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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

Reference: Operation E18/0093

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 12 DECEMBER, 2019

AT 11.00AM

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

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

MR ROBERTSON: Chief Commissioner, can I first indicate the proposed program for today.

THE COMMISSIONER: Mr Wong, just take a seat there for a moment, would you.

MR ROBERTSON: Can I first indicate the proposed program for today. I will continue with the further examination of Mr Wong and I hope to finish his examination by lunchtime. My suggestion will be that you take any
10 applications for leave to cross-examine briefly before lunch with the view to that any cross-examination the subject of leave occurring immediately after lunch, and then re-examination and/or clarification to be dealt with. I would hope that that exercise would finish by around 3.00pm or perhaps 3.30. After that, I then intend to call one further witness who hasn't previously been called in the public inquiry but who I apprehend will give some evidence of significance to this investigation, including on the question of whether Mr Wong's evidence should be accepted. I anticipate my examination of that witness will be fairly brief, perhaps somewhere in the vicinity of 20 minutes or so, and so therefore we're presently on track to
20 finish today but I can't guarantee that'll happen because it will depend in part on matters such as who applies for leave to cross-examine, if so whether cross-examination is granted, and matters of that kind.

THE COMMISSIONER: Well, if we run out of time, we'll resume tomorrow at 10 o'clock and go for as long as necessary after that.

MR ROBERTSON: May it please the Commission. Can I then deal with some other housekeeping matters. At page 2683 of the transcript, line 10, I
30 tendered a statement of Mr Mark Lennon, the President of the Australian Labor Party NSW Branch and President of Country Labor. That statement was marked as Exhibit 339. For abundant caution you, Chief Commissioner, at page 2648, line 10, made a direction under section 112 of the Independent Commission Against Corruption Act restricting publication of that statement, simply to give interested parties an opportunity to make any submissions that they wished to in relation to that matter. Following the making of that direction, the statement was made available to interested parties on the Commission's secure website and no submissions have been received suggesting that there should be any particular orders in terms of
40 restriction of publication and the like, and in my respectful submission there would be no interested party who would have a proper basis to seek such a direction. So in my submission you should lift the direction that you made under section 112 at transcript page 2684, line 10.

THE COMMISSIONER: What was the date of the - - -

MR ROBERTSON: The date of the direction was, I think it was yesterday or perhaps the day before. The day before yesterday, which would be 10 December.

THE COMMISSIONER: Thank you. Very well. On 10 December last, I made a direction under section 112 suppressing the publication of Exhibit 339. That was done to enable any interested party to raise any matters about the statement so that I could then deal with any such matters. However, there's been no issues or matters raised. In those circumstances, the appropriate course is to lift the suppression under section 112. In other words, the suppression order made on 10 December, 2019, is now terminated.

10

VARIATION OF SUPPRESSION ORDER: ON 10 DECEMBER LAST, I MADE A DIRECTION UNDER SECTION 112 SUPPRESSING THE PUBLICATION OF EXHIBIT 339. THAT WAS DONE TO ENABLE ANY INTERESTED PARTY TO RAISE ANY MATTERS ABOUT THE STATEMENT SO THAT I COULD THEN DEAL WITH ANY SUCH MATTERS. HOWEVER, THERE'S BEEN NO ISSUES OR MATTERS RAISED. IN THOSE CIRCUMSTANCES, THE APPROPRIATE COURSE IS TO LIFT THE SUPPRESSION

20 **UNDER SECTION 112. IN OTHER WORDS, THE SUPPRESSION ORDER MADE ON 10 DECEMBER, 2019, IS NOW TERMINATED.**

MR ROBERTSON: May it please the Commission. Can I also indicate that this morning NSW Labor and Country Labor provided the Commission with a copy of a report by Mr Lavarch. I haven't yet had an opportunity to consider that report but I anticipate that in due course I would seek to tender it, perhaps formally tender it in chambers and make that available. I don't do that now because I would like an opportunity to consider that document.

30 As I apprehend it though, neither NSW Labor nor Country Labor would oppose that report being tendered and being made available in a public way in that fashion.

THE COMMISSIONER: Well, I'll reserve on that matter as you've indicated and deal with it at the appropriate time.

MR ROBERTSON: May it please the Commission. Chief Commissioner, as I foreshadowed yesterday at transcript page 2721, line 3, I propose shortly to tender the compulsory examination transcripts of Mr Alex Wood.

40 Mr Wood's solicitor was provided with a copy of those transcripts and given an opportunity to make any submissions that she wished to make in relation to that matter, and those submissions have been received. In my respectful submission it's appropriate that that material be before the Commission, essentially for the reasons that I identified during the course of the examination of Mr Wood. So can I first formally apply for the directions that were made under section 112 of the Independent Commission Against Corruption Act in relation to the compulsory examinations of Mr Alex Wood on 8 and 11 November be lifted.

THE COMMISSIONER: Yes. In respect of directions made under section 112 of the Independent Commission Against Corruption Act, relating to the transcripts of evidence taken in compulsory examination of Mr Wood on 8 and 11 November, 2019, it is appropriate that that direction now be lifted and no objection has been taken in that regard by any potentially affected person. It's appropriate in the sense that it's important that that evidence, which has been partly deployed in the public inquiry, form part of the record of the public inquiry in order to ensure that the evidence of Mr Wood as a whole can be ascertained and assessed. Accordingly, the direction to which I have referred under section 112 is now lifted. Therefore, there is no suppression in respect of the transcript of those days.

VARIATION OF SUPPRESSION ORDER: IN RESPECT OF DIRECTIONS MADE UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, RELATING TO THE TRANSCRIPTS OF EVIDENCE TAKEN IN COMPULSORY EXAMINATION OF MR WOOD ON 8 AND 11 NOVEMBER, 2019, IT IS APPROPRIATE THAT THAT DIRECTION NOW BE LIFTED AND NO OBJECTION HAS BEEN TAKEN IN THAT REGARD BY ANY POTENTIALLY AFFECTED PERSON. IT'S APPROPRIATE IN THE SENSE THAT IT'S IMPORTANT THAT THAT EVIDENCE, WHICH HAS BEEN PARTLY DEPLOYED IN THE PUBLIC INQUIRY, FORM PART OF THE RECORD OF THE PUBLIC INQUIRY IN ORDER TO ENSURE THAT THE EVIDENCE OF MR WOOD AS A WHOLE CAN BE ASCERTAINED AND ASSESSED. ACCORDINGLY, THE DIRECTION TO WHICH I HAVE REFERRED UNDER SECTION 112 IS NOW LIFTED. THEREFORE, THERE IS NO SUPPRESSION IN RESPECT OF THE TRANSCRIPT OF THOSE DAYS.

MR ROBERTSON: And that having occurred I tender the compulsory examination transcripts of Mr Alex Wood of 8 and 11 November, 2019. I tender that as a single exhibit.

THE COMMISSIONER: Yes. The transcript of the two dates compulsory examinations 8 and 11 November, 2019 concerning Mr Wood will be together marked as one exhibit and become Exhibit 354.

#EXH-354 – TRANSCRIPT OF COMPULSORY EXAMINATIONS OF ALEX WOOD ON 8 NOVEMBER 2019 AND 11 NOVEMBER 2019

MR ROBERTSON: Next can we have please a copy of the statement of Kam Ha Leung, that's K-a-m Ha, H-a, Leung, L-e-u-n-g, also known as Pinkie, up on the screen. This is a statement of 13 August, 2019, that Ms Leung has provided to this Commission. Can I ask that we just go down to paragraph 56 of this statement, please. Paragraph 56 of the statement includes comments regarding the general practice at Chinese Friends of Labor dinners. Given that what's said at least as a matter of practice at paragraph 56 is at least arguably consistent with the account that Mr Ernest Wong has given, in my submission it's appropriate that this statement be received by the Commission in case Mr Hale or anyone else wish to make a submission to that effect. I should note that Ms Leung is not speaking about the 2015 dinner per se, she's more talking about matters of practice. Given that I don't propose to call Ms Leung as a witness, but if any party considers that they have an appropriate interest in cross-examining her, they should let me know. I've had a brief discussion with my learned friend, Mr Hale, this morning and as I understand it he wouldn't seek to cross-examine Ms Leung, but I do submit that given that at least arguably, and it's fairly, with respect, fairly weak evidence as a matter of practice rather than the particular event, but it's appropriate that that be received, albeit it will need to be a matter of submissions as to what weight if any paragraph 56 or indeed the balance of this statement can be given.

THE COMMISSIONER: When you refer to evidence as to practice you're referring to practice at fundraising dinners held by the Chinese Friends of Labor?

MR ROBERTSON: That's so, but Ms Leung doesn't speak with any great specificity as to the 2015 dinner. And so in my submission it would at least be open to Mr Hale on behalf of Mr Wong to say, well, the Commission needs to consider the whole of the evidence but note that there's at least some evidence as to practice. I'll ultimately be submitting that this evidence is of quite little weight, given that it's very general, but it's appropriate that at the very least Mr Hale has access to this document, and he has for the last few days, it was provided separately from me putting it on the screen now, and it will be for him to make of it as he will by way of submissions.

THE COMMISSIONER: So what's the date of the statement, 13 August, is it?

MR ROBERTSON: Just go back to the first page, please. The statement of 13 August, 2019.

THE COMMISSIONER: Yes. The statement of Mr Ken Ha, H-a – sorry, the statement of Mr Kam, K-a-m Ha (Pinkie, P-i-n-k-i-e) Leung, L-e-u-n-g, 13 August, 2019 will be admitted and become Exhibit 355.

**#EXH-355 – STATEMENT OF KAM-HA (PINKIE) LEUNG DATED
13 AUGUST 2019**

MR ROBERTSON: May it please the Commission. Those are the only housekeeping matters from my side.

THE COMMISSIONER: Yes. Very well. Thank you, Mr Wong. Mr Wong, I'll re-administer the affirmation, if you wouldn't mind standing.
10 It's an affirmation you wish to take?

MR WONG: Affirmation, thank you.

THE COMMISSIONER: Thank you.

MR ROBERTSON: Mr Wong, can I just clarify a few matters arising out of your evidence yesterday. Was I right to understand you to say that you had a relationship with the Wu family in which you knew the Wu family quite well. Is that right?---Yes.

10

You've dined with Bobby Wu in China for example. Correct?---Yeah, probably once or twice when I, yeah.

And he's dined with you Australia. Correct?---Yes.

You would have attended events on Bobby Wu's invitation. Correct?---Yes.

20

And he would have attended events on your invitation. Correct?---Only if he's in, in Australia, but I don't have any recollection they ever attended one of mine.

It'd be consistent with your relationship that Mr Wu, at least in relation to one or more events in Australia, Mr Bobby Wu would attend events of that kind, is that right?---He would, but I have, didn't have any recollection there is any event that he has attended or any (not transcribable)

But you at least have recollections of attending events in Australia on Mr Bobby Wu's invitation?---Oh, yeah.

30

And just to have an example of that, can we have MFI 24 at page 1 on the screen, please? So here you'll see an email from Dr Liao to you of 23 February, 2015, do you see that there?---Yes.

And do you see that Dr Liao refers to a meeting between you and Mr Bobby Wu in China on 30 January, 2015, do you see that at the start of the email? ---Is that in China?

40

Do you see, "as invited by Bobby Wu"?---Oh, okay. Yeah, it probably will be, yes.

And so it's consistent with your recollection that on at least one occasion, perhaps more - - -?---Yes.

- - - you've been with Mr Wu in China, correct?---Yes. Yes.

And then you were being invited to a dinner with a Chinese delegation in February of 2015, correct?---Yes.

And is it consistent with your recollection that you in fact attended that particular dinner?---Yes.

I tender the document on the screen, being an email from Dr Leo Liao to Ernest Wong, 23 February, 2015, 8.55am.

THE COMMISSIONER: Yes, the email from Dr Liao, 23 February, '15, to Mr Wong will become Exhibit 356.

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#EXH-356 – EMAIL ON 23 FEB 2015 AT 8:55AM FROM QUANBAO LIAO TO ERNEST WONG REGARDING BOBY WU

MR ROBERTSON: May it please the Commission. Now, just to clarify something you said about 17 April, 2019, and the coffee meeting that may have occurred with Mr Cheah, is it right to say that you're clear in your mind that the forms for Dr Liao and Mr Tong were described as you, as being forms for contributions that were actually made to the dinner, rather than being replacement forms or forms associated with some kind of error?
20 ---Yes. Yes.

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

So are you saying that as at 17 April, 2019, you understood that both Dr Liao and Mr Tong had each made contributions of \$5,000 in connection with the Chinese Friends of Labor event?---Yes.

30 That money, where was that money? When was it received?---Dr Liao told me that he actually delivered it on the night of the event.

When did Dr Liao tell you that?---Oh, that probably would be before, he probably had told me before the event that he was going to deliver it, because even though he will not be able to have a table, but he would attend, because I did invite him to attend himself. And after that, I do not have any recollection, but he, in other, in, in certain events he probably have told me that and he has already delivered on the night.

40 Well, let's try and do a bit better than probably.---Okay, sure.

Are you saying that Dr Liao did tell you that he did - - -?---Yes.

- - - deliver \$5,000?---Oh, no, he said that he donated two sums of it, so that would be \$10,000.

So are you saying Dr Liao told you that he donated \$10,000?---Yes.

And when did he tell you that?---That was after, he said that he was going to buy the table, but then he will not be able to get people around to come along, so he said he is going to donate money, but he's happy to donate \$10,000.

Well, let's try and do it this way. Did Dr Liao tell you that he was intending to donate \$10,000 before or after the dinner?---Before.

10 And are you saying that he indicated that he was intending to deliver that cash to the event that evening, is that right?---Yes.

THE COMMISSIONER: Why in cash? Why not just do an electronic transfer?---I don't know. But that's, that's, that's what he want to do. That's what he want to do then. But I, I don't know, he just saying that, "Look, I, I want to donate, and I will be there on the night," and that's what he did.

20 Well, all these donations we've heard about allegedly made all seem to have been made in cash. I just wondered why in this modern day and age when people use electronic transfers – and prior to that, cheques – this seems to be an exception. Have you got any understanding or explanation?---Oh, no, I cannot explain why that would be the case, but I do, I do come across, I do have knowledge that a lot of Chinese people, they still use a lot of cash rather than writing cheques. A lot of them didn't write cheques or some of them didn't actually use electronic transfer. But I can't speak for them though.

30 MR ROBERTSON: Oh, but you know that Dr Liao had a credit card, don't you?---I don't.

Well, you know - - -?---Of course he will be, of course he will be, but I - - -

Well, you know that he donated in connection with the Chinese Friends of Labor event of 2016, correct?---Yes.

And he donated by credit card on that occasion, correct?---Yes.

40 So can you offer any explanation as to why Dr Liao wanted to pay in cash rather than in credit card or electronic funds transfer in 2015 yet was content to do it by credit card in 2016?---How can I explain what other people were doing or what their mindset was at the time when they were doing that action.

Because you said a moment ago that Dr Liao wanted to pay in cash. Is that right?---No, he did not way he want to pay in cash. He say that he want to donate money.

No, no. We asked you a moment ago, it may have been me, it may have been the Chief Commissioner, as to why it was in cash and my note of your answer was that you said he wanted to pay in cash.---Well, he wanted because - - -

So why did you give that answer?---Yeah, but that is he wanted. He did it. He did not tell me he wanted to, to pay in cash.

10 THE COMMISSIONER: Are you seriously saying that he was saying he is electing to pay \$10,000 in cash?---No, he did not tell me explicitly that he's going to pay it in cash. He just said, "I'm going to donate \$10,000." I, I think, I think the question put to me was that was I being alerted that he was going to donate 10,000 and I say yes but did not say that he actually has donated in cash because I did not have any clue - - -

20 I'm just inquiring into the likelihood that he did in fact make a cash payment. I could understand if somebody making a donation of say \$100 might have sufficient notes in their wallet to pay it, but when you're talking about an amount of \$10,000 and he obviously had a credit card and could use it, can you just explain to me why such a person would have delivered, hand-delivered an amount of \$10,000 in cash for a donation to a political party?---I could not explain that.

You can't explain it?---No, of course I can't explain that.

You have no explanation?---No.

30 It does sound extraordinary. It does sound extraordinary, doesn't it?---Well, probably it sounds extraordinary, but however I do see a lot of occasions when Chinese people would like just to either donate or give money in cash. Probably just find it handy.

But not \$10,000, surely.---I really would not be able to explain that on his behalf, sorry.

40 No. It doesn't seem to make sense at all, does it, that Dr Liao would have, instead of using his credit card have actually put in a bag or box or something and take \$10,000 in cash and hand it over to the Labor Party?---I can't even explain.

You can't explain it?---No, I can't.

No explanation as to why he might have done that?---No. He did not, he did not, he did not communicate with me in regards to why he was doing it and how he was doing it.

So is it a possibility - - -?---I, I just found out - - -

Is it a possibility that he didn't donate anything at all and that it's been suggested either to you, or you're suggesting to the Commission, that because cash can't be readily traced or traced at all that this is all a story, all made up?---No.

Fabricated?---No, no. There were definitely communications between Dr Liao and myself that he was going to donate \$10,000. If it's in cash or, or , or through transfer I don't know. But then after the event he said that I have already put in the money so that's what I, my recollection is.

10

Well, of course if - - ?---I did not make it up at all. I did not make it up at all.

When he said that he's going to donate \$10,000 in cash it would have immediately rung alarm bells in your mind, wouldn't it, oops this might be in excess of the permitted cap under the legislation?---So that's why I gave him two forms. I gave him two forms. I think that was something that has, has been discussed in Labor Party right before the event.

20 I see. So it was your idea that he fill out a form, one for Country Labor and one for ALP NSW, was it?---No, it's not my idea.

Well, whose idea was it?---It was an idea where then I asked the Labor Party if someone is donating more than \$5,000 because at the time, I think I mentioned it before as well, at the time I did discuss with Labor Party should they put \$5,000 into the state account or the federal account. At the end of the day head office Canberra say look, put \$5,000, ask them to, to, to sign up \$5,000 or donate \$5,000 to Country Labor, \$5,000 to Labor.

30 Who said that?---Kenrick Cheah, Kayla Murnain, because those are two people where I communicate a lot in regards to how they're going to the accounting. I have no idea why that they should donate that to Country Labor. I think I say that many time.

When do you say Ms Murnain said that to you?---I don't have, I don't have recollection of the exact date, but that has been a conversation that we had throughout the whole process. At the end of the day of course that will be confirmed by Kenrick Cheah to communicate with me.

40 And was this just advice, this is just advice to get around the \$5,000 cap, was it?---I suppose that is what they are trying to do I think, but that's not my idea.

Not your idea, but you knew it was going on. Is that what you're saying? ---I know, yeah. But then as I said before, I did ask those people, say, "Look, if you are going to donate \$10,000, anything over \$5,000, are you, are you, are you, are you willing to donate that to another called Country Labor," and I - - -

Did you ever say to the ALP, look, people are starting to ask questions about if they can donate more than 5,000. I'm not very comfortable to have them being asked to donate to one party and the other because it sounds like a bit of a sham or a device to get around the legislation. Did you ever say that to the ALP?---No.

Why not?---No.

- 10 Why not?---Because that did not come up to my mind at all in regards to donating to two different entity, because at the time I think I shared the same impression with a lot of the other donors where as long as it is Labor Party, they wanted to support Labor Party, they couldn't care less.

But it was obviously a device, wasn't it, to avoid the cap?---I've got no idea because that was established by Labor Party, I only listen to the Labor Party.

Are you serious when you gave that answer?---Sorry?

- 20 Are you serious that you have no idea? It was obviously a device to get around the cap limitation, wasn't it?---No, because at the, at the time I, I think I said before that I did ask them, is it going to, to state account or federal account, he said, "No, we've got Country Labor, we need," well, one thing that Kaila Murnain did mention to me, that they need money for Country Labor, she did mention that.

All right. Yes.

- 30 MR ROBERTSON: So to be clear, you understood that Dr Liao had donated \$10,000 in cash by delivering it to the Chinese Friends of Labor event of 12 March, 2015. Correct?---Yes.

And that was your understanding as at 30 March, 2015 when you emailed forms to Dr Liao. Correct?---Yes.

And the reason you said to Dr Liao, "Please fill two of these forms in," is that you wanted or you had in mind \$5,000 of the \$10,000 to be allocated to NSW Labor and \$5,000 to Country Labor. Correct?---Yes.

- 40 Did you say to Dr Liao, "Please make clear on the forms that you are donating \$5,000 to NSW Labor and \$5,000 to Country Labor?"---I, I do not have any recollection of the exact conversation, but I did tell him that because there is a cap of \$5,000, he, if he want to donate more than \$5,000 he need to donate that to Country Labor and I think I did mention that to him, of course I did.

But at least the intent of your request of Dr Liao was to receive two forms back from him signed by him. Correct?---Yes.

But you didn't. You got one form signed by him and one form signed by Mr Tong. Correct?---Yes.

Did you then say to Dr Liao, "You've got something wrong here, you're passing off \$5,000 of your money that I understood that you had delivered to the 12 March, 2015 event, you have made an error, I need another form from you?" Is that what you said?---No.

10 In fact you sent the two forms, one by Dr Liao and one by Mr Tong, on to Mr Cheah. Correct?---Yes.

Did you say to Mr Cheah, "This is an error, it was Dr Liao who paid \$10,000 to the event of 12 March, 2015, you should not process Mr Tong's form?" Did you say something like that?---No, not at all, because I - - -

No, pause there, pause there.---Sorry.

20 You've made it very clear that your understanding was that Dr Liao, not Mr Tong, Dr Liao donated \$10,000. Correct?---Well - - -

No, correct or not?---Yeah, correct, yes.

Correct. And so you would at least accept, wouldn't you, that you were party to an arrangement that caused ALP's records to show a donation of \$5,000 from Mr Tong in circumstances where Mr Tong had not donated a cent. Do you agree?---No, of course not, because I - - -

30 No, just pause, pause, pause there. Your understanding as at 30 March, 2015, was that Dr Liao had donated \$10,000 and Mr Tong had not donated a cent. Correct?---No.

Correct?---I didn't have knowledge that Mr Tong did not donate.

No, no, no, no.---I only know that Dr Liao is going to donate \$10,000. It could be from his own, from other friends, whatever it is.

Mr Wong, this story does not work.

40 MR HALE: Oh, I, I, really, I think that's gratuitous comments.

MR ROBERTSON: This story does not work.

MR HALE: Not called for.

THE COMMISSIONER: I'll allow it, Mr - - -

THE WITNESS: Look - - -

MR ROBERTSON: This story does not work, Mr Wong, because you said the reason you were sending two forms to Dr Liao is you wanted two forms back signed by Dr Liao. Is that right or not?---Yes, of course, yes.

But that's not what happened, was it? On 31 March, you got one form from Dr Liao and one form from Mr Tong, correct?---But if Dr Liao - - -

10 No. Is that right?---No – sorry, yeah, yeah. Of course it is, yes - - -

Just pause, pause. You got one form from Dr Liao and one form from Dr Tong, correct?---Yes.

And despite that being an error, at least in your mind - - -?---No, it's not an error in my mind at all.

Well, it is an error because you wanted two forms from Dr Liao matching \$10,000, didn't you?---Yes.

20 That's what you said to us a moment ago.---Of course.

So it was an error because you got one form from Dr Liao when you wanted two, correct?---But if Dr Liao told me that he's got - - -

No, is that right or not? Is that right or not? I was in error.---It's not an error. No, it's not an error. It's not an error in my mind at the time.

Let's be clear - - -

30 THE COMMISSIONER: No, just clarify this. The one form that you got from Dr Liao, how much was that for?---\$5,000.

MR ROBERTSON: But you were expecting to receive two forms from Dr Liao amounting to \$10,000, correct?---Yes.

Did you call up Dr Liao and say, "That's a big mistake, I need a second form from you"?---I don't know if I did call him up in regards to that.

40 Did you speak to Mr Cheah - - -?---But he did mention – I, I do have a, a, a, a, a, very light recollection he told me that he got some friend to donate that as well. I thought I mentioned it before but it just - - -

Did you speak to Mr Cheah and say, "Look, I thought Dr Liao contributed \$10,000 but I've only got one form. You're going to need to get another one"?---No.

Mr Wong, this is just a nonsense story, isn't it?---No, it's not.

A nonsense story.---The story is not a nonsense story. Because the - - -

Now, back to Mr Cheah - - -

THE COMMISSIONER: Just before you go on. Mr Wong, do I take it that he two forms that came in, the one's we're discussing, one's from Dr Liao for \$5,000?---Yes.

10 And the other in the name of Mr Tong for \$5,000. That is two forms both sent to you by Dr Liao?---Dr Liao, yes. Yes.

MR ROBERTSON: Back to Mr Cheah. You're saying that you didn't explain to Mr Cheah that there was any error associated with the two forms, is that right?---When you say the error, we're talking about the error that I haven't actually gave him the forms beforehand but not the error of two people signing rather than one people signing, one person signing.

20 So you're saying you accept that you should have provided the forms perhaps a little earlier than 17 April, 2019?---Yes.

But you didn't say to Mr Cheah that you needed to do what I've been calling the switcheroo to swap them against other forms, is that right? ---Right.

You said yesterday that you had some general discussions with Mr Cheah regarding the Electoral Commission's investigation and this Commission's investigation. Did that include a discussion with Mr Cheah about the fact that he had given an interview to the NSW Electoral Commission?---No.

30 Do you agree that Mr Cheah told you that he had told the Electoral Commission that he saw Mr Clements give him an ALDI bag containing \$100,000?---I cannot tell you exactly what he did tell me but I cannot give you the exact day when he, he told me that.

40 THE COMMISSIONER: Well, what did he tell you?---Just saying that, look, I saw Mr Huang coming in, gave me an ALDI bag of \$10,000, oh, of \$100,000. Oh, Jamie, Jamie took it to him, he counted it and then he sort of like bank it. I didn't even know when he banked it though. I only found out from the media later on, yeah.

MR ROBERTSON: And Mr Cheah told you that he had told that information to the Electoral Commission, correct?---I don't think he mentioned that at all but he just telling me that was what happened.

You passed on that information to Mr Jamie Clements, correct?---I don't have any recollection that I did.

Well, do you accept that towards the middle of 2017 you arranged to have a meeting with Mr Clements at the Starbucks that is in the Haymarket area not that far away from Chinatown in Sydney, correct?---Yes.

10 And do you accept that during the course of that meeting, you communicated to Mr Clements what Mr Cheah had told you?---I think what I told Mr Clements was that I am not sure if he is aware or he remember that it was Mr Huang was delivering the money. I did not even mention ALDI bag or whatever it is. I, I, I only come across this ALDI bag when it came out from the, in the media.

THE COMMISSIONER: So let's just go back to the meeting in mid-2017 at Starbucks that you're now talking about that you arranged. You met with Mr Clements there?---Yes.

Just the two of you?---Yes.

20 Doing the best you can to reconstruct what was said, what did you say to Mr Clements about this matter?---Okay, I - - -

Doing the best you can, what did you actually say?---Okay. To my best recollection (not transcribable) I'm pretty sure that he was aware that there was sort of like - - -

30 No, don't add the commentary, I'm asking you just to say, what did you say to him, doing the best you can to reconstruct the words.---If he's aware of the investigation or the inquiry and then Kenrick did tell me that Mr Huang delivered the money to the head office, so would I be able, because I, I, I'm not too sure about what happened so I'm asking if he's aware of any of those, and also one thing I did ask him is to see, because I know that there will be a few people that will be, that will be involved with it, so will he be able to advise me if there will be any legal advice that we can provide them. And - - -

Sorry, advise you what?---To advise those people.

I see.---If, if, if, if he would be able to or he would like to refer to certain people.

40 And when you said you referred to the money on Mr Cheah's account, did you say what the amount of money he had said or mentioned to you?---I don't have recollection of that, but I did, I did mention about a bag of money, a bag of cash, but I, I, I didn't recall if I said the sum.

And the context, did you mention or refer to Mr Huang as having been identified by Mr Cheah?---Sorry?

Did you mention to Mr Clements that Mr Huang had said it was Mr Huang who brought in the bag with the money?---Yes, yes.

MR ROBERTSON: Now, just to try and get the timing right of this, can we go please to page 7 of the Wong meetings bundle. Now, again this is an appointment that's been taken out of your diary. Do you see there it says, "Jamie, 19 July, 2017?"---Ah, yes.

10 And is it consistent with your recollection that the meeting at Starbucks would have been around 19 July, 2017?---If that's the case that should be.

And is it consistent with your recollection that it was towards the afternoon, perhaps half past 5.00, somewhere along those lines?---Yes, it should be after, after work, yes.

I tender the document on the screen, being a meeting appointment from Mr Ernest Wong's diary, 19 July, 2017, 17.30 hours.

20 THE COMMISSIONER: Yes. That diary entry of 19 July, 2017 from Mr Wong's diary will be admitted as Exhibit 357.

#EXH-357 – MEETING APPOINTMENT FROM ERNEST WONG'S DIARY DATED 19 JULY 2017 RE MEETING WITH JAMES CLEMENTS

30 MR ROBERTSON: Is that the only meeting that you had with Mr Clements in which you had any discussions regarding either the Electoral Commission's interview or this Commission's investigation?---To my best of recollection, yes.

Are you sure about that?---Yes.

40 Do you recall whether last year, towards the middle of the year, you had any meeting with Mr Clements in which you discussed any matter associated with either this Commission's investigation or the Electoral Commission's investigation?---Oh, probably, probably, not probably, but one of our meetings I would have likely mentioned have you heard anything about this investigation or anything at all, and I think he refused to, to talk about it, he said no. So that's it.

Well, are you at least accepting that there was such a meeting towards the middle of last year, being 2018?---Oh, yeah, there were a few meetings during that time.

Well, let's try to make this a bit more specific. Let's go volume 3A, page 315. Just bear with us for a moment, Mr Wong.---Sure.

While that's coming up do you at least accept that on at least one occasion you said to Mr Clements words to the effect of, "The Electoral Commission investigation has now gone to ICAC"?---I didn't recall that's the exact wording I said but I did ask him if has any heard, has he heard of any of those, I think I mentioned ICAC rather than sort of like the Electoral Office going to ICAC I think.

10 Well, let's just be clear about it. Do you accept that you said to Mr Clements during the course of last year that the Electoral Commission investigation has now gone to ICAC? Do you accept that or not?---What I can accept is that there is a discussion but I will not have any recollection of the exact wording of it.

I'm not asking about exact wording. I'm asking whether you said words to the effect of that Electoral Commission investigation has now gone to ICAC?---Yes.

20 You did say words to that effect to Mr Clements?---(not transcribable) that as I, as I said before, I just mentioned how's it going with, with the ICAC, with ICAC investigation? Have you heard anything about that?

Well, let's be - - -?---Probably like that.

Let's be clear about it. Let's be - - -?---But if you want me to say if it's - - -

Mr Wong, let's do this in stages - - -?---Sorry.

30 - - - so that we're clear on what your evidence is. I suggest to you that towards the middle of last year, on either 26 or 27 June, 2018, you had a meeting with Mr Clements at Part One Espresso in Kent Street. Do you agree with that?---Yes.

That was a meeting that you had requested. Correct?---Yes.

At that point in time Mr Clements was no longer the General Secretary of NSW Labor. Correct?---Yes.

40 And at least one of the matters that you discussed was the Electoral Commission's investigation and this Commission's investigation. Correct?---Yes.

You told Mr Clements that the Electoral Commission's investigation had now gone to ICAC. Correct?---I did not tell him that has gone to ICAC but I did ask him have you heard about these things. When I say heard about these things, I probably mentioned about ICAC but if you want me to say if I said exact wording - - -

No, no.--- - - - Electoral Office investigation going to ICAC, I really can't have any recollection.

Mr Wong, let me be very clear.---Yes.

I'm going to be putting a number of propositions to you - - -?---Sure.

10 - - - as to things that you are said to have said and what I want to know is whether you said words to that effect. I'm not suggesting that you necessarily remember every comma, every full stop, every draw of breath. ---I know what you mean.

But I'm focusing on words to that effect and what I want to suggest to you is that it was you who told Mr Clements that the Electoral Commission had referred the matter to this Commission and that this Commission was investigating. Do you agree?---Yes.

20 During the course of the meeting at Part One Espresso Mr Clements sat down and he put his telephone in front of him and you then pushed it to one side. Do you agree?---I don't have recollection of that happen because that's only a small gesture, but that would be my normal practice because I really, really dislike badly that people putting mobile phones in front of us when we're having conversation and the mobile can keep on beeping, leaving messages, reply messages, so very time whoever I'm sitting down having conversation, meeting or coffee, I would ask them to put away the mobile phone.

And is that why - - -?---That is my practice still.

30 And is that why when you had the meeting with Mr Tong at Parliament House you took Mr Tong's phone and put it in a drawer?---No, I didn't even see him putting his iPhone out because I still recall that Kenny has his iPhone all the time because he took his iPhone, that's, that's my recollection, and he left the room for a long time.

Was at least one of the reasons why you wanted Mr Clements' phone to be put to one side that you were concerned that your conversation may be recorded?---No.

40 Was it at least one of the reasons - - -?---My concern is when people are looking at their mobile phone.

Just pause. Just pause. Was at least one of the reasons that you were concerned that if your conversation was recorded it may tend to implicate you?---No. No.

As at 26 or 27 June, 2018 how did you know about the ICAC investigation?---Sorry, the question is?

You have accepted that during the course of the espresso or other form of coffee at Part One Espresso in Kent Street you discussed the question of the ICAC investigation. Correct?---Yes.

How did you know about the ICAC investigation at that point in time?---I have no recollection of that. Either I have been summoned or - - -

No, no.---Then I've overheard from other people.

10

Well, let me help you this way. You had not been summoned to give evidence by that point in time.---Right.

So let's put that to one side.---Okay.

So how did you know? Who told you?---I didn't have any recollection except who told me. But first of all, there must be rumours over there. But I'm pretty sure that at the time when I'm having conversation with either Kenrick Cheah or Jonathan Yee, probably Kenrick Cheah, that I would be, I, I, I would come across that situation.

20

Well, why do you say probably Kenrick Cheah?---Because I do meet him more often than with Jonathan Yee, particularly in Parliament House.

THE COMMISSIONER: So the likelihood is that you had heard for the first time that ICAC was investigating the matter, and that the most likely source of that was Kenrick Cheah?---Yes. Yes.

Right. And certainly, I think you've earlier given evidence, you've got a friendship with Mr Cheah, had and has for some time?---Yep.

30

You respect him, do you?---Oh, yes. I like him, he's a, yeah, he's a very genuine person. And because we do work very closely with all those events of Chinese community in the Labor Party, and I trusted him.

And when he, sorry, when you learned from Mr Cheah that he had said that he saw Mr Huang deliver money to ALP headquarters, I take it you accepted what he was saying, that is, you believed him?---Yes.

40

That he wouldn't be misleading you, you didn't think?---Yes, I trusted him, yeah, so that's why that fault is mine, then - - -

Well, then that no doubt would have caused you considerable alarm, to be told by Mr Cheah that that had happened, according to him.---Sorry, the - - -

When he told you about Mr Huang visiting and bringing money and so on. That must have caused you considerable alarm to have heard him say it. ---Not really though, because I did have a slight recollect at the time that I

gave that bag of money to Mr Huang. So it doesn't seem to alert me at, at all. He was, he mentioned that just so for reminding me, you remember that Mr Huang delivered the money.

Yes.---Yeah.

But you don't know what money he was referring to in particular, do you?
---Oh, so, of course, yes.

10 But he was disclosing to you something that had happened that you didn't previously know about, isn't that right?---No, I'm not saying that I did not previously know about.

Oh, so it was - - -?---I, because I did have a slight recollection that I gave the money to Mr Huang.

I see. So are you saying when he said that to you, this is not, this wasn't news to you at the time?---When you say news, that's very much like, it did not occur to me exactly when Mr Huang delivered the money, who collected it, who did it. But I do have a slight recollection from the night that I have
20 asked Mr Huang to pass on the money. So - - -

Well, again, all this links back to your account of having given donation money to Mr Huang on the night, is that right?---Yep. Yes.

And you know that that's a hotly-disputed factual issue in this investigation, don't you?---Yes.

When I say an issue, there's - it might be put in the course of submissions at
30 some stage that your account as to that should not be accepted. That is to say, that Mr Huang didn't offer to be deliveryman. But you still stick to that story, do you?---Yes. When you say "deliveryman", I, I don't know. I mean, how do you define "deliveryman", yeah.

Well, "deliveryman" in the sense of - - -?---Yeah.

- - - he was going to physically take hold of the bag of money. He's going to take it with him, presumably go home.---Yes.

40 And then at some stage, the next day or some other time - - -?---Yes.

- - - he gets in his car - - -?---Yes.

- - - go to ALP headquarters, and deliver the bag of money.---Yes.

That's what I mean by "deliveryman".---Yes.

But you still stick to that story, do you?---Yes.

MR ROBERTSON: Mr Wong, can we try and be a little more precise on the dates here?---Sure.

So can we go to volume 3A, page 315? Again, another appointment from your diary. And do you see here, subject matter, Jamie Clements, meeting time 27 June, 1.30pm till 2.00pm, Kent Street, Part One Espresso. Can you see that there?---Yes.

- 10 Now, is it consistent with your recollection that the meeting that we've just been discussing, the Part One Espresso meeting, occurred about that time and about that date, correct?---Yes.

I tender the document on the screen, being the appointment marked, "Jamie Clements," 27 June, 2018, 13.30 hours.

THE COMMISSIONER: You're tendering this? I'm sorry, are you tendering the document on the screen?

- 20 MR ROBERTSON: I'm tendering the document on the screen.

THE COMMISSIONER: Yes, very well. Email from Jamie Clements re. 27 June meeting with Mr Wong, Exhibit 358.

**#EXH-358 – MEETING APPOINTMENT FROM ERNEST WONG
DIARY DATED 27 JUNE 2018 RE MEETING WITH JAMES
CLEMENTS AT PART ONE ESPRESSO AT 1:30PM**

- 30 MR ROBERTSON: Now, Mr Wong, I want to suggest to you that at least one of the people who told you that there was an ICAC investigation that was on foot was Mr Jonathan Yee. Do you agree?---I do not have a recollection of that.

Well, let me try and help you this way. The 27th of June, 2018, which appears to be the date in which you had the meeting with Mr Clements at Part One Espresso was the very same date that Mr Yee first attended this Commission for a compulsory examination. Did you know that?---No.

- 40 I suggest to you that Mr Yee told you in June of 2019 that he had been summoned to give evidence to this Commission, do you agree?---So he has been summoned, yes, yeah.

Well, let me put it this way. You accept, don't you, that you had a number of at least general discussions with Mr Cheah regarding this Commission's investigation, correct?---Yes.

And so you gleaned at least some information about this Commission's investigation during the course of those discussions. Do you agree?---Yes.

Following the Part One Espresso meeting with Mr Clements, did you have any other meetings with Mr Clements in which you discussed anything associated with this Commission's investigation?---No.

Are you sure - - -?---Well, I had meeting with Mr Clements in regards to other issues but not this matter.

10

Bure are you saying, the last time that you uttered the word ICAC or I-C-A-C or the Commission or the Independent Commission Against Corruption or something along those lines to Mr Clements, or Mr Clements uttering words to that effect back to you, was at the Part One Espresso meeting toward the middle of 2018, is that right?---Look, I have, I was very confused because I do recall that I met with Mr Clements at least twice, one on Pitt Street, one on Kent Street but when, Mr Robertson, when you raised that question to me, I just can't remember which exactly meetings that we had that particular conversation in regards to the ICAC investigation.

20

Well, I suggest to you that during the course of this year, you and Mr Clements engaged in a conversation in which the word ICAC or I-C-A-C or the Independent Commission Against Corruption or words to similar effect were uttered. Do you agree?---There will, there probably will, at least probably in one of those meetings but not both of them.

Well, I'm suggesting to you that in addition to the Kent Street meeting, the Part One Espresso meeting, you had another one after that and you had it this year in which the word ICAC or words to similar effect were uttered. Do you agree?---I do not have any recollection. If that would be the case, I do not deny that but then if that would be the case, that would very likely mentioned, like that we heard or, you know - - -

30

Well, I'm going to suggest to you that in the first week of this year, the first week of January, you had a discussion with Mr Clements in which you used the word ICAC or I-C-A-C or the Independent Commission Against Corruption or some other similar phrase, do you agree?---I do not have a recollection of that at all.

40

So you're not denying it but - - -?---I do not deny it, no.

- - - you don't have a recollection one way or the other? You've also had a meeting with Ms Maggie Wang where you've discussed the Electoral Commission's investigation, do you agree?---I do not have a recollection of that though.

Well, are you denying it or what are you saying in response to the proposition that I'm am putting to you?---I do not deny that but I don't have any recollection of it. Just by reading the statements, yeah.

Well, let me try and help you. Let's go to the Wong meetings bundle, page 10, please.

10 What I want to suggest to you is that you arranged a meeting with Ms Maggie Wang towards the middle of 2017, so in July, a little but after your meeting with Mr Clements. And I'm now showing you an appointment from your diary, 24 July, 2017, marked to Maggie. Do you see that there? ---Yes.

Does that refresh your memory that you in fact did organise a meeting with Ms Wang in about July of 2017?---Well, I cannot have recollection of that particular day but I did meet up with Maggie because at the time I will ask her if she'll be able to work extra times or outside work for other companies in regards to accounting, so I organised a meeting.

20 So let's just be clear. What was the purpose of this meeting as you recall it?---I was asking her if she would be able to work for a company, for other companies where they were looking for accountants, and I overheard that she was not working for Labor Party anymore so I just want to clarify with her.

So you knew that as at this meeting that appears to have occurred on 24 July, 2017, Ms Wang no longer worked at the Labor Party. Correct? ---Yes.

30 And are you saying the purpose of the meeting was to discuss in effect future employment or what she might be available to assist with. Is that right?---Yes.

You were still a member of parliament at that point in time. Correct? ---Yes.

40 So what companies were you asking Ms Wang to be assisting with? ---No, not at all, not, not a particular company, but I do come across a lot of those investors or companies where they don't have very good sort of like, accountants, particularly accountants that would be able to know the Australian system well and knows how to speak Chinese.

But it was you who - - -?---So it's very much like a catch-up.

But it was you who requested the meeting. Correct?---Yes.

And I'm still trying to understand why it was you who wanted to organise a meeting of that kind. I can understand maybe Ms Wang saying, Mr Wong,

please help me, I'm no longer working at the ALP, can you help me, put me in touch with other people, why was it you who was organising a meeting with Ms Wang?---Two things. Maggie was a person that I respect a lot in Labor Party at the time when I was working in the head office and secondly, when I overheard, overheard, I'm not, I'm not 100 per cent sure that she was not working with Labor Party. When I overheard that she was not working with Labor Party, so I thought there probably, there were other requests from other companies which has come across Maggie a lot of time, so I might as well just catch-up with her, then we try to catch up.

10

So are you saying at the time that you organised the meeting, you didn't know whether Ms Wang was still working for the Labor Party. Is that right? ---I'm, I'm not 100 per cent confirmed if she was or she was not, but I know that she - - -

And you found that out during the course of the meeting. Is that right? ---Yes.

20

At least one of the things that you talked about during the course of the meeting was the Electoral Commission's investigation. Correct?---She mentioned that to me, because she said that she has been, she need to provide certain materials for the Electoral Office. I said, "Look," – then she said that because she was obviously, she had got no materials or she was not involved. I say, "That's fine."

I suggest to you that it was you who broached the subject of the Electoral Commission's investigation.---No.

30

What do you say to that?---I will not be able to know. How do I know that she has been, she has been, she has been summoned?

Well, I'm suggesting to - - -?---There won't be someone telling me.

I'm suggesting to you that you brought up the question of the Electoral Commission's investigation which you knew about at that point in time. Correct?---No. I did not know. I have no idea that Ms Maggie Wang was being called in.

40

No, no, let's do this in stages.---So she mentioned to me that she was - - -

Let's do this in stages. Just, just pause, just pause.---Sure.

You knew about the Electoral Commission's investigation as at 24 July, 2017. Correct?---Yes.

And you arranged the meeting with Ms Wang. That was your idea rather than hers. Correct?---Yes.

One of the reasons you organised that meeting is that you wanted to discuss with her the Electoral Commission's investigation. Do you agree?---No, because she mentioned that to me.

And one of the things you said to Ms Wang is that she should be very careful with what she says to the Electoral Commission. Correct?---No, not at all, because she - - -

10 And the reason that you said that was that you were seeking to put pressure on Ms Wang to not say anything to the Electoral Commission that might implicate you. Do you agree?---No.

You also tried to set up a further meeting with Mr Tong in January this year. Do you agree?---Yes. No, I did not set it up. I just sort of like, asked if he needs a meeting.

20 Well, you made contact with Mr Kenny Zhan and asked him to set up a further meeting between you and Mr Tong. Correct?---No. As I said, I think, I think that was the, the topic that we discussed yesterday where then I ran into one of their, their, their, their workers in the company and I ask him, I remember that it was a man, that Steve Tong actually did ask to see me beforehand and because there is a concern with his health, so if he wants to ring me up I'm happy to meet him.

You're not a doctor, are you?---I'm not a doctor, of course I'm not.

30 So why would you want to see him regarding yourself, why wouldn't you say, go and see a doctor?---Mr Robertson, I think we are talking about a human touch, where he has got some concern and that was the whole topic the first time when he, when he asked for a meeting and that's why - I mean, it's very much like a normal reaction when I heard that Dr Liao committed suicide and I know that Dr Liao mentioned about this Steve Tong, where he was very sick and he needed some advice.

So you're speaking to a witness who you knew was someone who was relevant at least to the Electoral Commission's investigation just to have, what was it, the human touch, is that right?---Yeah.

40 You knew, because you had already met with him in September of 2018, that Mr Tong was very concerned - - -?---I did not meet him.

In September of 2018 in Parliament House. I'm taking you back in - - -? ---September. Oh, sorry, I, I, I, I mistook the date because when you said that - - -

Let's be clear in fairness to you - - -?---Oh, okay. That was, that was the meeting I mentioned about, yeah.

Just pause for a moment. What I started asking you about five minutes ago was a separate meeting this year.---Oh, I see. Sorry about that? I've mistaken the date, yeah.

But in fairness to you, I need to make sure what I'm putting to you.---Sure.

You accept that you met with Mr Tong in Parliament House in September of 2018, correct?---Yes, yes.

10 You accept that Mr Tong was very, very concerned about being caught up in this question of donations, correct?---Yes.

You knew that he was someone that the Electoral Commission was speaking to and was interested in relation to its investigation, correct?---Yes.

By the start of this year, indeed by the end of last year, you knew that you were a person of interest to this Commission's investigation, correct?---Yes.

20 And that was obvious to you because you were sitting in that seat in a private hearing late last year, correct?---Yes, yes.

But despite all of that, you wanted to set up another meeting early this year with Mr Tong, is that right?---No. I did not set up or initiate the setting up of a meeting.

30 Well, you wanted to engage in, as you put it, the human touch with respect to Mr - - -?---No, no, no. Sorry, Mr Robertson, when I was giving that answer, I was, I thought that you were referring to the meeting beforehand, the (not transcribable) meeting.

I see. So let's make that clear.---Okay, let's start with this new meeting that you said.

So let's just unpack that just to be clear.---Sure.

The reason that you wanted the September 2018 meeting, that was in fact arranged and did happen in Parliament House?---Yes.

40 Because you were concerned about Mr Tong's health and you wanted to have the human touch, is that right?---Yes.

So, but you accept though, don't you, that you sought to set up another meeting with Mr Tong this year, is that right?---I did not purposely sought another meeting. Still the same, because I find Mr Tong was very confused at the time when he saw me in parliament and he kept on saying that he has got these health issues and all these sort of things. So, it's still not right because when I met with Kenny, I said, "Look, if (not transcribable) to ring

me up or not, if there is a, if there is a need there, you can tell me.” I did not ask to see him in particular.

So let’s just try and unpack this. Meeting in September 2018 in Parliament House for the human touch, correct?---Yes.

Do you agree that later that year, so later last year, you made arrangements for Mr Alex Wood to go and speak to Mr Tong in relation to this Commission’s investigation?---No.

10

You deny that?---I deny that, of course.

Now, you’re aware that Mr Tong and Mr Zhan had both given evidence that Mr Wood came around to Mr Tong’s house in the dead of night and told Mr Tong to stick to the story that he had said in the past. You’re aware that that evidence have been - - -?---I read from the script, yes.

You’ve read the transcript where that evidence had been?---Yes.

20

Did you have any involvement in the setting up of a meeting of that kind? ---No.

Were you aware that Mr Tong had been summoned to give evidence to this Commission in a private hearing?---I don’t know, I don’t know. Because when I first found out that he was not being summoned to the Electoral Office, I suppose because of his health, he would never be summoned again. I, I’ve got no idea. I, we didn’t discuss that at all.

30

I want to suggest to you that someone within Wu International, either Mr Wood or Dr Liao, told you that Mr Tong had been summoned to give evidence in a private hearing. Do you agree?---I do not deny it but I do not have any recollection if I have come across that but - - -

So you at least accept that it’s quite possible that someone from Wu International was telling you about what was going on with the Wu International employees that was connected with this investigation, is that right?---But interestingly enough though, all along - - -

40

Just answer that question first. You at least accept that it’s possible that someone within Wu International, Dr Liao or Mr Wood, had kept you informed that this Commission was wanting to speak to Mr Tong?---Yes.

And do you also accept that it’s at least possible that someone within Wu International kept you informed that this Commission wanted to speak to Dr Liao?---No.

You don’t accept that proposition?---No.

So you do accept it for Mr Tong but not from Dr Liao?---Yeah.

Do you deny that you put pressure on Mr Wood, Mr Alex Wood, to speak to Mr Tong to ask Mr Tong to stick to the story that he'd given in the past? Do you deny that?---I deny that 100 per cent.

Have you accepted that sometime this year you sought to set up a meeting between you and Mr Tong? Have you accepted that or you don't accept that?---I don't accept that, no. I did not set the meeting at all.

10

Do you agree that some arrangements were sought to be made by someone to set up a meeting between you and Mr Tong this year?---Can you put the question again if you don't mind.

MR HALE: Perhaps the question could be a little bit more specific in any event. It's a bit broad.

THE WITNESS: (not transcribable)

20 MR ROBERTSON: Do you agree that in January of this year attempts were made to your knowledge to set up a meeting between you and Mr Tong? ---Do I have knowledge? No.

Someone like Mr Zhan didn't call you up and say look, I think it would be a good idea for you to have a meeting with Mr Tong?---As I said before, I think I ran into him. I didn't remember that it was Kenny, and I did ask him and say look, how is Mr, Mr Tong going? Do you still want to sort of like, you know, have a meeting or whatever it is or anything I'm happy to provide, to provide to help you out. I'm, I'm, I'm more than happy to look at it.

30

So just to be clear about that. Sometime toward the start of this year you ran into someone within Wu International. Correct?---Yes.

And what, that may have been Mr Zhan or it may have been someone else. Is that right?---Yes. I remember that it was Mr Zhan because - - -

You remember that you ran into Mr Zhan. Is that right?---Yes, because - - -

40 And in fact you've been up to Wu International's offices during the course of this year. Is that right?---That will be after I exit from parliament.

After you exited from parliament you had at least one meeting at Wu International's offices where you offered your services as a legal adviser or another assistant. Is that right?---Yeah, but that will be mainly in regards to one of the projects that you mentioned yesterday.

The farm project we talked about before?---The farm, yes.

So you offered that you may be able to assist in some matters associated with that. Is that right?---No. Because with the farm basically at the end of the day they decided to, at the time decided to, to establish sort of like (not transcribable) as a cooperation with one of the uni in China, and that was something that I felt very interested in so I just went up there to ask, to see how the, how that was proceeded.

10 But you were offering to be part of that enterprise I take it?---No. No, I just

You'd already resigned - - -?---I just seeing - - -

You'd already resigned from parliament, sorry, you had already not been re-elected to parliament at that point in time. Correct?---Yes. Not in that process but - - -

20 But are you saying you were just going there by way of interest, not with a view to being involved in those activities. Is that - - -?---Of course. Of course. Will be seeing if they will be able to engage some of my legal services in future.

And is this the occasion that you've bumped into Mr Zhan or was it some other occasion you bumped into Mr Zhan?---No, no, no, no, that will be earlier than that I think. That was actually a Chinese New Year, I can't remember Chinese New Year event or other event that I come across Mr Zhan.

30 So to try and unpack that. Sometime toward the start of this year, perhaps around Lunar New Year, you bumped into Mr Zhan. Correct?---Yes.

And are you saying that you offered to Mr Zhan to speak to Mr Tong. Is that what I understand?---No, just ask him how is Mr Tong going since last time I saw that he was very agitated, very nervous and I say if you need any more help you can always call me.

And are you saying you didn't offer to have a meeting with Mr Tong?---No.

40 You were just asking about his help. Is that right?---Yes.

Now, you're aware, aren't you, that Mr Zhan has said to this Commission that in about January this year you asked Mr Zhan to set up a meeting with Mr Tong? You're aware that Mr Zhan has given that evidence?---Yeah, I remember I read from the transcript, yes.

THE COMMISSIONER: And is it possible that Mr Zhan's recollection in that respect was correct?---I cannot give an answer yes or no because I don't

know how you interpret of my saying in regards to meeting up with Mr Zhan.

Well, just having been reminded of what Mr Zhan's evidence was to this Commission, is it likely that indeed you did speak to him as he said you did, and made that request?---No, I'm pretty sure I did not ask him to set up a meeting as such, because - - -

10 Well, what did you say to him?---I just say, look, I know that Mr Tong, last time when I met him, he was very agitated, he was very nervous, and he was really confused, and how was he going. He say, oh, he's not too good, you know, haven't seen him for a while. I say, look, if you guys do need any help, you know, you can let me know.

What past association did you have with Mr Tong?---No, no association at all.

None?---No association at all. I didn't even know him.

20 So, the first time you met him was the meeting at Parliament House?---Yes.

I see. Well, why were you so concerned about somebody who you really didn't even know, who certainly wasn't a friend or an acquaintance, why were you so concerned to ask after Mr Tong?---Probably because of the death of, of Dr Liao, first of all. And secondly, at least he was the person who supported my fundraising.

30 It seems, though, that on one view of the evidence, you're taking a particular interest in Mr Tong, so - - -?---No, no, but I - - -

So, just let me finish.---Sorry, sorry, Mr Commissioner.

40 A particular interest in Steve Tong, starting with a special trip by Mr Tong to Parliament House to meet you. It just seems, for somebody you didn't know, why would you be going to those lengths?---First of all, that was actually a request by Dr Liao. And after that, because the first meeting did happen, remember there was actually a time that Dr Liao did ask me if I'd be able to meet up with Steve. But at the end of the day, he said no, he did, he didn't need to meet me up anymore. So that was after I found out that Mr, Dr Liao died. And I know that he said that Mr Tong was very sick. So it's - - -

But at the moment, it just doesn't seem to me to make sense. Why would you be inviting somebody to Parliament House for a special meeting when you didn't even know the man?---Well, because if they want to meet up, and I don't want to see him outside in the café or yum cha, whatever it is. So Parliament House is very much the office I always see constituents, if they want to see me, if they want to have meeting with me. So I think that's just

more appropriate for me to see him in the parliament. I'm seeing a lot of people in the parliament every day, if I don't know them.

Yes, but you don't just arrange a meeting and have somebody brought into town who you don't know, never met, don't know what he's coming into town to talk to you about. It sounds extraordinary to me that you would put yourself out to go and arrange a one-to-one meeting as it were – although Mr Zhan was also present in the room, I appreciate – had nothing to do with the man ever before. Why suddenly this interest in going to all the trouble of arranging somebody to pick him up, drive him in to Parliament House?
10 ---It's not, sorry, Mr Commissioner, I think that's - - -

Oh, I should just clarify before you answer that.---Yeah.

He wasn't a constituent of yours, was he, in any sense?---Well, constitute, because I'm representing, I'm in the Upper House, so anyone in, in New South Wales will be my constituent.

Oh, I see. All right.---Yeah. Yeah.
20

Yes, anyway, you were going to respond to what I put to you a moment ago.---Yeah, sure.

When I queried why you would be going to all this trouble.---Well, I don't see that as a trouble. Now, first of all, because he was related to Dr Liao, and, and Dr Liao actually brought him into the picture of the whole, the whole incident. And I still recall that the late Dr Liao did ask if I'd be able to meet up with him, because he was very sick. And because he has been a donor, and I think there is an obligation for me to, at least to know how his health is, how is he going. And I had the same, I had the same (not transcribable) with everyone who has been supporting me or supporting Labor Party.
30

MR ROBERTSON: A moment ago you said, according to my note, "Dr Liao brought him into the picture of this whole incident." What did you mean by that?---Well, because he was the one who also donated to the event. So - - -

Well, just pause there. How did you know that Dr Liao was the person who brought Mr Tong into the picture of this whole incident?---Well, Dr Liao send me those two forms, and Steve, Steve, Mr Steve Tong was the name put on the form.
40

No, but he said those, he said that to you in error, I thought we established before. You were expecting two forms from Dr Liao, not one from Dr Liao and one from Mr Tong.---Mr Robertson, I keep on saying that I wouldn't actually give any bother in regards to how he filled the form, or how he get

people to donate, as long as he say, I've donated \$10,000, I've got my friend to donate with me as well.

I see. So that, I see.---It's not an error, I did not suggest an error.

I see. So you wanted \$10,000 worth of forms and you didn't care who the signatory was. Correct?---So you're putting words in my mouth. No.

I'm suggesting the truth of the matter.---I am not – no.

10

The truth of the matter - - -?---Yeah.

Just pause, just pause. The truth of the matter was that you wanted to procure forms in a particular amount of money and you didn't care who was the signatory, as long as it was someone who was on the electoral roll or had an ABN. Do you agree?---You're putting words in my mouth once again.

I'm putting a proposition to you and I'm asking do you agree with it or not. ---Look, no, I don't agree with that.

20

Now, in relation to Mr Tong, you just said to the Chief Commissioner that the first time you knew who Mr Tong was, was as at, is it right that it was as at the time – in fact I withdraw that. Is it right to say that the first time you heard a mention of Mr Tong was when Dr Liao whispered it in your ear in September of 2016? Is that right?---Yes.

Now, in fairness to you, obviously there was the Mr Tong form, so you at least knew of the existence of that name - - -?---I come across it later, yeah.

30

- - - on 31 March, 2015, but in terms of Mr Tong's name being uttered, it was in 2016. Correct?---Yes.

You'd never met that gentleman - - -?---No.

- - - until 2018 - - -?---Yes.

- - - when you met with him in Parliament House. Correct?---Yes.

40

But you had met with him and you knew who Mr Tong was at that point in time, you had a discussion with him in Parliament House?---Yes.

And you knew at least from that point in time that Mr Tong was an employee of Wu International. Correct?---I think he told me that he retired at the time.

You at least knew that in the past he was an employee of Wu International. ---Yes.

Correct?---Yes.

You knew as at September of 2018 that Mr Tong had nothing to do with the Emperor's Garden Restaurant, for example. Correct?---Yes.

You knew that Mr Tong was not a waiter. Correct?---No.

You at least knew by that point in time who Mr Tong actually was. Correct?---Yes.

10

Why then did you tell this Commission on 20 November, 2018 that you didn't know who Mr Tong was and that you thought he might be a waiter? ---Yeah, no, because that's what I say, I actually mistaken the name. I haven't, I didn't even know who Steve Tong was at the time when I was in the examination.

No, no.---When I look, when I look at, because Steve - - -

20 Just pause, just pause, just pause for a moment, pause for a moment. To assist you, your first compulsory examination was on 20 November, 2018. I think you accepted that from me yesterday. Correct?---Yes.

You've also accepted that you had a meeting with Mr Tong two months earlier, 17 September, 2018. Correct?---(No Audible Reply)

We established that I think on day 5 of this public inquiry.---Um, I, I probably (not transcribable) the date though, so the date you're talking about was that date that we had meeting in the parliament.

30 Your Parliament House meeting was 17 September, 2018.---Okay.

Do you agree with that or do you want me to take you back to the Parliament House records where you signed Mr Tong in?---(No Audible Reply)

September of last year.---September last year, yes. But then I was - - -

Let's, just in fairness to you - - -?---I was summoned, yeah.

40 Just pause for a moment. In fairness to you, let's go back to the Parliament House records, because I want to be clear that you accept that your meeting with Mr Tong happened in September of 2018. We might do that, if we can, by reference to volume 7, page 21. It is in evidence. I don't immediately have the exhibit number to hand. Volume 7, page 21, please. And while that's being brought up I tender page 10 of what I've described as the Wong meeting bundle which is an appointment 24 July, 2017, 1300 hours, marked Maggie, M-a-g-g-i-e.

THE COMMISSIONER: Yes. That document, 24 July, '13 [sic] re Maggie W will become Exhibit 359.

**#EXH-359 – MEETING APPOINTMENT FROM ERNEST WONG
DIARY DATED 24 JULY 2017 RE MEETING WITH MAGGIE
WANG AT 1:00PM**

10 MR ROBERTSON: Volume 7, page 21. I might deal with it this way. You remember very early in the public inquiry, I showed you some Parliament House records, the visitor records?---Yes, yes.

And I think you accepted that you signed it in your name?---Yes, yes.

And I think you accepted that the date on that document was accurate and consistent with your recollection, correct?---Yes.

20 So on the face of that, I want you to assume that you signed that register on 17 September, 2018.---Yes.

And based on that assumption, I take it you accept that your meeting with Mr Tong took place on 17 September, 2018, correct?---Yes.

Now, you accepted earlier in this examination that your compulsory examination before this Commission started on 20 November, 2018?---Yes.

30 And so you'd agree that that's only about two months or so after your meeting with Mr Tong, correct?---Right, yes.

And what I don't understand is, why in the compulsory examination on the 20 November, 2018, did you say words to the effect of you didn't know who Mr Tong was and that you thought he might be a waiter?---Okay - - -

MR HALE: I think with respect, the passage should be put in front of him. I'm looking at it now. - - -

40 MR ROBERTSON: I will do that in a moment but let me – I withdraw the question and I'll tackle it a slightly different way. Do you accept that during the course of your compulsory examination you were asked about Mr Steve Tong?---Yes.

And do you accept that you didn't admit during the course of that compulsory examination that you knew who Mr Tong was?---Yep.

Do you accept that you proffered the suggestion that he might be a waiter? ---Yes, yes.

Now, in fairness to you, let's bring up the compulsory examination transcript on that occasion, page 374, please.

And you'll see there, if you start at about line 17, see it says, "Do you know Steve Tong?" About line 17.---(No Audible Reply)

So you see that, Mr Wong?---Yep.

10 And then there's then a discussion who are you recollecting, "Another Steve, Emperor's Garden," et cetera, et cetera.---Yep.

And you then say at about line 24, "He's a waiter, he's a head waiter or manager." Do you see that there?---Yep.

Were you deliberately trying to distance yourself from Mr Steve Tong and knowledge of Mr Steve Tong because you thought that might implicate you in this inquiry?---No, not at all, not at all. My - - -

20 Well, you'd met Mr Tong only two month or so before, correct?---Yes.

And are you seriously suggesting that you were confused or having no recollection on 20 November, 2018, as to who Steve Tong actually was? ---Yes, I was.

Is that your evidence, is it?---I was very confused. At the time when I was shown all of those names, but because they were all sort of like employees or families of, of, of, you know, Emperor's Garden, and it just - - -

30 Sorry, are you suggesting that if you had your time again, you would say, "Oh, yes, of course, I know who Steve Tong was. By the way I met him a couple of months and we discussed the subject matter of this inquiry?" Is that what you're saying?---If it did come, if it did come across my mind that that was that Steve Tong, yes.

Do you agree that during the course of the compulsory examination on 20 November, 2018, and continuing on when the examination continued, you didn't volunteer the idea that you'd met with Mr Steve Tong two months ago. Do you agree with that?---Yes.

40 You didn't tell that matter to this Commission?---Yes. I did not tell, no.

You'd at least have to accept that that's a matter that this Commission would be likely to be interested in, correct?---Not in my recollection that I had that sort of mind, mindset though. I didn't actually - - -

Did you deliberately not tell that to this Commission because you thought that knowledge by this Commission of that meeting may tend to implicate

you?---No. I did not deliberately try avoid it but it just did not come across my mind at all.

Can you just have a look at line 30 while we're on this page where it says, "Do you think it's unusual," this is the question, "Do you think it's unusual that a waiter would donate \$5,000 to the Labor Party?" So you see that question?---Yeah.

10 And you say, "Not at all." Do you see that?---Yep.

Does that remain your honest evidence?---Sorry?

Does that remain your honest evidence?---Oh, yes, yes.

You know, don't you, that each of the waiters who signed forms have come and sat in the very seat that you're sitting in and said it was false, "I didn't donate \$5,000." You understand that, don't you?---Well, that was in their statements later on.

20 THE COMMISSIONER: Sorry, what was that? Say it again.---That was in their statements later on with it.

No - - -?---So I think - - -

No, no, please, don't deflect from the question.---No.

Just answer the question.---Sure.

30 Would you put it again.---So your question is?

MR ROBERTSON: You're aware, aren't you, that each of the waiters who had signed documents associated with the Chinese Friends of Labor event in 2015 have sat in the very seat that you're sitting in and said I didn't donate a cent. Do you agree?---Yes.

But despite that is it still your position that you wouldn't regard it as unusual for waiters to donate \$5,000 to the Labor Party?---Of course.

40 Now, you'll note in this answer one of the things you talk about are lucky packets.---Yes.

Or red packets. Correct?---Yeah.

And another thing you do on this page is say well, I don't have a clear recollection. I don't recall, et cetera, et cetera. Do you agree with that? ---On which part of it, the - - -

Well, for example at line 17.---17, right, yeah.

And 18 you're talking about, "Oh, what am I recollecting", and so on and so forth.---Yes.

Do you see that there?---Yes.

Do you agree that referring to lucky packets and referring to lack of memory are matters that you suggested are matters that the waiters should say to this Commission?---I, I just don't understand your question.

10

What I'm suggesting to you is that during the course of the compulsory examination on 20 November, 2018 you followed the very advice that you gave to the other - - -?---No.

20

- - - the very advice you gave to fake donors which included feign a lack of memory when you can and talk about red packets. Do you agree?---No, because that was something that Jonathan and I have discussed even before the event. He said that he will be able to get his family and also some of his employees to support him because they will get, they, they, they were willing to sacrifice one or two month of their salary along with a lot of the red packet, bonus that was given by the restaurant and the tips as well. So he said that they can afford it.

But you at least now know that everything that you've just said is false. Correct? In other words the idea - - -?---No, I still believe - - -

Oh, you still believe that the true source of this money are these waiters? Seriously?---Yes.

30

THE COMMISSIONER: Mr Wong, how can you maintain that position? ---Well, no, no, no. Sorry, sorry, Mr Commissioner. When I say I, I still believe in that it's very much like those money I don't know how they're going to get the money from. I'm pretty sure they're getting either from the bonus, red packets, whatever it is they're getting from the restaurant. So that will be their money. That will be their money.

MR ROBERTSON: So does that mean you're changing the answer you originally gave to me?---(not transcribable)

40

You said in response to one of my questions that, as I understood it, that you still believe that the true source of the money that this Commission has been investigating is the waiters themselves. Is that right?---Well, I still have, well, that is something that I still believe in.

That's something you still believe in?---Yes, but - - -

THE COMMISSIONER: What do you base that belief on?---Sorry, Commissioner?

What's the basis for your stated belief that you believe that the donations were in fact given by the waiters who gave evidence here?---Put it this way. I think some of those moneys will be from these waiters because they did show that they are very enthusiastic of supporting Jonathan and, and myself but I will not be able sitting here saying that 100 per cent sure that every single dollar was donated by them or from other sources that they are getting from either the restaurant or, or red packets, whatever it is. I don't know.

10

Mr Wong, the people you speak of as having given the donations have all come here on their oath or affirmation as you know to say I didn't give anything.

MR HALE: Well, with respect, Commissioner, that's a little bit unfair having regard to the affirmations that many of them had previously made to the Electoral Commission and - - -

20

THE COMMISSIONER: That's true. That's part of the factual matrix.

MR HALE: Yes, and - - -

THE COMMISSIONER: It's not lost on me.

MR HALE: Yes, I know, and - - -

THE COMMISSIONER: But why is it unfair?

30

MR HALE: Well - - -

THE COMMISSIONER: If somebody has given a false account on an occasion and then later they come and speak against the interest, I lied when I said X, well, that doesn't in any way destroy ipso facto the integrity of their evidence.

MR HALE: Well, it might or it might not, but at the end of the - - -

40

THE COMMISSIONER: It might reinforce, it might reinforce their evidence.

MR HALE: Well, indeed, but that's one of the difficulties, as this Commission is well aware, in this case. But the fact of the matter is, is it appropriate to be asking this witness to comment - - -

THE COMMISSIONER: I think it is.

MR HALE: - - - upon the evidence that a number of witnesses have given after, if I might call the Yee family's change of position on the basis of, on

the basis that it must be true as to what they've said in the circumstances where there must be a real question over the credibility.

10 THE COMMISSIONER: No, but I'm not asking him to comment on their evidence at all. What I was seeking to ascertain from him is whether, and this goes to his credit, whether he's seriously saying that notwithstanding what he's now heard from each of the waiters to the effect, I didn't give any money at all and I lied to the Electoral Commission, how can he now maintain a position, as he apparently is doing, that nonetheless I still believe they did in fact give the money.

MR HALE: Because - - -

THE COMMISSIONER: Now, that's giving him an opportunity to say, well, whatever they said, the reason I say that is this.

MR HALE: Yes, but - - -

20 THE COMMISSIONER: But if he can't say, if he can't point to anything to justify his belief then it doesn't assist his credibility, in fact it might be against his credibility.

MR HALE: Well, he's already given some explanation, but at the end of the day I raise the question, where it is put to the witness this is what these witnesses have said this time, how can you maintain the position you have, because it presupposes, that is to say that it's a supposition within the question, that they must now be telling the truth and the whole truth.

30 THE COMMISSIONER: I understand your point, Mr Hale, but I don't think my question is unfair or shouldn't be put.

MR HALE: At the end of the day - - -

THE COMMISSIONER: So I'm going to press him on that point.

MR HALE: Yes, but, Commissioner, I fully appreciate when it comes to submissions there's going to be a lot of ink spilt on these questions.

40 THE COMMISSIONER: Yes, yes, yes. All right. There's already been a lot of ink spilt.

Anyway, so Mr Wong, I'm just trying to get from you so that you can explain yourself, as I understand it, you've read the transcript of all the witnesses who were waiters at Emperor's Garden?---Sure.

And you've seen them putting their hands up, confessing that the story they'd previously given was false and have told this Commission on their oath or some of them on affirmation, I didn't give anything by way of a

donation. Now, there's issues as to whether their evidence will ultimately be accepted as part of the process of the Commission, but in the light of their evidence to that effect, that they didn't give anything, how do you now maintain the position that notwithstanding their evidence they did or probably did or possibly did in fact give the donations in question?---Thank you, Mr Commissioner, and I respect that and I appreciate that. When I say that, I'm not saying that 100 per cent sure all of them, every single one of them, haven't donated every single dollar of it, but I still believe a lot of them like, you know, Jonathan's mother, Jonathan, his brother, and some of those waiters, the way that I find, a lot of those waiters, they do actually have lot of other side business that they will be able to find the money. So the base that we're using here, that because they're waiters they're not getting a lot of salaries, I still don't think that actually, that actually established the ground that they will not be able to donate. But at the end of the day, have they donated, they not donated, I still believe some of them have actually donated the money. So that, that's still my belief.

All right. Yes, Mr Robertson.

20 MR ROBERTSON: Can we have the compulsory examination transcript back on the screen, please, because there's another aspect of it I should just draw to your attention, Mr Wong, just as a matter of fairness to you. Do you see at about line 15, do you see that the question asked of you is, "Can you see this is a reservation form completed in the name of Steve Tong?" ---Yes.

Do you see that there?---Yeah.

30 And so the context in which you were being asked the questions on page 374 was you having access on the screen in front of you now, a copy of Mr Steve Tong's reservation form. Correct?---I have not got that form, no, there's no form.

No, but what I'm suggesting to you is that when you were answering - - -?---Oh, yes.

- - - these questions, you were able to see Mr Tong's reservation form. Correct?---Yes, yes.

40 And that was the reservation form, or at least the copy that you received from Dr Liao on 31 March, 2015. Correct?---Yes, yes.

So I suggest to you that in the face of having that in front of you at the time, in the face of you having met Steve Tong two months ago, it was misleading for you to simply say, as you did say on this occasion, "I don't really know who this Steve is, maybe it's another Steve." Do you agree with that?---No.

I suggest to you that you were deliberately trying to indicate that you had no knowledge of Steve Tong, the man who ostensibly signed the document - - - ?---No.

- - - because you thought that that may implicate you - - -?---No.

- - - in this investigation. Do you agree?---No, not at all. I did not deliberately doing it.

10 Can we, can I draw - - -?---I - - -

THE COMMISSIONER: You want to say something?---Look, I do have a recollection at the time. I was probably mistaken or confused that that Steve Tong probably will be a person called Steven who worked in Emperor's Garden, because he was actually a guy that I know quite well. Because when I come across, when I was shown with all those names of forms of the Emperor's Garden, that probably gave me an impression that were all sort of like the employees of Emperor's Garden.

20 MR ROBERTSON: And so is it fair to - - -?---Yeah, I didn't even know who were the ones who were actually the donors.

So is it fair to say your explanation for your answers here were that you were confused as to what you were being asked at this particular time, is that right?---No. I probably mistaken that it's Steve Tong as another Steven.

30 And are you saying that if you had your time again and you were asked the same questions, you would say something like, "Yes, of course I know Steve Tong. In fact, I met with him in my Parliament House office only two months ago." Is that right?---If that's correct, that is, yeah.

But if you had understood that the Steve Tong that was being referred to was the Steve Tong the subject of the signature and was not anyone that had anything to do with Emperor's Garden, you would have answered, in a fashion similar to what I summarised, "Yes, I know who Steve Tong is." ---Yes.

40 "I met him two months ago." Is that right?---Yes.

I should just draw one matter to your attention. I put something to you a little bit earlier today that was wrong, and in fairness to you I need to identify that to you. When I was asking you some questions about Mr Clements, the meeting with Mr Clements at the Part One Espresso on, it seems, the 27th of June, 2018, I suggested to you that Mr Jonathan Yee had had a compulsory examination on that date. I was wrong about that. I got that date wrong, although there were other compulsory examinations that were happening around about that time.---Thank you.

Now that I've corrected that, does that affect any answer that you've given so far in this examination?---That's okay. My answer was that I did not have recollection who told me all about those.

And so it still remains - - -?---But I did not deny - - -

So you accept that someone told you about the ICAC investigation, correct?---Yes.

10

And you think it was probably Mr Cheah or Mr Yee?---Yee, yes.

But you're not sure which one.---No, I'm not sure.

Is that a fair summary of the evidence you've given?---It is. Thank you, Mr Robertson.

20

Mr Wong, you accepted earlier in the inquiry that some of the money that was raised in connection with the Chinese Friends of Labor event in fact found its way into a bank account of Friends of Chinese Community, correct?---Yes.

Do you agree that there was at least one example in which a credit card form was not processed through the merchant facilities of the Australian Labor Party but instead, to your knowledge, was processed through the merchant facilities of the Emperor's Garden restaurant.---I don't have any recollection of that at all.

30

You don't have any recollection of anything of that kind?---No, I don't, no.

Can we have on the screen, please, the Emperor's Garden credit card bundle, and can we go to page 4, please. While that's coming up, do you recall whether a Frank Wong attended the Chinese Friends of Labor event in 2015?---I, I read it from the transcript but I try to search my memory, I would not be able to come across a name or to recall the name as such.

So it's a name you, it's a name you recognise, Frank Wong?---There are a lot of Frank Wongs, but I really don't know who would be the identity of it.

40

Let me use his Chinese name, then. Fung Wa Wong. Does that ring a bell? ---It make it even worse with Chinese names.

If we can have on the screen, please, page 4 of the credit card bundle, just to help see if this refreshes your recollection. I'm showing you an email from Mr Cheah to Claude Wan. Do you see that there? See that onscreen? ---Yeah.

And you accepted that for at least some point in time in 2015 your assistant would use – that email was used effectively by two people, both by Claude and by your other assistant, Ms Huang, correct?---Yes.

Now, I'm not suggesting that you were copied to this email but were you aware that certain credit card payments associated with the Chinese Friends of Labor event were declined?---That's what he said there, yes.

No, but were you aware in 2015 that that had occurred?---Yes.

10

You were aware?---No, I wasn't. No, no, no. Actually, no, sorry, I wasn't because I do not have any recollection of that at all.

So to be clear, even with this being drawn to your attention, you had no knowledge as at 2015 that certain forms associated with the Chinese Friends of Labor event had been declined at the level of head office, is that right?
---Yes.

20 And do you deny that you made any arrangements for the first form we can see, Frank, it says Wang but it's Wong, Frank Wong, and the second one, also for \$5,000 to a person by the name of Lin, were in fact processed through the Emperor's Garden merchant facility? Are you saying you have no knowledge of that matter?---I have no knowledge of that matter at all.

Do you also deny that in or around April of 2015 money went from the Emperor's Garden restaurant, in fact \$5,000 went from the Emperor's Garden restaurant into the Friends of Chinese Community bank account?---I do not recall that at all.

30 You've got no knowledge or recollection of anything associated with the matters that I've just discussed with you, is that right?---Yes.

Can we move forward then to where we finished off yesterday, Mr Wong. You remember I was asking you about what was happening after the public inquiry had been announced and I asked you some questions about discussions that you agreed that you've had with a number of the Emperor's Garden employees and people of that kind. Do you recall that general line of questioning?---Yes, yes.

40 And I think your evidence was that you did in fact speak to the various people who had signed and said that they were donors in connection with the Chinese Friends of Labor event, correct?---Yes, yes.

And I put to you a number of propositions in relation to what other have said that you said and you rejected those propositions. You remember us discussing matters of that kind?---Yes.

Do you agree that one of the people you spoke to after the public inquiry was announced but before the public inquiry commenced was Mr Valentine Yee, being Jonathan's brother?---Yep.

10 And do you agree that during the course of that discussion, or at least during the course of a discussion that occurred after the public inquiry was announced but before it commenced, you said to Mr Valentine Yee words to the effect of, "You should stick to the version of the truth we have given as evidence in the private inquiry." Do you agree that you said words to that effect to Mr Valentine Yee?---Yep. Yes.

You do agree that you said words to that effect?---I think I have mentioned before - - -

Just pause. Just get that first.---To the effect, yes, that is the effect of it but that's not the exact wording.

20 No, I put to you – well, let's be clear about it. Do you agree that you said words to the effect of, "You should stick to the version of the truth that we have given as evidence in the public inquiry"? You accept that?---Can I just, sorry, Mr Robertson, I know you want to have an exact - - -

I'm going to put some propositions to you - - -?---But remember - - -

But I'm then going to come back to ask you to give the explanation that you would like to come to.---Sure, sure. Yeah.

So let's deal with this in stages.---Yes.

30 You accept that you had words to the effect of, "You should stick to the version of the truth that we have given as evidence in the public inquiry"? ---That is an English interpretation of the Chinese words that we said.

I appreciate that. I'm not suggesting that it's word perfect.---Fine, yes.

I'm suggesting to you that the effect of what you said was what I've just summarised there, is that right?---Yes.

40 Do you also accept that you said words to the effect of, "The Commission does not have sufficient evidence to prove the donations by the Emperor's Garden Pty Ltd and yourself were straw donations"?---No.

You reject that you said words to that effect?---I reject that.

Do you accept that you said words to the effect of, "The hardest and most uncomfortable thing about a public inquiry is the media chasing you after the completion of giving evidence"?---Yes, I did mention that.

Now, I stopped you a little moment ago when I asked you the first proposition, stick to the version of the truth - - -?---Yes.

10 - - - we've given as evidence in the public inquiry. Are you saying there's something that you want to say by way of context that puts that particular proposition in context?---Yes. Yes. To all of them that I met, that is what I tell them in Chinese, that if you believe what you said was true, the best thing for you to do is to say what you said before, because that's easy, because I know a lot of them were getting, will get very nervous, and then they will just make up stories or, you know, give wrong sort of like evidence. So, that is one thing that I just want to tell them. Say, if you feel comfortable, and you believe what you said was true, just say the things you said before.

So are you saying that at least one of the reasons you wanted to meet with each of the individuals that we are discussing is to emphasise matters to ensure that they told the truth, rather than telling a lie?

20 MR HALE: I object to that. I don't know that he agreed with that proposition (not transcribable)

MR ROBERTSON: No, no, I'm putting to him whether he agrees with that. He might disagree.

MR HALE: No, no, it was – I'm sorry, it's why you wanted to meet with them.

MR ROBERTSON: I'll put it slightly differently.

30 MR HALE: Whereas he, I think, said (not transcribable)

MR ROBERTSON: I'll withdraw the question, and I'll approach it another way.

THE COMMISSIONER: Okay. All right. It's been withdrawn.

40 MR ROBERTSON: Mr, do you agree that at least one of the reasons you sought to meet with the individuals that we've now just discussed was that you were concerned that they might lie?---No. That's not my concern.

Isn't the real reason that you were concerned that they would tell the truth? ---No.

THE COMMISSIONER: Well, what other reason would there be for you to speak to them?---The very first reason was that I strong recommend them to have a legal representative, because I know of them they will not likely have a legal representative. And that's the first thing that I want to convey the message.

Why were you so concerned that they have legal representation, if in fact they paid donations, and they were going to say that, why would they need legal advice?---Because that was what Teresa Tam mentioned at the time, when she was being privately examined. It was strong recommended by Commissioner that she needs to have a solicitor.

Just leave Ms Tam to one side for the moment.---Yes.

10 Talking about the, and focus on the others. No doubt you had a view about many of the other waiters who you knew that they were decent, hardworking, honest, Chinese-Australians. Is that right?---Yes.

And as the Electoral Commission is wanting to talk to them, you'd be confident that they would go along and do their duty and give the, their best account of what happened.---Yes. Yes.

20 Right. Well, why would, why were you so concerned that they have legal representation?---Because they're only laymens, they're only normal persons, where they have never any chance or opportunity to come across any of those hearings. They would get very nervous.

But why were you so concerned about this group of people, when you knew them to be, as I think you've agreed, honest, hardworking, Chinese-Australians who you expected they would do their duty?---I - - -

30 Why are you, as it were, hovering around them at this time talking to them each one after the other, when it's quite a straightforward question, honest citizen goes to speak to government authority, gives their story. You wouldn't think they're in jeopardy, would you?---No, no, Mr Commissioner.

You were confident that they were going to be - - -?---Three things.

- - - serve, do their duty, and tell the truth as they knew it.---Of course. Of course.

40 Well, why are you – I'm trying to understand why you were taking so much time and putting so much effort into going to talk to each and every one of them, when it was, seemed to be, to you, very straightforward? Honest citizen attends as asked, speaks to the Electoral Commission, end of story. ---The - - -

MR HALE: I do object to putting in the Electoral Commission. You may remember yesterday the evidence was that there was only one person (not transcribable) none in relation to the Electoral Commission, that he spoke to at that time. The contact that was made with one exception was in the context of the public inquiry.

THE COMMISSIONER: All right. So you say it should be confined to this Commission's inquiry?

MR HALE: Yes, exactly so.

THE COMMISSIONER: All right. You've heard what Mr Hale has said. We're talking about this group of people who are coming along to this Commission to tell their story. All right?---Yep. So - - -

10

No reason to suspect that these people were, had done anything wrong, is that right, so far as you were concerned?---Yep.

20

Well, why were you so concerned and spending so much time and effort going around and talking to them before they give their interview or give their evidence, why were you bothering?---Well, because I know these people, they are the people who are supporting me all along, many years of my political and public life, and I just feel obligated to at least return a favour to help them along when they are put into a situation where they've never had any experience. And that was all generated because Teresa Tam did tell me that she was strongly recommended by the Electoral Commissioner that she need, I can't remember it's I say to yourself or to the Commissioner, she needs a representative. And that actually gave me a strong sense that they should have someone there. And thirdly, they're always the one that they don't know their rights, they don't know, they probably will be getting too nervous to even speak out for themselves or to speak out the truth. So that's why I just strongly recommend them to have a legal representative. And I did mention, I was not going, at the time I did not actually plan to see them all. I did tell Jonathan (not transcribable) to convey to them if they're going to have any solicitor, but Jonathan came back to me and said, "Look, no, they're not going to have any legal representative." And he said, "Do you want to talk to them to make sure that they understand?" I said, "Yeah, sure."

30

MR ROBERTSON: Are you suggesting that Jonathan Yee had some role in deciding to set up the meeting that we're now discussing?---Yeah.

40

So are you saying it was his suggestion, was it?---No, it's not like a suggestion as what has been (not transcribable) here where you set up a meeting, it's very much like I told, I told him that they need solicitor. He said, "No, they're not going to have solicitor. Do you want to talk to them?" I said, "Yeah, fine."

If it was just about ensuring people had legal representation, why did you have to meet with these individuals in person, why couldn't you simply send a message to Emperor's Garden saying, I'm Ernest Wong and I think it would be a good idea for you to get legal advice?---It never came up to my mind, because I'm always in the restaurant and these are the people where

they're always in the restaurant as well, so whenever I was there, Jonathan say, oh, so-and-so is here, do you want to meet them? I say, "Fine."

When you were served with the inquiry to appear in the public, in this public inquiry, you were given a copy of a guide for witnesses. Correct?

---Yes, I think you mentioned that yesterday, yes.

And the guide for witnesses refers to the right for legal representation and where legal representation might be obtained. Correct?---Yeah.

10

That guide was given to you both in English and in Chinese. Correct?

---Yes.

So you agree that at least you were given a document suggesting that legal advice might be obtained. Correct?---Yes.

And you would agree, wouldn't you, that at least for the others who you understood had been summonsed, they were likely to have received a similar package. Correct?---Yes.

20

And so you were aware at the time you had these meetings that those others had a document suggesting that they may well wish to obtain legal advice. Correct?---Yes.

You would agree I think, as I think you accepted yesterday, that at least with the benefit of hindsight you never should have participated in these meetings. Correct?---Yes.

30

Because at very least it creates the perception that you as a person of interest or potential person of interest may be seeking to influence other witnesses who may give evidence?---Yes.

Do you agree?---Yes.

In relation to Patricia Siu, do you agree that you had a meeting with her after the public inquiry was announced and before the public inquiry commenced?---Yes.

40

Do you agree that you said to her words to the effect of, "You should tell the same story and you will be all right?"---It's the same statement I gave before, but not this particular one, yeah.

Well, are you accepting that you said words to that effect to Ms Siu?

MR HALE: I'm sorry, I think there's a bit of uncertainty in the words that he said.

MR ROBERTSON: I withdraw the question, withdraw the question. I'll put it again.

THE COMMISSIONER: It will be put again, and put it in precise terms as to - - -

MR ROBERTSON: Do you agree that you said words to the effect of the following to Ms Siu, between the public inquiry being announced and it commencing, "You should tell the same story and you will be all right." Do you accept that?---Because - - -

THE COMMISSIONER: No, no, no.

THE WITNESS: Look, Mr Robertson - - -

THE COMMISSIONER: Just a step at a time. Did you say it or not?---I say the words very differently, like when you say stick to the same story - - -

No, please, please, wait a minute.---Yeah, okay.

What I wanted you to do is just answer the question, then if you want to add something you'll be given every opportunity to do it.---Yes.

So just put the question again.---Yes.

MR ROBERTSON: Do you accept that after the public inquiry was announced but before it commenced, you said words to the following effect to Ms Siu, "You should tell the same story and you will be all right." Do you accept that?---Yes.

THE COMMISSIONER: Okay. Now, do you want to add something? ---Yeah, sure. Look, because when you put the question to me, "Stick to the same story," it just give an impression that they're trying to make up stories. But I, I, I kept on saying, what I told them is that whatever you believe and come to believe that that was the truth, you just have to say what you said before. And that's, that is, that's always my statement. But every time when the proposition was putting to me, when I say yes, I don't know how that's going to be interpreted.

MR ROBERTSON: And just to try and summarise that, is what you're saying that what you were trying to emphasise to Ms Siu is that she should, she should tell the truth, is that what you're suggesting?---She should tell what she believe that was the truth, and that she should actually say what she said before.

Did you say something to that effect to Ms Siu?---Yes.

So as well as saying you should tell the same story and you will be all right, are you saying you also said to her, "Make sure you tell the truth, don't tell lies"?

MR HALE: No, I object to that. That's not a fair summary of the evidence.

THE COMMISSIONER: No, I don't think he was putting that.

10 THE WITNESS: So, so what are you putting to me, then, Mr Robertson?

THE COMMISSIONER: If you wouldn't mind putting it again but in terms as to what it said that he said.

MR HALE: Yes, I think there are two different statements there.

MR ROBERTSON: Doing the best that you can, other than saying words to the effect of "You should tell the same story and you'll be all right," what else did you say to Ms Siu during the course of the meeting that we've been discussing between the announcement of the public inquiry and the
20 commencement of the public inquiry?---Well, that's about it, and then she needs a legal, a legal, a legal, a legal representative. But then she, she, she told me, she kept on telling me how she actually funded that, that donation. She said that she went on holidays and, you know, all sorts of stuff. And that's about it.

And is that the extent of what you can recall - - -?---Yes.

- - - you either said to Ms Siu or she said to you during the course of the meeting that we just discussed? The discussion or the alleged discussion.
30 ---Yes. Yes.

THE COMMISSIONER: All right, now just could I interrupt. How much longer do you think you might be with - - -

MR ROBERTSON: I'm probably about 20 minutes or so. It might be sensible if you ask whether there's any applications for leave to cross-examination and rough estimates.

40 THE COMMISSIONER: Yes, well, we might do some assessments, yes. Just without binding anyone at the moment, because the evidence-in-chief hasn't been completed, but on present state of play, is there any, likely to be any application for cross-examination of Mr Wong? Yes?

MR OVERALL: Commissioner, I'd be seeking leave to make an application to cross-examination in relation to evidence given previously by Mr Wei Shi.

THE COMMISSIONER: Yes.

MR ZHU: Chief Commissioner - - -

THE COMMISSIONER: Sorry, I'll come to you in a moment. Dealing with them one at a time, Mr Robertson, have you had a chance to evaluate that application?

MR ROBERTSON: I have not.

10 THE COMMISSIONER: No, all right.

MR ROBERTSON: I've seen an email from my learned friend this morning but which didn't identify topic areas, and I'm not sure whether he's further responded to that.

THE COMMISSIONER: All right, well, you'll need to identify topic areas, perhaps over the luncheon period. We'll come back to your application.

MR OVERALL: Yes, Commissioner.

20

THE COMMISSIONER: There was another application?

MR ZHU: Yes, Chief Commissioner. My name is Zhu. I appear for Teresa May.

THE COMMISSIONER: Yes, Mr Zhu.

MR ZHU: I do seek leave to cross-examine Mr Wong.

30 THE COMMISSIONER: Yes. Thank you.

MR ROBERTSON: I have seen an application to that effect. There's plainly enough been some evidence in relation to Mr Tam and Mrs Tam. I'm inclined to submit that a very narrow leave to cross-examine ought be granted but restricted very specifically to the issue of the note that was the subject of some cross-examination.

THE COMMISSIONER: How long do you anticipate your cross-examination would be if you're allowed to?

40

MR ZHU: Roughly around the 15 to 20 minutes maximum.

THE COMMISSIONER: All right, thank you. Any other applications at this stage. All right. Thank you.

MR HALE: I would wish to make some submissions about that, but I - - -

THE COMMISSIONER: Yes. Yes.

MR HALE: - - - imagine my approach will not be inconsistent with that of Counsel Assisting.

THE COMMISSIONER: All right. Thank you, Mr Hale.

MR ROBERTSON: And I'm not sure whether Mr Hale is in a position yet – and I certainly don't seek to bind him – whether he has any idea as to re-examination.

10

THE COMMISSIONER: Yes.

MR HALE: At the moment I must say I've only got I would have thought less than five minutes.

THE COMMISSIONER: Yes, all right, thank you. Thanks, Mr Hale.

MR ROBERTSON: Could I perhaps just finish this segment that will take about five minutes or so?

20

THE COMMISSIONER: Yes. Yes, by all means, yes.

MR ROBERTSON: I then have another segment which I think is about 15 or 20 minutes, which I propose to do after lunch if that's convenient.

THE COMMISSIONER: Yes, very well. We'll press on and get that done.

MR ROBERTSON: Between the announcement of the public inquiry and the commencement of the public inquiry, you also had a discussion with May Ho Yee, is that right?---Yes.

30

And during the course of that discussion you said words to the effect of, "You should continue just to tell the same story," correct?---It's the same statement that I gave before.

Let's do it in two parts. First you accept you said words to that effect, correct?---Yes.

And are you saying the context in which you said words to that effect was the same context you've described before?---Yes.

40

Namely, as I understand your evidence, but again don't let me put words in your mouth - - -?---Yes.

- - - you say you're not trying to encourage anyone to lie, you're encouraging them to tell the story that they've told before, that you understood to be a truthful story at that time. Is that - - -?---Yes. Thank you, Mr Robertson, yes.

Is that a fair summary of your position?---Yes, it is.

MR HALE: Perhaps to be clear about this, he's said on a number of occasion what he said the words were that he used. The question has been words to the effect and he's prepared to accept that the words he did in fact say were to the effect of what the question was but on each occasion he has been quite precise as to what he actually did say and I think he maintains that in relation to each particular witness and we might shortcut things if he's at least permitted to say those - - -

THE COMMISSIONER: I'm sure Counsel Assisting will put it properly and fairly.

MR HALE: I'm not suggesting he wasn't.

THE COMMISSIONER: No.

MR HALE: He's made it quite plain to each of the witnesses he said the same thing in terms of feel comfortable and the truth then you should stick with it which is not entirely inconsistent with the proposition my learned friend is putting.

THE COMMISSIONER: All right. Thank you.

MR ROBERTSON: You also had a discussion between the commencement of the public inquiry – I withdraw that – between the announcement of the public inquiry and the commencement of the public inquiry with Mr Lei Mo. Is that right?---Yes.

And during the course of that discussion you said words to the following effect, "There is no problem with your answers however there may be a problem with the forms. Don't worry about it, just remember what you have already told them." Do you agree with that?---No, I didn't have any recollection of saying those words.

So let's just cut that up in parts. You don't have any recollection of saying words to the effect of, "There is no problem with your answers however there may be a problem with the forms"?---No.

No recollection of that?---No.

You may have said I take it something like don't worry about it, don't worry about the investigation?---No.

No.---No. Of course they have to worry.

But do you agree that you would have said – I withdraw that. Do you agree that you said words to the effect of, “Just remember what you've already told them”?---I'm pretty sure one thing that I said will be pretty much the same statement as I gave to the other people.

And those statements were in the context that you've already explained.
---Yes.

10 You say you're not trying to tell anyone to lie. You are telling them to stick to the story that they've already told but you're telling them to stick to a truthful story. Is that right?---That is not the exact - - -

I'm not suggesting it's the exact wording. I'm just trying to make sure I understand the import of your evidence and I may have got it wrong.
---Yeah. Yes, in the sense.

20 THE COMMISSIONER: Mr Wong, you understand these propositions are being put to you in order to give you an opportunity to respond - - -?---I understand, yes.

- - - and have your say about these matters?---Yes.

It's not being put for any other purpose at the moment.---I appreciate that, yeah.

Yes.---So that's why I just want to have the exact wordings to make sure.

30 MR ROBERTSON: And to be very clear, Mr Wong, if you disagree with a proposition that I am putting to you, you are entirely entitled and this is an opportunity for you to say, “That's complete rubbish, Mr Robertson, that's not what I was doing at the time.” You understand that, do you?---Yes.

And so just to understand why you were having these discussions, it was because you were, is it right to say you were concerned to make sure these people had legal representation, that's at least one of the reasons?---Legal representation. Secondly to, probably to give them a bit of like, I am not sort like, you know, hanging them out to dry themselves because they have been supporting me all along.

40 So is it right to say then that at least one of the reasons you wanted to speak to these individuals was that you were concerned about their welfare? You were concerned - - -?---No, it's not much, it's not much like concern of their welfare but rather just to let them know that I am not sort of like leaving them alone when they have any problems or they need someone to help.

Do you say that you were having these discussions in the interests of these individuals or was it really the case that you were having these discussions in your own interest?---No, in their interest.

Is that a convenient time, Chief Commissioner?

THE COMMISSIONER: Yes, very well. We'll take the luncheon adjournment then I'll resume at 10 past 2.00. Mr Wong, if you would return at 10 past 2.00.---Yes, Commissioner.

Thank you.

10

LUNCHEON ADJOURNMENT

[1.09pm]