, I was wrong in doing that, I, now I do admit.

But I’m just trying to seek out the reason as to why you did it.---But - - -

You see, you would understand, or you certainly understand now, the reasons why the Commission puts those sort of prohibitions on persons who are called to compulsory examinations. You know that, don’t you?---Yeah.

20 To preserve the integrity of the Commission’s investigations.---I understand that, yeah, and I respect that they - - -

Well, why was it so important for you to go ahead and breach the conditions in disclosing the information that you accept you did disclose to Mr Jonathan Yee in particular? Why was it so important that you would act against those prohibitions and reveal to him matters you are prohibited from disclosing to anyone?---It is not like, sorry, Mr Commissioner, it’s not like an importance of me to breach it purposely to tell Jonathan about it. It’s very much like, at the time we thought, you know, we are all sort of like, you know, being summoned and he mentioned that, “Are you being, are you being called in?” and I said, “Yeah.” So it’s very much like a conversation which I know, I am not saying that that was the right thing to do but there was not a particular purpose or reason why I am disclosing it to Mr Yee at the time.

30

You see, conduct of people in certain situations may call for explanation, it may in some situations be evidence of a guilty state of mind about something. So, a compulsory examination, of course, and us investigating the question of possible corrupt contravention of the relevant election legislation. For somebody to go and breach a requirement for silence, to which I have already referred, on one view of it, I’m not saying it would necessarily follow, but on one view of it, it could be said to be evidence of guilty state of mind in you that drove you to act against the prohibitions. Now, what would you say to that?---No. As I said before, there is not a particular reason why I have to breach it or have I actually had any deep thoughts that I was breaching it at all at the time. Which, I should not say that I, I should be excused from that because I know that was, now I know

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that when I think about it, that was wrong, but at the time that probably did not come across my mind at all.

MR ROBERTSON: I want to suggest to you that it wasn't as casual as what you're now making out, and indeed you wanted to speak to Jonathan Yee on the very night that you participated in the first day of the compulsory examination before this commission, do you agree?---No.

10 Do you agree that on the evening of 16 November, 2018, the first day of your compulsory examination, you went to visit Mr Jonathan Yee and you discussed this Commission's investigation with him?---I don't recall that. I have no recollection of that.

I suggest to you that you do have a recollection of the matter. You realised, didn't you, that the direction that was given to you at the start of the hearing on 16 November, 2018, was a serious matter, correct?---Yes.

20 It's a serious matter that amounts to a criminal offence if it's breached, correct?---Yes.

And I suggest to you that, despite that, you decided on the very evening of 16 November, 2018, to go and see Jonathan Yee at the Emperor's Garden restaurant and discuss this Commission's investigation with him in deliberate breach of the direction that you were given that morning, do you agree?---No. Because I do not have any recollection that I made the visit - -

Well, are you denying you did that?---Yes.

30 You're denying that you had a discussion with Mr Yee on the evening of 16 November?---I have no recollection of a visit that I made as such and for the purpose that Mr Robertson have actually raised.

Well, I'm going to pin you down on this. Are you saying that you deny the proposition that I am putting to you?---Yes.

Or are you simply saying, "Well, I may well have done but I'm not really sure"?

40 MR HALE: Well, with respect, that's a little bit unclear. The two are quite distinct propositions. One whether or not the meeting took place, who whether he went there deliberately for that - - -

THE COMMISSIONER: Perhaps you can break it up into two. Thank you.

MR ROBERTSON: I suggest to you that on the evening of 16 November, 2018, you went to see Mr Jonathan Yee at the Emperor's Garden, do you

agree?---I probably, I probably went to, to Emperor's Garden. Was that with the purpose of seeing Jonathan Yee, I do not have any recollection.

So you're at least accepting, are you, that you went to the Emperor's Garden restaurant on the evening of 16 November?---I do not have any recollection but I do not deny it.

You don't have a recollection but you don't deny it, is that right?---Ah
hmm.

10

And I suggest to you that on that evening you went to Mr Jonathan Yee's office upstairs at the Emperor's Garden restaurant. Do you agree?---I do not have any recollection of it.

And I suggest to you that you were in that office for about 45 minutes. Do you agree?---As I said before, I do not have any recollection at all.

20

And I suggest to you that during the course of that meeting you discussed this Commission's investigation in deliberate breach of the direction that you were given that morning. Do you agree?---I do not have any recollection of that either.

Can we go back, please, to Exhibit 353. I think it's 353. It's volume 3A, page 322 which is a document I showed you a little while ago, Mr Wong. Volume 3A, page 322 which I think is Exhibit 353. Just to help you get your bearings, Mr Wong, you'll see that this appears to have been created on 17 November, 2018 being the morning after you first commenced your compulsory examination. Do you see that there?---Yeah.

30

Now, what I want to suggest to you that this is the result of in effect a joint effort between you and Mr Yee arising from the discussion that you had with him at the Emperor's Garden Restaurant on the evening of 16 November 2018. Do you agree?---No. I think that was a note I took myself because that was the first time when I was being properly examined by this Commission that I come across these names.

Do you at least accept that you discussed the substance of this note with Mr Jonathan Yee?---I don't have any recollection of that at all.

40

Again you're not denying it but you say you don't have a recollection. Is that right?---I don't have any recollection.

And do you deny that you showed Mr Yee this particular note?---No, I do not have any recollection of that either.

You're aware that this Commission was conducting an investigation from at least the middle of 2018. Would you agree?---Sorry, your question is?

You were aware that this Commission was conducting an investigation from at least the middle of 2018, the middle of last year. Do you agree?---Yes.

And you were aware that Mr Steve Tong was very angry that he had been caught up in the investigation both by this Commission and by the Electoral Commission. Do you agree?---It depends on when I met him. I, I can't, I can't, I can't remember the date but only when I met him in my office where then I knew that he was cranky about the whole incident.

10 Well, you knew about Mr Tong - - -?---But before that then I don't.

You knew about Mr Tong when Dr Liao first whispered in your ear in September of 2016. Is that right?---Yes.

But you later found out that Mr Tong was very angry and may say some things that might implicate you. Do you agree?---Say something in what incident or in what occasion or - - -

20 Mr Tong – I withdraw that. You knew as at September of 2018 that there was significant risk that Mr Tong may say something to this Commission that may implicate you. Do you agree?---No.

I think you've accepted that you had a meeting with Steve Tong in Parliament House in September of 2018. Is that right?---Yes.

And Mr Kenny Zhan from Wu International was also present during the course of that meeting. Is that right?---Yes.

30 At the very start of that meeting you confiscated Mr Tong and Mr Zhan's telephones. Correct?---No. No.

You took their phones from those two gentlemen and put them in your drawer.---Definitely not.

Do you agree?---Definitely not. Even, even the place where we are sitting I think that was wrongly remembered by Mr Tong. We are not sitting at the table. We are sitting at the couch next to the table.

40 Well, wherever you sat you confiscated their phones - - -?---No.

- - - and put them in the drawer. Correct?---No, no.

And the reason that you did that is that you were concerned that what was about to happen in the meeting may implicate you. Do you agree?---No, not at all.

Can we have Exhibit 234 on the screen, please. I'll show you a document that Mr Tong says that he produced which says it's a record of a meeting in

Parliament House with you on 17 September, 2018. Do you see that on the screen?---Yeah.

Do you accept that it was you who requested the meeting via Wu International rather than the meeting being requested by Mr Tong?

Do you accept that?---No.

10 So are you saying, whose idea was it to have the meeting with you?---I have no idea, because I met someone from the Wu International and I mentioned, because I was told that Dr Liao committed suicide and I concerned about because at the time when Dr Liao was alive he did mention about Steve Tong, he was very sick and, you know, he need to see me, but then at the end of the day that meeting didn't happen, so I just asked if this Mr Tong would like to meet me, I'm happy to meet up with him (not transcribable)

So does it follow from that, that you agree that you requested this meeting?
---Well, I did not request, I'm just asking them if Mr Tong would like to see me I'm happy to see him.

20 I see. So you offered to have a meeting with Mr Tong. Is that right?---I offered if they want to I'm happy to see him.

And how did you make that offer?---Just by telling the person.

Who did you make it to, which person?---I can't remember.

Well - - -?---Could be Kenny, I really can't remember.

30 You've got to do better than that, Mr Wong.---No, I, look - - -

You're saying that someone, what someone mentioned it to you and you then offered to have a meeting. Is that right?---Sorry, your question?

I'm trying to understand how this meeting came about.---Okay.

40 Whose idea was it?---So I met someone from the Wu International and he told me that Dr Liao passed away and the time he said he committed suicide and I recall that Dr Liao mentioned about this Steve Tong where he was very sick and he wasn't quite himself either. So I - - -

Who was the person from Wu International who you spoke to regarding this matter?---I won't be able to have recollection of who was that because it was very much like there are a few people there where I sort of like, you know, come across - - -

You can't answer that question because you're making this up. Do you agree?---No, not at all. Not at all.

It was you - - -?---I can't even remember whom I met last night.

It was you who wanted the meeting with Mr Tong. Do you agree?---No.

If you have a look again at this note, you at least agree I take it that it was you that changed the time of the meeting from a Saturday in Chatswood to your office in Parliament House. Do you agree with that?---Yes, yes.

10 And do you agree with what Mr Tong says in numbered paragraph 1?
---Yeah.

Do you agree with what Mr Tong says in numbered paragraph 2?---Yeah.
Ah, 2, is it?

Numbered paragraph 2.---No. Not exactly those words.

20 Do you agree with what – well, do you agree that at least the substance of what was said, or at least the substance of something that was said during the course of the meeting is as Mr Tong identifies in numbered paragraph 2?
---No. I didn't even recall, but then I still remember, the only thing I remember was very much - - -

Just pause. We'll do this in stages.---Yeah.

Do you at least accept that Mr Tong made it very clear to you that he had not donated \$5,000, or indeed any other amount, in connection with the Chinese Friends of Labor event?---No, he didn't mention that at all.

30 He didn't mention that at all. Is that what you - - -?---He didn't mention that at all. All he said was very, it was very confusing at the time when he was talking to me. The very first thing he mentioned was that, you know, he was called in by the Electoral Office apparently because he was very sick, so he didn't attend. So then - - -

I suggest to you that that's a lie and he did make it very clear to you that he was not a donor of \$5,000 or any other amount. Do you agree?---No, no.

40 Have a look at numbered paragraph 3, please. Do you agree that Mr Tong said words to that effect that he's identified at numbered paragraph 3?
---No. He just said that he was, he - - -

No. Just focus on my questions, please.---Sure.

Do you accept the substance of what Mr Tong says at paragraph number 4, namely that you should, sorry, that namely that Mr Tong should not say anything?---Which one are we talking, are we talking about - - -

Numbered paragraph 4.---No. It is not what I said. I've told him, said, "Look, I don't," actually for the whole conversation he did not mention about he did not donate the money. He did not say that he was telling lies.

Now, I suggest to you - - -?---But all I said was that because, if he felt uncomfortable with what he said, he just say what he said before and that's the comfort I would like to give to him.

10 I suggest to you that you have said to Steve Tong, Jonathan Yee, May Ho Yee, Valentine Yee, Patricia Siu, Teresa Tam, Lei Mo and Wei Shi that they should keep their mouths shut, or words to that effect, in relation to donations and the 2015 dinner.---No, no.

And the reason that you have said that is that you were very concerned that the truth would come back to implicate you, do you agree?---No. Not at all. I only meet them all - - -

We don't need an explanation or a speech, thank you.---Thank you, okay.

20 Do you at least agree that in June of 2019, you provided instructions or advice in writing as to what Mr Tam should say to this Commission in his compulsory examination?---No.

You deny that on your affirmation?---I deny that but - - -

Can we go please - - -?---Can I give a bit of explanation?

30 THE COMMISSIONER: No, no, no. You must just sit there and wait for the next question.

MR ROBERTSON: Can we go, please, to Exhibit 286A. And while that's coming up, you were aware, weren't you, Mr Wong, that Mr Tam, being the husband of Mrs Tam who we spoke about before, was summoned to attend this Commission in a compulsory examination, is that right?---Yes.

Who told you that?---Jonathan Yee because Teresa Tam would like to ask help from a solicitor and I, Jonathan asked me if I, if can help with that.

40 So let's just take a step back. I asked you some questions before where I suggested to you that Mr Jonathan Yee kept you informed as to what was going on in the Electoral Commission's investigation and this Commission's investigation. Do you recall those questions I was asking you?---You, you're saying that those being asked on me, right?

Do you recall that I asked you questions a little while ago, sometime between 2.00pm and 3.00pm about whether Mr Yee Kept you informed as to the progress of the Electoral Commission's investigation or this investigation, correct?---Yes.

And as I understood your evidence, but perhaps I got it wrong, you said, “No, no, no, I wasn’t kept informed of those matters at all.” Is that right?
---Yes.

But you were at least kept informed of the fact that Mr Tam had been summoned to give evidence, is that right?---No. What he was asking – look
- - -

10 Well, then how did you know that Mr Tam had been summoned to give evidence then?---Okay, if you say, look, sorry, Mr Robertson, if you say it’s informed then it’s informed, but Jonathan Yee at the time just rang me up to say look, “Teresa Tam would like to have a solicitor to help with her husband,” so I said, “Yeah.” But that is sort of like informed me with the process of it, the progress of it, I don’t agree with it.

Why didn’t you say, “Stop talking Mr Jonathan Yee, there’s probably a direction prohibiting the disclosure of the fact that a compulsory examination summons has been issued. We should stop talking
20 immediately.” Why didn’t you say that?---Probably because I am Australian-Chinese. Well, then I just say no to that. Look - - -

Sorry, you’re not seriously suggesting, are you - - -?---Yes, I am.

- - - that because you are Australian-Chinese you should take some other approach to legal requirements?---No, not at all. Not at all but I am not asking - - -

30 You are a citizen of this country, aren’t you?---Yes. Yes, Mr Robertson - - -

THE COMMISSIONER: You’re also a lawyer, aren’t you?---Yes, I know but I am - - -

MR ROBERTSON: No. Are you a native born citizen or were you a naturalised citizen?---Naturalised, yes.

And when you were a naturalised citizen, you gave an oath or an affirmation, didn’t you?---Sure, sure.

40 You gave an affirmation to respect the laws of this country, correct?---Of course.

You are not suggesting - - -?---Well - - -

No. You are not suggesting for a second, are you, that because you might have particular heritage, as a citizen of this country, you should somehow take less importance of important legal obligations?---No. I am not suggesting that.

You're not suggesting that, are you?---No. I am just suggesting that we did not discuss in anything further in regards to that examination but then I was trying to give him a name of a solicitor, or a barrister so that that barrister will be able to help him and I personally rang up that barrister and the solicitor tell me that I probably will be the subject of the, a, a subject of interests, I, I will not be able to check any further but then they will contact you themselves.

- 10 You're not suggesting Mr Yee was calling you up to be the solicitor for Mr Tam for the compulsory examination, surely.---He just want someone who will be able refer him with a barrister or solicitor. Probably would not be able to find one as such.

I suggest to you that that was not the limit of your communications with Mr Yee regarding this Commission's investigation, and in fact he kept you up-to-date with every summons that had been issued in relation to this investigation by this Commission, would you agree?---No.

- 20 You knew exactly what was going on. You knew who had been summoned. You knew what the lines of examination were, correct?---No.

And you knew all of that because you discussed them with Mr Jonathan Yee, do you agree?---No. No.

Do you at least agree that you paid a visit on Mrs Tam on the very day that Mr Tam was due to give evidence in a private hearing?---Yes.

- 30 You visited her at the barbecue shop forming part of the Emperor's Garden sets of restaurants, is that right?---Yes.

And you gave her a piece of paper during the course of your meeting, is that right?---I was asked by, by Teresa Tam to type up the letter.

No, no. Just do it in stages. Just do it in stages. Just pause, just pause. ---Yeah, sure, yes.

You gave her a piece of paper - - -?---Yes.

- 40 - - - during the course of that meeting, correct?---Yes.

Now, pause. Exhibit 286A, please. Can we start with the Chinese language version. And in fact it was two pieces of paper rather than one, do you agree?---Yeah, probably, yeah.

And the particular piece of paper you gave is the piece of paper – or at least one of the pieces of paper – is that which we can see on the screen, do you agree?---Okay, yes.

And if we then just turn to the second page, please. That was also part of what you gave to Mrs Tam, do you agree?---Yep. Yep.

And you gave this to Mrs Tam and said that she should ask her husband to answer accordingly, do you agree?---No. No.

You didn't say that?---No.

- 10 Let's just go to the next page, please. Do you agree that a fair translation of the first part of the Chinese text that we just saw is as identified in the underlined part that you can now see on the screen?---Yes.

Do you agree that's a fair explanation?---Yes.

And so you agree, then, that you are giving a note to Mrs Tam to give to Mr Tam, suggesting that he should insist that the money donated to the Labor Party was your own money, correct?---That that was?

- 20 MR HALE: I object to that. It doesn't follow. It doesn't follow from the prior question. You were giving a piece of paper, asking him to do something. Now, at the moment we have a piece of paper that has been provided, and so far we haven't got the circumstances in which it's provided, and the conclusion, which is imposed in the question, in my submission doesn't follow.

THE COMMISSIONER: All right. Mr Robertson, I think if we approach it
- - -

- 30 MR ROBERTSON: Let's do it this way. The purpose of you giving the pieces of paper to Mrs Tam was for Mrs Tam to provide it to Mr Tam, correct?---Yes.

You knew that the pieces of paper contained advice on what should be said during the course of the compulsory examination before this Commission, correct?---No, that was the discussion between Teresa Tam and myself at the time. That was before - - -

- 40 Just pause, just pause so we can get this clear. Do you agree that what you were seeking to achieve by giving this piece of paper to Mrs Tam was to provide advice to Mr Tam as to what he should say in the compulsory examination before this Commission?---No.

You don't agree?---No, that's the note for Mr Tam - - -

No, let's do it in stages. You are disagreeing with the proposition that I put to you?---Yes, I'm disagreeing. That is a note from Mr Tam to take to his solicitor to discuss the issue with him.

Who wrote this note? Who wrote the text of this note?---I did.

So you agree that in the Chinese text that we saw a moment ago - - -?---Yes.

- - - this is you who is identifying particular matters, is that right?---Yes.

10 And I suggest to you that the reason that you wrote that material is that you wanted Mr Tam to lie to this Commission, do you agree?---No, no.

You wanted him to lie to this Commission because the truth would implicate you, correct?---No.

What you wanted to achieve was for you to be seen in a good light before this Commission, correct?---No.

20 And that's why you wrote the stuff that we can see towards the bottom of the page, "If you're asked if you know Ernest Wong, you can say, 'Ernest Wong is a good friend to everyone in the Chinese community.'" Correct? ---Well, that's the truth. And that's what he - - -

No, listen to my question.--- - - - that's what, that's what Teresa Tam told me.

Listen to my question. Just pause, just pause, listen to my question.

THE COMMISSIONER: Wait a minute. You can't both talk at the same time.

30 MR ROBERTSON: You were seeking to have Mr Tam say good things about you in the compulsory examination, correct?---No. That was what we discussed.

And that's why, and that's why you wrote the material that we can see under the subheading. "If asked if you know Ernest Wong," towards the bottom of the page that we can see on the screen. Do you agree?---That's all, that's what we discussed between myself and Teresa Tam.

40 Do you agree that the reason that you wrote the material that we can see towards the bottom of the page, it was to try and show you in a good light before this Commission, do you agree?---No. One of the incident - - -

Do you at least agree that what is said on this document contains falsehoods?---Contains, sorry?

Contains things that are lies.---No.

And do you accept that one of the things that you were attempting to achieve by giving this note to Mrs Tam to give to Mr Tam was to procure Mr Tam to give false evidence before this Commission?---No.

THE COMMISSIONER: Why did you give him the document, then?
---That's what I tried to explain.

Why did you give it to Mrs Tam to give to him, I should say. Why?
---Because I have a meeting with Mrs Tam the day before or two or three
10 days before, I can't remember. So we discuss on what she has told me, that
what she has said in regards to the compulsory examination. But then she
did mention that because there is a family pool of money, that his husband
has contributed, but his husband did not understand how to identify which
money was his part. So I was advising her that usually in the Western
culture you have to be really clear about how much money that was your
part, rather than the family pool. So that's about the whole thing. And then
he mentioned about, you know, how she knew (not transcribable) she knew
me, quite frankly. And then she know because there was incident where we
20 have worked together with Emperor's Garden many years ago, when I was
in Burwood Council, in regards to extortion. So those are the things that we
discussed. And at the end of the day, she asked me if I'm able to
accompany her husband to see the solicitor. I said, no, I wouldn't be able
to. But she said that probably her husband will not be able to present or to
tell the solicitor, so he asked me (not transcribable) type it up for her.

So if I understand what you said, you said about preparing this document we
see on the screen to give to Mrs Tam in order to be provided by her to her
husband to assist him, guide him or help him in some way deal with
questions that may be asked of him in the compulsory examination.---To tell
30 the solicitor, the solicitor that is going to represent him.

I'm putting to you, did you give it to her, not to the solicitor, you gave it to
her to give to her husband, firstly. I think you've already said yes, you - - -
?---Yes.

All right. And as for the purpose for doing that, was it to enable or to assist
her husband deal with questions that might be asked in the compulsory
examination?---For - - -

40 No, just answer that question. Was that the purpose?---No, no.

Well, what was the purpose of providing such a detailed document like this
if it wasn't designed for his eyes to assist him?---For him to take over to his
solicitor so he'd be able to communicate with his solicitor in regards to the
whole situation that he wants to present.

But why are you writing the script – I’ll call it the script for present purposes – why are you writing the script for Mr Tam to speak to his solicitor?

10 MR HALE: Well, I do object to that. I think, with respect, Chief Commissioner, you missed one of his earlier answers. He said that she asked him – this is Mr Wong – to put it down on paper. I think that’s what he said in his evidence, and that was the genesis of the preparation of the document, which, you may recall, is what I actually put to Ms Tam in cross-examination.

THE COMMISSIONER: I accept what you say. Mr Wong, if this was drafted by you for the purposes of assisting Mr Tam to communicate with his solicitor, which is what I understand is now being put forward, is that right?---Yes.

20 Why would you go into such detail as to precisely what subject matters and how Mr Tam would communicate with his solicitor from this document?
---Because that’s what Teresa Tam mentioned, that her husband, you know, would not be able to handle of communicating. So that’s the thing that we have discussed through, yeah.

Yes, but my point is this. When you read the document it certainly is written as almost an instruction. Let’s take the first paragraph. “You must remember, must insist that the money donated to the Labor Party was your own money.” And then it goes on like that. The language used by you there is in the nature of a direction, isn’t it, or instruction?---No. What, what, what happened was I - - -

30 No, don’t go on with speeches.---Yeah, yeah, you’re right, yeah.

I put the question, I’ll repeat it if I have to, if you want me to. Do you recall the question?---Yes, I do, yes.

All right. It does, does it not, look very much like it’s expressed in terms of a direction or instruction?---It does, yes.

40 Importantly the subject matter of the direction/instruction is a very clear point, isn’t it. You’re saying here, “You must remember, must insist that the money donated to the Labor Party was your own money.”---Yeah, because that was the question - - -

You were telling him to say that and yet for all you knew of course, that may not have been the case at all.---Because - - -

Is that right?---Yeah, sorry, I missed the - - -

I mean it might have been given by somebody else, his aunty or something like that, so he'd tell his solicitor what the source of his funds were. Is that right?---Yeah, you're right, yes.

Well now you're telling him however, in this document, to say the money was your own. It was money that your wife and you donated together. The most important thing is to prove that it was your own money. So you're giving him direct instructions or directions as to what he should actually say, well, if it was to his solicitor to even tell his, to tell him, you must tell this to your solicitor.---No.

Well - - -?---If that was - - -

If that's the correct way of reading the first paragraph, it might be said how inappropriate is that for anyone to tell him or her how he should instruct his own lawyer.---Look, I'm not - - -

You, especially being a lawyer yourself. Isn't that so? It could be said to be outrageous as to instruct somebody as to what instructions to give to his own solicitor. Would you agree?---Yes. Mr, Mr, Mr Commissioner, can I be able to give a bit of context of it? Because there was actually a concern raised by Teresa Tam in regards to how her husband will not be able to identify there was a family pool of money or his money.

I think you've already told us that.---So I tried to remind him there's something you have to indicate very clearly that's your money or that's your family's money. So that's why I kept on saying that, you know, reminding that that's your money and the money that he donated with his wife, rather than just say, oh, it's family (not transcribable) I will not be right saying that is what Teresa Tam actually raised a concern asked me for advice.

Yes.

MR ROBERTSON: Is it right to say that as at June of 2019 you knew that Mrs Tam had participated in a compulsory examination?---(No Audible Reply)

I think that's what you said before, wasn't it?---Yes.

Who told you that?---Only the time when, when, only at the time when she approached Jonathan to ask for, to ask for help to get a solicitor for her husband.

Let's be clear about this. So when did you first find out that Mrs Tam had participated in a compulsory examination before this Commission?---I would not have a clear recollection of that, but when I was doing my, my one, then I will come across all those names myself.

No, no, but no one told you during your compulsory examination as to the identities of anyone else who may have given a compulsory examination. Correct?--No, of course not, but I was given, I was given on the screen, I'm pretty sure that was Mr Robertson show me, the list of all these people.

Just listen carefully, just listen carefully to what I'm asking.---Sure.

10 According to my note, you said, in response I think to one of the Chief Commissioner's questions, that there was a discussion with Mrs Tam during the course of which she told you, or you otherwise knew, that Mrs Tam had participated in a compulsory examination. Do I have that right or do I have that wrong?---Yes, when she disclosed that to me, yes.

So Mrs Tam disclosed that matter to you. Is that right?---Yes.

Not Jonathan Yee, it was Mrs Tam. Is that right?---I didn't, I did not have any recollection that it was Jonathan Yee at all.

20 Well, again I suggest to you that Mr Yee was keeping you informed of these matters as they were occurring. Do you agree?---No.

But you at least accept that you knew that Mrs Tam had participated in a compulsory examination as at June of 2019, is that right?---Yes.

And you're referring I think - - -?---June?

June of 2019, yes.---No, I don't recall that date at all.

30 Well, you at least accept that you knew about it during the same month in which Mr Tam was required to participate in a compulsory examination, is that right?---Yes, yes.

And I think you were referring before to a meeting that you had with Mrs Tam a couple of days before the compulsory examination, is that right? ---Yes.

And that was a meeting between you, Mrs Tam and Mr Yee, is that right? ---Yes.

40 During the course of that meeting, you suggested that Mr Tam should add to his evidence by saying that he works in a restaurant, one could earn tips and pocket money, do you agree with that?---No. No, she told me that that's what she said or what, what her husband was going to say.

Well, I am suggesting to you that it was your idea for Mr Tam and the other Emperor's Garden employees to talk about lucky packet money, do you agree?---No.

That was your suggestion to Mrs Tam to pass onto Mr Tam, do you agree?
---No.

And you put suggestions of that kind in the written document that we can see on the screen, correct?---No.

And you put them in that document even though you knew that matter to be false, do you agree?---No.

10 After you visited Mrs Tam with a copy of the note that we can see on the screen, and after the compulsory examination took place with Mr Tam, you had a further meeting with Mrs Tam, is that right?---Yes.

And what occurred at that meeting?---I don't have a clear recollection of what we have discussed type of things.

Well, you were asking Mrs Tam to report to you as to what had happened during the course of the compulsory examination with Mr Tam, correct?---I did not, I did not ask her to report to me as such, no.

20

Well, you at least wanted to know something about what had happened in the compulsory examination that had just occurred, do you agree?---I didn't ask that question but I was asked by Jonathan Yee if I'd be able to help him to, to probably give a bit of money to help with the cause of, of the legal fee of Mr Tam.

But do you at least accept that you had a discussion with Mrs Tam in which Mrs Tam gave you some information as to what had occurred in connection with the compulsory examination of Mr Tam?---I don't have recollection
30 that she told me anything about that examination.

In particular, you were interested to try and find out whether there was any indication as to whether this Commission would proceed to a public inquiry, do you agree?---No.

Do you agree it came to your knowledge that those Commission was going to conduct a public inquiry in either late July or early August of this year?
---I don't have a recollection of the date but then I read it from the newspaper.

40

Do you agree that you cooperated with Mr Yee with a view to meeting each of the punitive donors to speak to them about what might happen at the public inquiry?---No.

So do you deny - - -?---But then there was - - -

Pause there. Do you deny that you had Mr Jonathan Yee arrange meeting with May Ho Yee, Valentine Yee, Patricia Siu, Teresa Tam, Lei Mo, Wei

Shi and Johnnie Lin for you to discuss the subject matter of the public inquiry?---I did not request it but after the public, the public, the public inquiry is being announced, Jonathan Yee suggested that this, all of those employees are now going to a solicitor and he also want me to meet up with them to give them comfort in regards to how they are going to, to cope with it and I strongly recommended they should get themselves a solicitor. That's the whole - - -

10 And of course you said that, as a solicitor, "That would be a ridiculous suggestion for me to seek to provide comfort because I may well be a person of interest in this inquiry." Is that what you said to Mr Yee?---No.

No. In fact you met with each of these individuals, didn't you?---Yes, I did. Yes.

Now, as a solicitor, you must appreciate that that was a ridiculous thing to do, you must accept that?---But I think it all depends on how - - -

20 No. Do you accept that or not?---No.

For a solicitor, an officer of the court, to speak to people who are about to be called for a public inquiry and to speak to someone who may be a person of interest in that inquiry would be an absurd suggestion. Do you agree with that?---Well, it depends on, it's depends on what we are talking about though.

It would be absurd. It would be absurd to have meetings of that kind in the lead-up to a public inquiry, do you agree?---No.

30 It would not be absurd, it would be wrongful to do, would you agree?---No, as I said before, it depends on what we're talking about, the context.

It would be wrongful for you to do, do you agree?---No.

40 THE COMMISSIONER: Mr Wong, we've heard evidence that you spoke to persons who attended on the Electoral Commission in the course of its inquiries, and you spoke to them before they were interviewed by the Electoral Commission, and depending upon what findings are made on the basis of their evidence, it might be said that you influenced, used your influence on those persons, which impacted adversely on the Electoral Commission. Now, if findings to that effect were justified on the evidence, you would agree, wouldn't you, that such conduct by you in interfering with those persons the Electoral Commission is proposing to interview would be both improper and wrong?---But I did not try to influence them.

No, no, no. I'm putting it to you on the premise that you did speak to these witnesses. I'm not saying that I've concluded that. I'm just simply saying that if the evidence establishes the proposition that you did, in effect,

interfere with persons of interest that the Electoral Commission were seeking information from that would, undoubtedly, be both improper and wrongful conduct, wouldn't it?---Yes.

And if the same occurred with persons who were called as witnesses by this Commission in its investigation, and if anyone sought to interfere by speaking to those persons to influence them, what they said, to this Commission, that too would be highly improper and wrong, wouldn't it?
---It would be if, if intentionally trying to influence or interfere, which that
10 was not my intention at all.

Well, are you saying, well, you did do that, you did speak to witnesses – I withdraw that. That you did speak to persons who the Electoral Commission interviewed?---No. Not at the time when they were interviewed by Electoral – yeah.

No, I haven't finished. Are you saying that you did speak to persons that the Electoral Commission interviewed but you didn't intend to influence them in any way in what they said to the Electoral Commission? Is that
20 correct so far?---Yes.

But if you had have intentionally spoken to them for the purposes of interfering with the Electoral Commission, that of course, as I think you've accepted, would be highly improper.---Yes.

Well, if you didn't speak to them with the intention of influencing what they might tell the Electoral Commission, why were you setting out to speak to these people? That is, a number of these people who the Electoral Commission interviewed.---I'm not setting out to, I'm not setting the
30 meeting to meet up with them, particularly during the time when they were interviewed by the Electoral Office. I think - - -

Just follow, just stay with me.---Yeah, sure.

Just stay with me. The point of my question is to ascertain if you didn't intend to influence them, why did you go to all the trouble of speaking to various people the Electoral Commission interviewed about the matter of donations or anything associated with the dinner?---Upon the request –
40 sorry.

MR HALE: With great respect, if I might - - -

THE COMMISSIONER: Just a moment.

MR HALE: Can I just object there for the moment?

THE COMMISSIONER: Yes.

MR HALE: I don't know that he has accepted the proposition that he did go out to - - -

THE COMMISSIONER: Yes, all right.

MR HALE: There is a difficulty here and I appreciate, Chief
Commissioner, you are taking the evidence that has been given from a
number of witnesses and making an assumption that it is correct, and
therefore it is correct as it affects this particular witness, whereas in fact he
10 probably has a different story to tell.

THE COMMISSIONER: Sure.

MR HALE: If one did it witness by witness, and I think in each case the
circumstances are somewhat different, one might get to a clearer answer on
that, certainly in relation to some of the contrary propositions that have been
put to them.

THE COMMISSIONER: Well, Mr Hale, you of course would be
20 understanding that a lot of this examination today is designed to comply
with procedural fairness requirements – that is to say to propositions to him
if the evidence were to be accepted as establishing X, what would you say,
or what was your purpose in speaking to people. It gives him the
opportunity of putting forward whatever he would want to say, as it were,
defensively.

MR HALE: I appreciate that – were it the case – a particular conclusion
would follow. But may I say, this was without any disrespect to Counsel
Assisting, perhaps one of the difficulties here is because of the nature of
30 cross-examination rather than asking perhaps in the first instance, open-
ended questions - what did you do, why were there, what did you say –
because that sort of question hasn't been asked, we are in a little bit of a
difficulty at the moment just going straight into the cross-examination and I
appreciate there are issues of the saving of time that no doubt compel
Counsel Assisting.

THE COMMISSIONER: Well, Mr Hale, I take on board what you've said
and I'll just limit what I intended to have the witness address his mind to
and then I'll leave it to Counsel Assisting perhaps, I'll do it in this way and
40 we'll see how we go.

MR HALE: Yes, you would appreciate that I'm very alive to the point.

THE COMMISSIONER: Yes, I do understand that.

Mr Wong, we've heard there are a number of people who were interviewed
by the Electoral Commission about the donations issue to see if there was
any evidence of contravention of the relevant legislation. I think you've

accepted that you in fact did speak to a number of those persons who the Electoral Commission was interested in interviewing, and in fact did interview.---That was after the public inquiry being announced, not before.

I'm talking about the Electoral Commission inquiries now, before this Commission got involved at all. I'm talking about the Electoral Commission inquiries.---I've not spoken to any one of them - - -

Just let me put what I want to put to you.---Sorry.

10

In relation to the people you spoke to, being the ones the Electoral Commission interviewed, did you speak to them about any matters relevant to the fundraising dinner of 12 March, 2015 and/or donations associated with that fundraiser?

MR HALE: Could I perhaps ask for a clarification. It's not clear to me, particularly having regard to this response, are we talking about after the public inquiry had been announced or at some earlier time, because - - -

20

THE COMMISSIONER: No, no, I'm talking about contemporaneously with the Electoral Commission investigation.

MR HALE: Well, that's what he was just trying to answer by saying, no he wasn't speaking to them then, he was speaking to them after the public inquiry was announced.

THE COMMISSIONER: All right. Well, I was going to come to that as a second - - -

30

MR HALE: Yes, I think there might have been one, obviously, at an earlier stage.

THE COMMISSIONER: All right. Perhaps I'll go - - -

MR HALE: That's the contemporaneous issue that I was seeking to put forward.

THE COMMISSIONER: All right. Well, Mr Wong, I'm just trying to give you an opportunity to provide any explanations you want about this aspect.

40

---I appreciate that, yes.

We're talking about the witnesses then who gave evidence to this Commission in compulsory examinations to whom you spoke before they attended the Commission.---Only Teresa Tam because she requested to have a solicitor for her.

Well, you say the only person who's given evidence in a compulsory examination in the ICAC investigation - - -?- - - Yes.

- - - that had anything to do with the dinner, fundraising dinner of 12 March, 2015 and/or donations associated with that, the only person you've spoken to on those matters or any one of them is Miss Tam.---Yes.

But not to any other witness who's given evidence?---No. Even with - - -

Is that your position?---Yes.

10 I see. There's only one person that you spoke to knowing there was a compulsory examination coming up by this Commission?---Yes.

But you didn't speak to anyone else who was called before the Commission in the compulsory examination about this matter as to what they might be asked about?---Yes, but I think the proposition - - -

Is that right, you didn't speak to anyone else, Miss Tam is the standout, she's the only one you spoke to?---Yes, again the proposition that was put to me by Mr Robertson is in regards to there were general conversations with
20 Jonathan Yee and also Kenrick Cheah as well but that's the only two people that, you know, had a bit of a general conversation.

All right.

MR ROBERTSON: So is it right that you've had a general conversation with Mr Cheah concerning the progress of the Electoral Commission's investigation, is that right?---No, no.

But you have had general conversations regarding the progress of this
30 Commission's investigation?---I don't have any concern at all.

No, conversations?---Oh, conversations yes.

I thought you just said to the Chief Commissioner - - -?---Yes.

You had some general conversations with both Mr Jonathan Yee and Mr Kenrick Cheah regarding this Commission's investigation. Is that right?
---Yes.

40 When did you have those discussions with Mr Cheah?---I would not have any recollection of the date or time.

But it's at least clear in your mind that you had those discussions whilst this Commission's investigation was on foot. Is that right?---Yes.

And so is it right to say that you at least discussed the general nature of the

investigation and perhaps some of the points of interest in this investigation?
---Probably general, general knowledge of what has already been exposed.
Not in any detail things.

Do you know whether Mr Cheah participated in a compulsory examination before this Commission?---I cannot say that I do not have any idea, he did not particularly telling me that he was summoned, but I'm pretty sure he will be.

10 Sorry, I don't understand that answer.---So based on that I would understand that he probably will be a subject of interest, but it's not like a discussion where he told me exactly when he was going to be summoned or what he was going to be summoned for.

So just to be clear, you admit that you had discussions with both Mr Jonathan Yee and Mr Kenrick Cheah, at least about the general nature of this Commission's investigation.---Yes, yes.

20 And did that include discussions about the general lines of inquiry that were asked of you when you participated in the compulsory examination late last year?---No, no.

So more general in terms as to what this Commission might be interested in knowing. Is that right?---Or how the community is actually dealing with it.

30 You agree, don't you, that at least as at the time that the public inquiry was announced, that you knew that you either were a person of interest or at least were potentially a person of interest to this public inquiry. Correct?
---Sorry, can you just say the question again?

As at the time of the public inquiry before this Commission was announced, you knew that you were a person of interest to this inquiry. Is that right?
---No.

You at least knew - - -?---I, I was aware that I was, I was called in as a witness.

40 You at least knew that you may be a person of interest to this inquiry. Correct?---Yes, yes.

You at least knew that substantial allegations may be made against you in this public inquiry. Correct?---I did not have a particular knowledge of that or any thought of that as well.

No, but you at least knew that there was a risk of allegations of that kind being made during the course of the public inquiry.---Yes.

Do you agree?---Yes.

So on the face of that, wouldn't you accept, at least with the benefit of hindsight, that it was inadvisable for you to have discussions with other people who might be called to give evidence before this public inquiry. You at least accept that, don't you?---Yes. (not transcribable)

You know as a solicitor that even the perception that you might be obstructing or influencing evidence would be a terrible thing for a solicitor to either do or even to be perceived to be doing. Correct?---Yes.

10

So why in the face of that didn't you say to Jonathan Yee, look, I'd love to assist your employees but I am too close to this, you're going to need to seek advice from someone else. Why didn't you say something like that to Mr Yee?---Because these are the people that I meet every day when I'm, you know, going to the restaurant, if I come across in Chinatown, and there's a request from them saying, oh, I just want to have a bit of a, of, of, of, of, of a meeting with Mr Wong or by Jonathan Yee where they whenever, it's not like set meetings, which day, which time that you come to see me. (not transcribable) when I was in the restaurant Jonathan said,
20 "Look, these people would like to come up and will you be able to advise them to make sure they will get a solicitor?" I said, "Fine."

Do you at least accept that with the benefit of hindsight what you should have done is said something like, "I would like to help but I'm too close to this therefore I cannot." Do you at least accept that?---I agree, I accept that, yeah, I accept that.

Now, after the public inquiry was announced, you had a number of discussions with Jonathan Yee as to what might come out during the course
30 of the public inquiry. Do you agree?---No.

And you gave some advice to Mr Yee as to what he should do if called to give evidence in the public inquiry. Do you agree?---No.

Do you agree that Mr Yee said words to the following effect to you, "ICAC is trying the media to put pressure on you guys to tell the truth. If they had enough information it would always be, it would already be forwarded to the DPP. Don't worry about it, just stick to your story and we'll be fine?"
---No.

40

So you deny that Mr Yee said words to that effect?---I didn't, I didn't have any recollection of that.

No, no, it's a serious - - -?---But media, media exposure has always been raised, yes.

Mr Wong, this is a very serious matter.---Yes.

I'm putting, completely in fairness to you, you'll appreciate what I've been doing today - - -?---I understand that, yes, I understand that.

And I've doing it forcefully but I've been doing it very deliberately to give you an opportunity - - -?---Sure.

- - - to respond to these very significant allegations. You understand that, don't you?---I understand that, yes.

10 You understand that one of the things that this Commission should do as a matter of fairness, and will do as a matter of fairness - - -?---Yeah, I appreciate that as well.

- - - is give you an opportunity to respond to substantial allegations against you, correct?---Sure. Sure.

And you know that some very serious, very serious allegations have been made against you by people sitting in the very chair that you're sitting in today, correct?---Yes.

20

So I'm putting to you a very, very serious matter. I'm putting to you that Jonathan Yee said to you – I withdraw that. I'm putting to you that you said to Jonathan Yee that he should not tell the truth to this Commission.---No.

Do you deny that?---Of course I deny that.

It's not just a matter of wrong recollection, you're denying that you said such a thing to Mr Yee?---Yes.

30 Well, but you do accept, I think, that you had meetings with each of the people who said that they were donors in connection with the Chinese Friends of Labor event in 2015, is that right?

MR HALE: I don't think he said meetings. I think he said he spoke with them (not transcribable)

MR ROBERTSON: I'll put it that way. You at least accept you spoke to each of the people who originally said that they were donors.---Yep.

40 But have now said, in the very seat that you're sitting in, that was not the truth. Is that right?---Yes.

One of those people you had a discussion with after the public inquiry had been announced was Ms Teresa Tam, correct?---Yes.

You had a discussion with her at the Emperor's Garden Restaurant, correct? ---After the public inquiry been announced.

After the public inquiry had been announced, that's right.---I didn't recall I've seen her, quite frankly.

Well, are you - - -?---That was before the public inquiry, though.

What I'm suggesting to you is that you had some meetings with her around the time that her husband was required to attend here.---Yes, was called in for, yeah.

10 And you and I have already discussed what occurred there - - -?---That was the private examination time.

- - - for the private examination of her husband.---Yes.

But what I'm suggesting to you is that after the public inquiry was announced, you had a discussion with Mrs Tam regarding the public inquiry, do you agree?---I did not have a recollection in regards to that.

20 And I want to suggest to you that your advice to her was that – which is to say Mrs Tam – Mrs Tam must insist that she donated her own money, do you agree with that?---No.

So what I'm suggesting to you is that you gave to Mrs Tam advice along the lines of what we saw in the letter to Mr Tam, which included you must insist that you donated your own money. Do you accept that or do you not accept that?---No. No.

30 You also had a meeting, or at least a discussion, with Mr Johnnie Lin after the public inquiry was announced. Do you agree?---Yes.

And again that was a discussion that you had at the Emperor's Garden Restaurant, correct?---Yes.

The discussion was in Cantonese, correct?---Yes.

And I suggest to you that what you said to Mr Lin, or at least one of the things that you said to Mr Lin was that if he doesn't follow what he said last time, then he'll be in a lot of trouble.---No.

40 Do you agree with that?---No.

So you're rejecting the proposition that you said either of those words? ---Yes.

Or you said words to some other similar effect to Mr Lin, is that right? ---No, not similar effect. All those people that I met with, I did tell them two things. First of all I asked them if they had a solicitor. I think that's one thing I tried to stress, to make sure that they would have their solicitor.

And, secondly, based on that, I understand that, or based on my knowledge that they were telling the truth, I'm telling them, say look, if you are comfortable and you find what you said was the truth, then you just say what you said before. That was the line that I gave them in Chinese.

I don't understand that last answer.---Okay. I'm telling them that if you're comfortable with what you said and you believe that was the truth, you just say, you just say what you said before.

- 10 Well, I'm suggesting to you that that's not what you did, and what you in fact did was sought each of those individuals to lie to this Commission because you were concerned that they would implicate you, do you agree?
---No.

In fact, you were seeking to obstruct this Commission's investigation, correct?---No.

- 20 One of the others you had a discussion with after the public inquiry was announced was Wei Shi, is that right?---Yes.

And one of the things that you said to Mr Shi was that, "You should insist on what was said before," and that ICAC does not have enough evidence to prosecute you with and that he should not worry. Do you agree that you said words to that effect to Mr Shi?---No. Wei Shi was the one that I had very little conversation with. The only thing I asked him was that, does he have a solicitor, he said no he did not, so he said he's okay but - - -

- 30 So to be clear about that, you did have a discussion with Mr Shi that was connected with this Commission's investigation but it was only related to the question of, "Do you have legal advice," is that right?---Yes.

And so are you saying that the only reason that you were having a discussion with Mr Shi was that you were concerned to make sure that he had access to legal advice?---Yes. It was further conversation because he mentioned that if I be able to give a bit advice on some of those taxation issues. He probably would need one of those by the time that it's not the subject of, if the investigation so he didn't need a solicitor or a, a, a taxation specialised solicitor.

- 40 Well, are you saying that those taxation matters were matters that were connected to or relevant to this Commission's investigation?---Yeah. That's what he mentioned a few times in regards to doing those interviews or investigations, that was always the questions being asked of the concerns that they had.

I see. So Mr Shi told you, did he, that this Commission was interested in his taxation affairs, is that right?---Well, well, probably he say that that is the question that been asked a lot of times.

He has told that that was a question that he had been asked a lot of times in this Commission, is that right?---Yes.

So in other words, Mr Shi was telling you about the substance of evidence that he had given or at least questions that had been asked in a compulsory examination, is that right?---Well, you can say that, yes.

10 Why didn't you say, "Stop there, stop there. You have probably been directed to not tell anyone what happened in the compulsory examinations. I am not your solicitor, you need to be very careful, you might be committing a criminal offence." Why didn't you say that?---Probably didn't come into my mind. If you want me to apologise, I would like to.

You must accept, mustn't you, that it was quite ill advised to have these discussions with people like Mr Shi in the lead up to the public inquiry. You must at least accept that.---Yes.

20 It put you in a position of risk, correct?---Yes.

It put these individuals in a position at risk, do you agree?---Yeah, now I agree in hindsight but I did not actually have that thought at the time.

Do you agree that one of the things you said to Mr Shi was that he should maintain what he had said in the private hearing and say the same in the public inquiry?---I don't have any recollection of saying that at all to, with Mr Shi because our conversation was like just a few seconds type things.

30 What I am suggesting to you is there was a pattern here that you were aware of what these various individuals has said during the private hearings, the compulsory examinations before this Commission and you were astute, even though it put you in a position as risk, you were astute to wanting these individuals to stick to that story, correct?---No. First of all I am not aware of what he said - - -

And that was advice that you gave, not just to the Emperor's Garden individuals but you gave it to Mr Steve Tong as well, do you agree?---No. Not at all. I was not, I didn't even know what they have said about this.

40 Well, you at least knew - - -?---But I based on that I believe what they so as I said before in regards to donation was true.

Well, let's pause there. You at least knew the general subject matters of investigation because you had a discussion, at least one, perhaps more, with Jonathan Yee concerning that matter, correct?---Concerning which matter?

Concerning the lines of investigation. You had discussions with Jonathan Yee including the one in Zhaoqing, correct?---No. Not the line of the investigation, but rather how did that person, like his mother is taking it - - -

I think where we got to before, Mr Wong, is that you accepted that you had, had at least some discussions with Mr Yee regarding the general nature of the investigation. Is that right?---Yes.

10 So you at least had an idea of those matters, and you also had at least some information from Mr Shi, for example, as to what he was asked in his compulsory examination, correct?---Yes, about that section, yes.

And I suggest to you it went further than that because Mr Yee, Mr Jonathan Yee, had given you at least some general ideas as to what had been asked in the compulsory examinations of others, do you agree?---No.

20 I've asked you about some of the Emperor's Garden people and also Mr Tong. You did have at least some discussions with Dr Liao while he was alive about the progress of this Commission's investigation, correct?---Not much.

When you say "not much" what discussions did you have with Dr Liao? ---The only, the only discussion we had at the time was when he asked me if I've been to meet up with Steve Tong, and later on he told me that Steve didn't attend the, the examination, and that's the end of the conversation, and we did not discuss anything further.

30 So can you just explain that? You're saying Dr Liao told you about something that Mr Tong attended or didn't attend?---Was not, was not, was not summoned. Well, he was very sick, so he did not attend the investigation. He did not attend the interview by the Electoral Office. I think he mentioned that, very likely, yeah.

So are you referring to the fact that Mr Steve Tong had been invited to give an interview to the Electoral Commission but said to the Electoral Commission that "I'm too unwell in order to do so," is that right?---Yes.

40 And so you at least had some discussions with Dr Liao regarding the progress of the Electoral Commission's investigation?---No, not a discussion. I was told by Dr Liao, because Dr Liao asked me to organise or to meet up with Steve Tong, and later on to seek legal advice. But later on, after a while, when I met Dr Liao, that's fine, he did not attend the interview because he was very sick.

I'm just trying to be clear as to what general discussions you say that you had with Dr Liao concerning either this Commission's investigation or the Electoral Commission's investigation. And by the sounds of it you've had one or maybe two or maybe a few discussions, at least in general terms,

about the investigations. Have I got that right or wrong?---Recollection, there were only two, as I said before very clearly, yeah.

And so the two were the whisper in the ear in September of 2016.---Yes. Yes.

10 And there was a separate discussion that concerned Mr Tong and whether he was going to give an interview to the Electoral Commission, is that correct?---No, he just tell me that he, Steve Tong, there's no need for Steve Tong to see me because he did not, because he was so sick that he was not called in for the interview.

Do you at least agree that you were aware that Dr Liao had been summoned to give evidence in a compulsory examination before this Commission?
---We never discussed that at all.

Well, you're at least aware that that had occurred, is that right?---Yes.

20 And who told you about that?---The time when I was summoned for the private examination, when I saw those names on the, on the screen, and I assumed that he was called in.

But I'm suggesting to you that you knew in advance of the date fixed for Dr Liao's compulsory examination that Dr Liao was asked to participate in a compulsory examination. Do you agree?---I didn't have any recollection.

You at least agree that you knew that Dr Liao gave an interview to the Electoral Commission, correct?---I didn't have any recollection.

30 Well - - -?---Am I aware of it? Yes, I am aware of it, particularly after all this time.

I'm not asking about at this time. What I'm suggesting to you is that before the date that was fixed for the compulsory examination of Dr Liao, you knew that Dr Liao had been summoned to give evidence before a compulsory examination of this Commission, is that right?---I do not have recollection of knowing exactly the date or if he has been called in.

40 But did you not offer some assistance to Dr Liao like you did in relation to - - -?---No.

- - - Mr Tong concerning the investigation?---No.

Well, why not? You were concerned about Mr Tong, weren't you, and you wanted to ensure - - -?---I wasn't concerned with Mr Tong.

- - - you wanted to ensure that Mr Tong had access to legal advice. That's what I thought you've told us before, is that right?---No, I wasn't concerned

about Mr Tong. But when Dr Liao requested that, so I think I just, you know, have obligation to help him along, that's all. And I didn't actually give any thought in regards to how I have to, or how I needed to help them. Dr Liao, Steve Tong, I've got no thought at all.

10 But I thought – I may have got this wrong – I thought that one of the reasons that you had the meeting with Mr Tong in Parliament House, and even the meeting I think you had with Ms Murnain in 2016, was that you were concerned about Mr Tong and you wanted to ensure that he had legal
10 advice. Did I have that right or not right?---No. Because that was the first time when Dr Liao told me that Steve Tong would like a bit of help or legal advice and I thought at the time that the Labor Party probably would be able to provide legal advice to them. The second time when I talk about that was because I remember that Dr Liao told me that Steve Tong was very sick and then because Dr Liao took his life and I have concerns if Steve Tong will be able to live up to it, so that's why I ask - - -

20 What I'm trying to understand is why wouldn't have you reached out to Dr Liao while the investigation was on foot to make sure for example he has access to legal advice like Mr Tong?---Why do I have to?

I'm not suggesting you have to.---(not transcribable)

I'm suggesting it would be consistent - - -

THE COMMISSIONER: Mr Wong, I have asked you not to talk over.
---Sorry, yeah.

30 Just take at a time, you'll get your chance to answer and respond.
---I understand that, yeah. Sorry for that.

MR ROBERTSON: What I'm trying to understand is why would you help Mr Tong and not help Dr Liao who's someone who you had a close relationship with?---Well, Dr Liao did not ask for it, did not request it, so I didn't have thoughts why I need to help. I mean I didn't even now, I didn't even have any thoughts I should help him. Why do I have to help him?

40 I'm not suggesting you had to, I'm simply suggesting that if the reason for your connection and assistance of Mr Tong was to make sure that he had access to legal advice and the like, and if that's why you were speaking to all of the Emperor's Garden people, at least in the lead-up to the public inquiry, why wouldn't you offer the same facility to Dr Liao when you knew that Dr Liao was part of the investigation with which this Commission and the Electoral Commission were concerned?---We are talking about different timeframes.

THE COMMISSIONER: No, no, no, no.---The first is because - - -

No, no, no, don't, forget about your time frames. You answer that question.
---With Steve Tong that was - - -

MR HALE: With respect, I think he was, wasn't he? Why wouldn't you do it, and he says, "We're talking about different timeframes."

THE COMMISSIONER: No, no, he's not. No, I disagree, Mr Hale.

10 THE WITNESS: Okay. Well, Steve Tong because there was a request by, by, by Steve Tong to meet up with him and I thought that, you know, probably he need legal advice, but with the other ones, that would be after, during the time when they were called in for this public inquiry where I think that is serious enough for them to get a legal advice. So that was a different time or different scenario that I'm thinking of helping them.

MR ROBERTSON: I suggest to you that that's a lie and that you've done everything in your power to prevent the fake donors from attempting to tell the truth. Do you agree?---No. I don't have any power at all. Thank you very much, Mr Robertson.

20

Is that a convenient time? Is that convenient time?

THE COMMISSIONER: Yes, it is. Very well, we'll adjourn for the day and resume tomorrow.

MR ROBERTSON: In terms of timing, just to assist others, I suspect I'll be finished with him within about an hour or so, maybe slightly more. I apprehend there may be an application or two for cross-examination. I should also indicate I need to save some time towards hopefully the end of tomorrow because there's some documents that have not yet been tendered that I wish to tender.

30

THE COMMISSIONER: Yes. Very well.

MR ROBERTSON: That includes the compulsory examination transcripts of Mr Wood and a series of other documents as well. That shouldn't take a large amount of time but that will need to, there's some important evidence there that will need to go.

40 THE COMMISSIONER: All right. Yes, Mr Hale?

MR HALE: Oh, no, sorry, I was just standing to (not transcribable)

THE COMMISSIONER: Well, I just want to survey the landscape in terms of whether anybody wishes to make application to cross-examine the witness, Mr Wong. Is there anybody present who does want to make such an application?

MR McAULEY: Chief Commissioner, McAuley, solicitor. I appear for Mr Jonathan Yee. I wish to reserve that position overnight. I'll have Mr Finnane briefed.

THE COMMISSIONER: Very well. If you do wish to make an application in accordance with the practice that's developed here you understand you should give Counsel Assisting a note by email or however you want to do it as to the basis upon, the ambit of the matters you want to cross-examine on and the basis as to how it affects your client's interests.

10

MR McAULEY: Yes, thank you.

THE COMMISSIONER: All right. Yes.

MR ZHU: Commissioner, I have the same position as my friend - - -

THE COMMISSIONER: Sorry, I can't hear you, would you just step near the - - -

20

MR ZHU: Commissioner, I might have some questions but I need it reserved overnight to seek some instructions.

THE COMMISSIONER: Sorry, you're representing?

MR ZHU: Ms Tam.

THE COMMISSIONER: I see. Yes, very well. Well, again if you just give some thought overnight as to what areas you might wish to make application to cross-examine, and speak to Counsel Assisting.

30

MR ZHU: Yes, Commissioner.

THE COMMISSIONER: Yes.

MR OVERALL: Commissioner, I appear for Mr Shi.

THE COMMISSIONER: Yes.

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MR OVERALL: I may wish to cross-examine in relation to Mr Shi's evidence that was given earlier.

THE COMMISSIONER: All right. Well, again, you should follow the protocol. Thank you.

MS ALDERSON: Chief Commissioner, we would just like to reserve our position as well overnight.

THE COMMISSIONER: All right. Well, then again, if you would, in a timely matter let Counsel Assisting know. As to that, the intended program is to resume tomorrow at 11 o'clock or as close there to as possible.

MR ROBERTSON: Please the Commission. And I hope well be finished tomorrow but I can't give that guarantee in particular in light of the number of counsel who jumped up.

10 THE COMMISSIONER: Well, those who do wish to make application to cross-examine, should try and give an estimate as to how long it might be that, if leave is granted, the cross-examination will take so that that will assist in programming, in particular Counsel Assisting.

MR HALE: There may be something I would wish to say about the extent of cross-examination as well.

THE COMMISSIONER: Yes, yes. I understand.

20 MR HALE: Given that he's been - - -

THE COMMISSIONER: Well, that's true. I think then it would be appropriate for those wishing to make application include you in the loop as it were as to the matters that they wanted to have dealt with.

MR ROBERTSON: Can I respectfully suggest not to take that course simply because counsel may have a view that particular matters is a forensic advantage in - - -

30 THE COMMISSIONER: True.

MR ROBERTSON: - - - not disclosing that immediately.

THE COMMISSIONER: All right. We'll just - - -

MR ROBERTSON: But that's not to discount the possibility that keeping Mr Hale in the loop is ultimately appropriate but my submission would be I get it first and it may be that it's shared with Mr Hale after that.

40 THE COMMISSIONER: I think I'll leave it on the basis that you'll speak to Mr Hale to give him as much assistance as he would require rather than those seeking to cross-examine, rather than to send to you the bases upon which they would make the application. So I'm sorry, Mr Hale, you've just been excluded after I put you in but I think your interest will be fully protected by reason of the fact that I am sure Mr Robertson will contact you as soon as he is able to, to give you some heads-up, as it were, as to what lies ahead.

MR HALE: And I will have a word with him in a moment when we rise about what my concerns are.

THE COMMISSIONER: All right. That will be of assistance. See you back here tomorrow at 11 o'clock.---Thank you, Mr Commissioner.

Thank you Mr Wong.---Thank you.

We'll adjourn.

10

THE WITNESS STOOD DOWN [4.07pm]

AT 4.07PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.07pm]