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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 12 DECEMBER, 2019

AT 2.30PM

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

<ERNEST KWOK CHUNG WONG, on former affirmation [2.33pm]

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Can I first apologise for the delay in recommencing? There were some technical difficulties at my end for which I take responsibility.

10 THE COMMISSIONER: Yes, that's okay. Very good. Ready to proceed?

MR ROBERTSON: Yes, I am.

THE COMMISSIONER: Mr Wong, thank you. Mr Wong, you're still on the affirmation you took earlier.---Yes. Thank you, Mr Commissioner.

Yes, Mr Robertson.

20 MR ROBERTSON: Mr Wong, can I just clarify one matter relevant to the matter that we discussed just before lunch? I've put to you the suggestion that for a number of individuals, you said words like, "continue to tell the same story," something along those lines.---Mmm.

Do we take it from that that as at the time that you had your discussions with people like Mrs Yee, Mr Mo, and others, you were aware of the answers that they had previously given, at least in general terms, to this Commission, is that right?---No.

30 Well, I'm just trying to understand what you were saying when you're saying "continue to tell the same story". That must be a reference to some story that they've told in the past. Is that right?---It's not the same story. I keep on telling them that whatever you feel comfortable that you, that was the truth that you have said, you just say what you said before.

That's what I just want to understand. "Say what you said before." For that advice or suggestion to make any sense, you must have had some idea as to what they had said before, do you agree?---If they believe what is said was the truth.

40 So you're at least aware that each of those individuals had said something to this Commission, is that right?---Well, they already have said something to this Commission, but not the content of it.

So you're at least aware that each of the individuals had participated in compulsory examinations before this Commission, correct?---Yes.

And who told you that they had participated in compulsory examinations?  
---I suppose that when I looked at, well, when, when I was shown the, all

those names when I was being examined, I suppose those are the names where they have been called in.

But you agree though, don't you, that you knew that individuals had in fact participated in compulsory examinations before this Commission, correct?  
---Yes.

10 You'd been told that they had, is that right?---It's not like being told each one of them, but I come across those names, and then it is not a secret, throughout the whole process where it has been discussed. But if you want to ask me if there's a particular person telling me exact names, I don't have recollection of that.

THE COMMISSIONER: I don't think you've answered the question yet, with respect.---Sure.

I think the questions were – well, perhaps if you put it again.

20 MR ROBERTSON: You were told by someone that each of the individuals that you and I discussed just before lunch had participated in compulsory examinations before this Commission, do you agree?---Yes. Um - - -

And you were told that - - -

MR HALE: Sorry, he was finishing.

THE COMMISSIONER: Sorry, did you want to add something?---I'm sorry.

30 MR ROBERTSON: I'm sorry.

THE COMMISSIONER: Yes?---Sorry? Yeah.

You wanted to add something or not?---No, no, no, no, no, no.

MR ROBERTSON: And you were told that by Mr Jonathan Yee, is that right?---When I say yes, I mean that I come across, I have knowledge of some of them, is it all of them I, I, I, I, I cannot, I cannot say 100 per cent.

40 Well, let's try and do it - - -?---But some of them – yeah, but - - -

Let's try and do it this way. Let's put aside the substance of any evidence at the moment.---Sure.

And we're just talking about the mere fact that individuals had given evidence in compulsory examinations in private before this Commission. Would you agree that Jonathan Yee told you that Teresa Tam participated in a compulsory examination before this Commission?---Yes.

Would you agree that Mr Yee told you that Johnnie Lin participated in a compulsory examination before this Commission?---Yes.

Would you agree that Mr Yee told you that Wei Shi participated in a compulsory examination before this Commission?---It'd be difficult for me to say yes or no, because I did not have recollection that it was Mr Yee telling me straight in my face, "Look, Wei Shi has been called in."

10 So you at least - - -?---But I, I have knowledge that he was, yeah.

But so you at least knew that Mr Shi had participated in a compulsory examination, but you are not quite sure whether Jonathan Yee told you that, or someone else told you that, is that fair?---Yes. Yes. Yes.

What about Valentine Yee? Did Jonathan Yee tell you that Valentine Yee had participated in a compulsory examination?---Yes.

20 Did Jonathan Yee tell you that Patricia Siu had participated in a compulsory examination?---I didn't have recollection of Patricia Siu at all.

But you did know that Patricia Siu had participated in a compulsory examination, is that right?---Not really. I was, I only, I only come across – look, I think the whole, the whole, what happened at the time was because the public inquiry was being announced, and then I had a conversation with Mr Yee in regards to if all of them, of those people who will be affected, have got a, a legal, legal representative. Then, you know, the conversation carried on in regards to, did they need any help, or need any comfort, and then Jonathan organised a meeting with them. But there is not an exact sentence or conversation saying that they have gone through the private examination.

30

THE COMMISSIONER: Yes, you're not being asked about those matters. ---But - - -

It's just that were you aware without being able to identify the source of the information that, amongst the others already mentioned, Patricia Siu had been to the Commission for a compulsory examination.--- Thank you, Mr Commissioner, yep.

40

You were aware of that by some means, is that the position?---Yep. But because Mr Robertson was mentioning about the private examination. But I do not have sort of like, I, I, I been told information that they had gone through a private examination. But I just have an idea that those are the people where they are, they were, they, they were on the list. So I suppose that when the public inquiry's been announced they will be those people.

MR ROBERTSON: I just want to be clear about – I'm so sorry.---So, yeah.

THE COMMISSIONER: No, that's all right, you go ahead. Yes, go ahead.

MR ROBERTSON: I just want to be clear about your answer to the Chief Commissioner's question. Are you accepting that you knew that Patricia Siu had participated in a compulsory examination before this Commission?  
---You, you're talking about compulsory or private ones or the public?

10 The private ones, yes.---No.

I'm using the term "compulsory examination" and "private hearing" interchangeably.---No. Yeah, yeah, yeah, okay, no.

So you did - - -?---So because that's, that's what I'm trying to clarify, because you're saying about the public (not transcribable) the, the, the private examination, or, you know, the compulsory examination, no.

20 Well, let's just be crystal clear about this. As I understand it, at the time that you spoke to Teresa Tam, Johnnie Lin, Wei Shi and Valentine Yee, after the announcement of the public inquiry but before the public inquiry commenced, you knew that each of those four individuals had participated in compulsory examinations before this Commission, is that right?---No. Teresa Tam, yes. Wei Shi, yes. Yes, but not Johnnie Lin and Patricia Siu.

So Teresa Tam, yes?---Yes.

Johnnie Lin, yes or no?---No. no, no. Not Johnnie Lin.

30 Johnnie Lin, no.---But Wei Shi.

And Wei Shi, no?---Wei Shi, I did

Oh, Wei Shi, yes?---Yep. Johnnie Lin, no.

Valentine Yee, yes?---Not clearly though. It's not like a, a direct conversation.

40 I think you said before that you did know but you're not quite sure who told you, is that right?---Yep, yeah.

And what about Patricia Siu?---No.

You didn't know that she participated in a compulsory examination?---No.

But when you said to her words to the effect of, "You should tell the same story," are you not referring to the same story that was said in a compulsory examination?---No. I don't know, look, I know that there will be because

the list had been shown in regards to all of their, all of their – so I assume that they will be the ones - - -

But I'm trying to understand what story you're referring to. You must have had some idea of a story being told by these individuals to someone, surely?---Yeah. Mr Robertson, you cannot say about stories. I, I, I don't like, it's not that I don't like the word stories but I keep on saying, whatever they have said before, if they've been interviewed, if they believed that and they're comfortable that that was the truth, just say what you said before.

10

And by what said before, you mean what they've said before to this Commission, is that right?---I don't know, to, either to the Commission or to the Electoral Office.

Well, you must be referring to what they've said before to this Commission, surely, you accept that, don't you?---Yes.

And so you must have known that people, including Patricia Siu, had said something to this Commission, do you agree?---Either to the Commission or Electoral Office, to the Electoral Commissioner.

20

So you at least knew that Patricia Siu has said something to the Electoral Commissioner, is that right?---I suppose so, yes.

And May Ho Yee as well, did you know that she had participated in a compulsory examination before this Commission?---Yes, I knew May Ho Yee, yes. I did know May Ho Yee.

And you knew, I take it, that Jonathan Yee had participated in a compulsory examination before this Commission?---Yes.

30

And you knew that Steve Tong had participated in a compulsory examination before this Commission?---He, I am not too sure because I thought that he was supposed to be excused.

Well, isn't it the truth that Jonathan Yee kept you informed and told you that these particular individuals had participated in a compulsory examination before this Commission. Do you agree with that?---Not keep me informed but after the public inquiry has been announced and when I was having this conversation with Mr Jonathan Yee of course then he would, he, he would mentioned that all those employees – he did not mentioned each single one of them with their names but then he said that, you know, these other people - - -

40

Well, I suggest to you that Mr Yee kept you informed as it was happening in 2018 and 2019, both who was being called to give evidence and at least in general terms what story or evidence they were giving to the Commission. Do you agree with that?---No.

MR HALE: I do object to this. We've had this a number of times with the prefix, "Kept you informed," and the witness is saying, "No, it's not a case of keeping informed. I had conversations." It would be perhaps a little easier if that phrase weren't used.

MR ROBERTSON: I'll try and put it more precisely. On each occasion – I withdraw that. In 2018 and 2019, before Jonathan Yee – sorry, I withdraw that and start again. In 2018 and 2019, before the public inquiry was  
10 announced, you had a number of discussions with Mr Jonathan Yee regarding the ICAC investigation, do you agree?---Yes.

And on at least one occasion, Jonathan Yee said words to the effect to you that person X has been summoned to give evidence in a compulsory examination, do you agree?---Yes. That was his mother.

So he at least told you that his mother had been summoned to give evidence, correct?---Yes.

20 And he told you not just that his mother had been summoned to give evidence, he told you about Teresa Tam, Johnnie Lin, Wei She, Valentine Yee, Patricia Liu and Lei Mo, do you agree?---No.

And he also told you not only that those individuals had been summonsed, he told you at least in general terms as to the nature of the questions that the Commission was asking. Do you agree?---No.

And he told you at least in general terms the nature of the answers that those  
30 individuals were giving. Do you agree?---No.

You're aware that Valentine Yee gave evidence before this Commission on Friday, 12 September, 2019?---Yes.

And do you agree that on the weekend following Mr Yee giving evidence, you met up with Jonathan Yee at the Chinese Masonic Club in Surry Hills?  
---Yes.

Do you agree that Mr Yee, during the course of that meeting, said words to the following effect, "I don't think we can tell lies anymore because the shit  
40 has hit the fan. My brother's going up to spill the beans?"---No.

So you reject the proposition that Mr Yee said words, not necessarily those exact words, but words to similar effect. Is that right?---Yes.

Do you agree that Mr Yee said words to the effect of, "Was the real donor Huang Xiangmo?"---No.

You reject that Mr Yee asked you anything of that kind?---Yes.

Do you at least agree that during the course of the discussion at the Chinese Masonic Club there was some reference to Mr Huang?---No.

Mr Huang's name was not uttered at all during the course of that meeting?  
---No.

10 Do you agree that you said words to the effect of the following to Mr Yee, "Yes, the real donor was Mr Huang Xiangmo but please do not tell the inquiry that?"---No. 100 per cent no.

You're quite sure about that on your affirmation. Is that right?---Yes.

What circumstances then caused for the meeting to take place between you and Mr Jonathan Yee at the Chinese Masonic Club?---I don't know, he just called me. He just want to - - -

So it was Mr Yee's idea to set up the meeting rather than you.---Yes.

20 Is that right?---Yes.

And what was the subject matter of the discussion that you had with Mr Yee?---He told me, yeah, he told me that because of the request of his brother to produce MYOB where then there's no record of all these cash transactions and his father's very concerned about these cash transactions which probably will alarm the ATO and they wouldn't be able to hold on with what he said, so they have to change their evidence, they have to change their lines of evidence.

30 So I just want to understand that. Are you saying that what Mr Yee wanted to speak to you about was concerns about what, accounting with the Australian Taxation Office, is that right?---Yes.

And was that the extent of the discussion, was it, on your account?---Yes.

But why was Mr Yee speaking to you about that? Do you have some - - -?  
---Probably telling me, yeah.

40 Do you have some expertise in dealing with the Australian Taxation Office?  
---No, not at all, but just telling me that they are going to change their evidence, but he did not tell me exactly what they're going to say or what.

So doing the best you can, tell us what Mr Yee said to you during the meeting at the Chinese Masonic Club.---He just say that, look, my father was very cranky about it because if there is any of those cash transactions they need to presented, no way that they can produce it and the worst thing, or the thing that they worry, they worry the most, will be having the ATO

getting on their back again. So they're going to change the evidence. They are not going to say any of those cash transactions.

And they're going to change their evidence to say what, did Mr Yee explain that matter?---I don't know. He did not say anything about that, no. I didn't, I didn't bother to ask.

10 He didn't say words to the effect of, "We can't tell any lies anymore and we're going to change and tell the truth?"---No, he just say that I will not be, I'm going to change the evidence, you know, we're going to change what we said.

And what did you say to Mr Yee in response to that information?---I just said, "Look, that's your choice." And I did tell him that if he want to, he can disclose that I have actually contributed \$20,000 myself.

20 I see. So during the course of the meeting with the Chinese Masonic Club, you told Mr Yee about the \$20,000 that you and I discussed I think yesterday?---Yes. Well, he, he knew about it, but I just say that he can disclose it, that I, yeah, but I don't think I disclose it before.

And do we take it from that, that you'd previously asked Mr Yee not to disclose that matter?---No, not at all.

Well, why did he need your permission to disclose it - - -?---No.

30 - - - if he didn't have some other direction or agreement with you and Mr Yee to not disclose that matter?---Only because that I didn't even know, even though at the end of the day he said that the, the money in the account has gone, like, you know, has been used, I never ask him in details how he spent it in the fundraising, so I never asked it.

During the course of your - - -?---And I didn't, yeah.

I'm sorry. During the course of your meeting with Mr Wong, did you ask him to speak to his brother Valentine - - -?---You mean Mr Yee or Mr Wong?

40 I'll start again. I'm sorry. During the course of your meeting with Mr Yee at the Chinese Masonic Club, with Mr Jonathan Yee, did you ask Mr Yee to speak to his brother Valentine with a view to him not going up and spilling the beans?---No, I didn't even mention about Valentine.

So are you saying that during the course of the meeting you didn't say anything about Valentine at all?---No.

Did you ask Jonathan Yee to speak to his mother about the question of what evidence that she might give to the Electoral Commission?---No.

Do you deny that Mr Yee said something like, “I can’t speak to these people anymore. I can’t speak to my mother or brother anymore because they’re very concerned about what’s happened in the public inquiry”?---No. The only, the only person I’ve asked him to talk to is his father. I just want him to tell his father that, you know, all these cash transactions is not – no, I did not say that but I just say talk to your father to see what he’s concerned about this ATO is all about.

10 Well, not only that, you wanted to speak to Jonathan’s father as well. Is that right?---It’s not I want to but then I said look, talk to your father.

But you asked Jonathan to set up a meeting between you and his father Stanley Yee. Is that right?---Yeah. Jonathan said look, if you want to you can speak to him yourself. I will not be able to. So that’s why I organised that meeting.

20 So you accept that one of the things that you sought to achieve during the meeting at the Chinese Masonic Club was to set up a meeting with Stanley Yee?---No, it’s not the purpose of that meeting. The meeting was called by Jonathan.

That was at least something that was discussed during the course of the meeting?---Yes. That will be something that is decided towards the end of the meeting.

And you ultimately met with Mr Stanley Yee. Is that right?---Yes.

30 And Stanley Yee is someone who you've known for some time?---Yes.

Stanley is quite well respected within the Chinese community within Australia. Correct?---Yes.

Well, he’s run a very successful business that he’s brought from the ground up. Do you agree?---Yes.

And you ultimately met with Stanley Yee during the course of the evening of Sunday, the 14<sup>th</sup> of September, 2019. Correct?---Yes.

40 Do you agree that during the course of that meeting Stanley Yee said words to this effect to you, “Piss off and stop fucking with my family”?---No, I didn't recall that at all.

Do you at least agree that Stanley was very angry at what he saw as his family being drawn into a donations scandal?---No.

Are you familiar with the phrase which when translated to English is something like if you eat salty fish you must put up with the thirst?---Well, that's what he said about his son.

You wanted to meet with Stanley Yee because you wanted him to apply pressure to the members of his family to stick with the stories that they've given in the past. Correct?---No.

10 You asked Mr Stanley Yee for his assistance on that matter and he told you to piss off. Do you agree?---No.

Do you agree that the truth of the matter is this, you've been a ring leader in a scheme to circumvent New South Wales electoral law and to conceal Mr Huang Xiangmo as the true donor of the sum of \$100,000 that was deposited on 9 April, 2015? Do you agree with that?---Definitely not. 100 per cent not.

20 Do you agree that you engaged in such a scheme and enlisted Jonathan Yee to help you in that scheme?---No.

Do you agree that you enlisted Alex Wood and Leo Liao to carry that scheme into effect?---No.

Do you agree that you've put pressure on witnesses to not tell the truth to either this Commission or to the Electoral Commission?---Definitely not. 100 per cent not.

30 And do you agree that your evidence before this Commission has been typified by obstruction, avoidance and lies?---No.

Just pardon me for a moment. That's the examination, Chief Commissioner.

Yes, thank you. Now, Mr Zhu, you made application to cross-examine, is that right?

MR ZHU: Yes, Commissioner.

40 THE COMMISSIONER: How long do you think you'll be?

MR ZHU: 15 to 20 minutes.

THE COMMISSIONER: Well, I'll review it after 10 minutes and just see how we're going but you may start.

MR HALE: Perhaps I should express my objection to this course.

THE COMMISSIONER: Yes. What's that?

MR HALE: The witnesses who might be – sorry. The witnesses who, sorry, the counsel for the witnesses who now wish to cross-examine. Members of the Yee family or employees, they, of course previously had the opportunity to cross-examine Mr Wong when he gave his evidence earlier. Now, there are obvious reasons why that wasn't done but - - -

10 THE COMMISSIONER: Well, could I just interrupt you for a moment. I don't think Mr Zhu was appearing here at that time. Am I right about that?

MR ZHU: Yes, Chief Commissioner. I was not appearing at the time.

THE COMMISSIONER: Sorry, Mr Hale, I just wanted to get the chronology right.

MR HALE: And I had forgotten and I apologies.

THE COMMISSIONER: Well, let's hear from Mr Zhu anyway.

20 MR HALE: Yes.

MR ZHU: I was not appearing at the time so I was not able to cross-examine Mr Wong at the time.

THE COMMISSIONER: And prior to you appearing here, had Mrs Tam been represented? I just can't recall.

MR ZHU: From late August.

30 THE COMMISSIONER: Well, Mr Hale, I propose to allow cross-examination although I am keeping a tight rein on it. I think Mrs Tam's and Mr Tam's position is different from many of the others given the evidence that was led.

40 MR HALE: Yes. Look, could I just say this. Firstly the evidence was called and Counsel Assisting clearly asked of Ms Tam wide-ranging questions, and it's difficult to see that there were any aspects of the evidence she would wish to give that wasn't given and there was the opportunity of course to re-examine. I am just, and today, or the last couple of days, there clearly has been quite lengthy cross-examination by Counsel Assisting - - -

THE COMMISSIONER: That is true.

MR HALE: - - - seeking to put the very evidence that Ms Tam gave, and it will be recalled that I cross-examined quite specifically about her evidence. Our main concern is not just the taking up of time but having effectively another go to do exactly that which Counsel Assisting has done, and if there are elements which this cross-examination can, or some aspects that have

not been properly dealt with by Counsel Assisting, then I fully understand that would permit such a cross-examination. But if all that's happening is reinforcing, as it were, the very same cross-examination, then - - -

THE COMMISSIONER: I won't allow the cross-examination if it's only that, Mr Hale.

MR HALE: Yes well, Commissioner, you have our point of view and we'll bear that in mind.

10

THE COMMISSIONER: Thank you. But I do want to hear from Counsel Assisting because I know he has considered the matter.

MR ROBERTSON: Can I respectfully make a brief submission because I partially support what Mr Hale says but not in full. In my submission, the Commission should accept Mr Hale's submission of not permitting, as it were, duplicate cross-examination. That means, therefore, that any application from anyone other than Mrs Tam, I'll come back to Mrs Tam, but anyone other than Mrs Tam, you would look at very carefully before granting it. I have had a discussion with my learned friend, Mr Overall, and I have expressed that view in part and I think Mr Overall no longer presses his application. If, however, there are particular issues, as my learned friend Mr Hale just said, where the form of my examination leaves some room for doubt in relation to a particular case, then you might consider that position and in my submission, Mrs Tam is in a slightly different situation because we deal there with a separate topic which only emerged a little later in the public examination. So in my submission, you would grant leave for the present application of cross-examination but would do it in a quite reserved and careful way and if it does become repetitive in the way that my learned friend Mr Hale is raising, the Commission would intervene in my submission.

20

30

THE COMMISSIONER: Well, Mr Robertson, my professional view is in line with what you have just said. It will be your responsibility as well as mine, I might add, that if the cross-examination is merely repetitive or just confirming what's already been dealt with, then you should object at the appropriate time and we'll deal with it.

MR ROBERTSON: May it please the Commission.

40

THE COMMISSIONER: Mr Zhu, you're on notice of that matter, but I'll just ask you to abide by what's been said, that is to say we don't want repetitive cross-examination. Counsel Assisting has dealt with matters very thoroughly, but there may be matters concerning Ms Tam that you legitimately are entitled to raise with the witness and I give you leave on that basis.

MR ZHU: Thank you, Chief Commissioner. Mr Wong, you admitted in your evidence yesterday that you are not a good friend or even not a friend of Mrs Tam and Mr Tam. Is that right?---It depends on how you define friend, but I don't reckon myself being a good friend with them.

So I put to you it will be unreasonable for somebody who's not your friend to make a large amount of donation. Would you agree with that?---Well  
- - -

10

MR ROBERTSON: I object. I think my friend should define what he means by unreasonable.

THE COMMISSIONER: Yes.

MR ZHU: I withdraw the question. Mr Wong, did you aware that Ms Tam has made a cash donation?---Had made a what, sorry?

Cash donation to Labor Party?---Cash donation? Yes.

20

THE COMMISSIONER: Are you talking about the fundraiser that - - -

MR ZHU: Yeah, the fundraiser, yeah.

THE COMMISSIONER: 13 March, 2015?

MR ZHU: Yes, yes, Commissioner.

THE COMMISSIONER: Were you aware that she'd made a donation?  
30 ---I'm aware, yes.

Thank you.

MR ZHU: When were you aware of that?---The time when I was examined during the compulsory examination when I saw the list on, or yeah.

So when was the first time you have met with Ms Teresa Tam?---Sorry, the first time I, sorry?

40 You met, you met Ms Teresa Tam.---Oh, I met with her many times before a long time ago when she worked in the restaurant.

Well, if I can – it was your evidence in the private examination back to November last year, you were asked by the Counsel Assisting that, “Do you know Teresa Tam?” And then your answer is, “No.” “You’ve never met her?” You said, “No.”

Is that still your evidence now?---Yes, because at the time when he say Teresa Tam, as I said before, a lot of those names where I don't even know their English name. Teresa Tam has been always known by us as Sa Jar. That doesn't ring a bell when I was told that it was Teresa Tam.

THE COMMISSIONER: Can you spell that name that you just used?  
---Okay. S-a J-a-r. It's sort of like a Chinese way of like, sister, sister, sister Sa or whatever it is, yes.

10 MR ZHU: So when did you know – I'll refresh my questions. Do you recall when Ms Tam made a donation to the Labor Party? I mean specifically in relation to the Labor Party fundraiser.---Well, I suppose that question should be, should be, should be put to Mr Jonathan Yee rather than me. I've got, I've got no knowledge who donated to Labor Party until later on when the investigation started. Oh, but I do remember for Teresa Tam, because that was one that I tried to relate, I remember that there was, during, before the event there was, I think I mentioned that before, there was a lady who worked in the restaurant came up to me, said, "Look, Mr Wong, I supported to you, I donate the money to you." And I have a light  
20 recollection that that was Teresa Tam or Sa Jar at the time that I called her.

Are you seriously suggesting any, any Chinese people, people with Chinese background will support you unconditionally.---No, I never said that those  
- - -

Somebody will walk up to you and say I want to make - - -?---Sorry.

THE COMMISSIONER: No, no, just wait a minute, wait a minute. We can't talk over each other. Will you start, put the question again. Please  
30 don't interrupt.

MR ZHU: Are you seriously suggesting that any Chinese people or people with Chinese background will support you unconditionally if - - -?---No, of course not.

- - - somebody you don't know will come to you, say, "Mr Wang, I want to donate \$10,000 in support of you." Is that - - -?---No.

40 You don't agree with that?---I cannot agree of that, of course. I think that it's pretty unreasonable to tell a person to answer a question as such.

I put to you that the first time you actually met with Ms Teresa Tam was early June this year. To be specific it was 9 June, 2019, this year. Do you agree with that?---When you say first met, I ran into her many, many, many times and we had conversations before in the barbecue restaurant in, in the Emperor's Garden restaurant and she did ask me a few years ago if I would be able to help on of either her friends or her client to, with a public housing issue. Well, you can ask Mr and Mrs Tam in regards to that.

Let's talk about the meeting in early June this year. When you heard Ms Tam was looking for some legal advice because her husband has received a summons from ICAC, you arranged a meeting with her through Jonathan Yee, is that correct?---No, on her request. I did not organise that.

10 On that day, you told Ms Tam that you would help her find a solicitor for her husband, is that right?---No. I just tell her that I have a barrister that I can refer to her but I would not be able to talk that barrister because I have already told the barrister that I probably would be the subject of interest. So she has to talk to him herself.

Yes, you told Ms Tam that you would help her to find a lawyer for her husband, would you agree?---It was a barrister, yes. Not that I tell her but I have told that I have already found one for her.

Was that the only topic you have discussed on that day with Ms Tam?---To my best recollection, yes.

20 You said yesterday that you remember that a few days after the first meeting, on the day that her husband was due to appears before the private examination, you gave Ms Tam a piece of paper,---That would the third meeting, I think. So we met again - - -

It doesn't matter if it was the third. Do you remember?---Yes.

30 And you further said that information which contained in that piece of paper was provided by Ms Tam.---That was actually a recap or a written of what we discussed on the day in the second meeting.

Well, you just – I put to you, actually, it was on the second meeting which is on 12 June, 2019, you handed the piece of paper to Ms Tam.---Do you know where, where at, where at?

At Emperor's Garden.---No.

40 Because 12 June is the day her husband was due to appear before the Commission.---No, no. It's all wrong. It is actually in the barbecue restaurant the morning that her husband was going to see the solicitor.

Yes, that's the day that he was due to appear before the Commission.---No. It's day he's going to meet up with the solicitor. I don't know if that is the say that he's appearing but I know that he was going to meet up with a solicitor.

Did you have any conversation with her on that day?---It was much like, "This is, this is, these are the things that we discussed the other day, you can ask your husband to take it to the, to the solicitor. You can tell, you can,

you can ask, you can ask your husband to talk to your solicitor to see if any advice that he should get from his solicitor," that's all.

My question is did you have any conversation with Ms Tam on the second meeting, no matter which day it was?---Yes, of course.

What kind of conversation did you have with her?---Well, all that that I have sort of like jotted down and recapped and I give her that piece of paper. I think that was the only thing we discussed.

10

So you admit that you give her the piece of paper on the second meeting. Is that you're saying at the moment?---No, What I said was, we had a meeting, a second meeting and then we had the conversation, and the conversation I have already conveyed to, to the Counsel Assisting and all of those, where has been requested by Mrs Tam, that if I am able to provide her a note that her husband will be able to take to his solicitor to seek advice from the solicitor.

20

So I put to you, as a matter of fact it was you who sought information from Ms Tam about her husband's background. For example, what did he do for a living et cetera, et cetera.---I know what he did for his living, he was a cook, he was a chef.

THE COMMISSIONER: No, I think he's asking you or putting to you that you sought information about her husband as to his occupation and so on. ---No, I didn't. What, what - - -

Did you seek any information about her husband?---No.

30

None at all?---I don't need to. I know her husband.

MR ZHU: I put to you, you gave her some clues or tips about how to answer questions before the Commission. Do you agree with that?---No.

You specific, you told her that people working in the restaurant are going to build up some savings from receiving customer tips and a packet of money from the boss, that it could only raise the explanation - - -?---No.

40

- - - of why he's financially capable of donating - - -?---No.

- - - a fairly large amount of money - - -?---No. No.

- - - to the Labor Party.---No. Because Mrs Tam told me herself that she has got daughters where they are providing them with a lot of cash in the birthdays, in the New Year, and, and, and, and, and all sort of things. I

would not be able to have any clue that she has got daughters, daughters that would be able to help him financially. And that's all she told me. So I did not ask any questions in regards to her husband or how she is going to fund.

I have no further question, Commissioner.

THE COMMISSIONER: Yes, thank you, Mr Zhu.---Thank you.

10 MR ROBERTSON: Can I just clarify one matter? It was at least clear in my mind at the time of my examination, but I'm not so sure anymore, I just want to confirm.

THE COMMISSIONER: Yes.

MR ROBERTSON: I think I understand what you told me, Mr Wong, and I just want to be absolutely clear that this is right.---Sure.

20 The note that you and I discussed and that was the subject of some cross-examination, the note that you wrote in Chinese that you and I have discussed at some length, that was given to Mrs Tam at the barbecue restaurant, correct?---Barbecue restaurant, yes.

And that was at what I think was described as the second meeting, there was a previous meeting that you'd had a few days ago with Mrs Tam, is that right?---But I, I always have, have the feeling that that was the third meeting. I, I probably have got it mistaken.

30 But at very least, you're clear in your mind that that note came at the barbecue restaurant, correct?---Yes. Yes.

And that it was coming on the same day that Mr Tam was due to meet some lawyers, is that right?---Yes.

That's the point I just want to clarify.

40 THE COMMISSIONER: Mr Wong, just one matter. During the period that the Electoral Commission were undertaking investigations into this fundraising donation issue, you became aware that a number of people had been contacted by the Commission to interview.---No.

Well, you were aware that Mr Cheah, for example, had been asked to go to the – to the Electoral Commission, I'm talking about.---The Electoral Commission, no, I, I don't think I had - - -

Did you not - - -?---I, I had, I had, I heard rumour, I, I do, I think I mentioned before, I heard rumour from the Chinese community, particularly from the Chinese media, because they asked me if (not transcribable). But I do not have - - -

But did not Mr Cheah make it known to you that he had been asked to go to the, either go to the Electoral Commission or provide information to the Electoral Commission about the fundraiser?---Not the Electoral Commission, I think that probably would be the ICAC, I think. I, I, I really have a very - - -

10 Well, you did hear though, did you not, that the Electoral Commission were investigating the donations?---Yes.

During the course of their investigation, before it was referred to this Commission?---Yes. Yes.

20 And you understood that the Electoral Commission were looking into whether there had been irregularities associated with the donations at the Chinese Friends of Labor dinner on 15 March, 2015?---The, the rumour that I heard was rumours like because a lot of these people are donating cash, so they just want to have a clarification in regards to where did they get the cash from.

Well, they wanted to make sure that the law had not been contravened or they were enquiring into whether it had been, the electoral law.---Yeah.

Is that right?---Yeah, Mr Commissioner, I, I, I really have no details.

No, just stay with me.---Yeah, sure.

30 You knew from whatever information was coming through to you - - -?  
---Yes.

- - - that the Electoral Commission were interested in the donation scheme, or donation events, fundraiser at the Chinese Friends of Labor dinner that we're talking.---Yes.

That's the dinner of the March, 2015.---Yes. Yes.

40 And you understood that what, that they were looking at it because they were wanting to see if there had been any irregularities or contraventions of the law or not.---Yes.

You knew that - yes.---Yes.

Now, you've been the, in effect, the organiser of the fundraiser.---Yes.

Well, when you heard that the Electoral Commission were examining this, why didn't you simply volunteer information to the Electoral Commission to say, "Look, I hear you're worried about the donations. I organised it. I

can help you with your enquiries”? Why didn’t you step forward and just simply say, “I’ll tell you anything you want to know”?---It didn’t cross my mind at all, because first of all I wasn’t actually called, summoned, and secondly, as I said before, I think I’m not too aware of the whole investigation, but rather because I think it’s not first time when people donating cash has been asked to produce, so I thought that was a normal practice.

10 It’s not a question of whether you knew everything that they were investigating. You knew they were investigating the dinner that you organised.---Yes.

You were the person in a very good position to be able to frankly contact the Electoral Commission and say, look, I know you’re looking into this, I organised it, if you have any questions, come and see me or I’ll come and see you. Why didn’t you do that?---It didn’t come across my mind that I need to do that.

20 Well, you knew that this was a matter that potentially could impact on a number of political organisations, it could blow up and affect the ALP, ALP officers, people associated with the dinner and so on. A number of people potentially could be the target of the Electoral Commission. Correct?---I did not actually think that far.

You may not have thought about it, but now that I’m putting it to you, it’s obvious, isn’t it that - - -?---Yes, of course.

30 - - - the danger was that the Electoral Commission would be investigating and trying to piece together the relevant pieces of information which could badly affect the interests of others, such as the ALP, ALP officers and people associated with the fundraiser.---But if I believed that they’re all donating legitimately, why do I have to worry?

Because you had a government agency querying it. Why would you not say, I’m the person that has got a lot of knowledge about this because I organised it. What can I do for you? I will give you whatever information you want in order in the interests of others that they would have the best evidence?---Now I learn from it. Thank you, Mr Commissioner.

40 You never even gave, crossed your mind?---No, never.

I retrospect do you think you should have, given that you were the organiser?---After, after all this process, after what I see has happened, of course. Thank you.

All right. Is there anything else?

MR HALE: I’ve just got - - -

THE COMMISSIONER: Nothing from Counsel Assisting? No. Yes, yes, Mr Hale.

MR HALE: Yes. I've only gone one line of – sorry – I have only got one line of questioning.

THE COMMISSIONER: Yes.

10

MR HALE: Could we have Exhibit 286, which is the letter that was provided by Mr Wong to Ms Tam.

MR ROBERTSON: I'll just put up Exhibit 286A which is the English translation, but if my friend's happy to work in Chinese, that's a matter for -  
- -

MR HALE: Yes. Mr Wong, if you look at the word that has been translated as "Must insist," I think you accept that that is an acceptable and  
20 literal translation. What do you, however, what do you say about the use of that words as distinct perhaps from other words?---It seems to be sort of, like, a stronger, a stronger term than what was said in Chinese, and that is always the problem when Chinese words or English words being translated into the other language, a lot of those terms are different from what was originally trying to imply.

And when it was written down, what did you intend to convey, certainly as translated into English, what words would you use rather than "Must  
30 insist?"---It's very difficult to find the right word to express the term, but probably the closest will be "Hold firm."

Yes. That's the only matter I sought.

THE COMMISSIONER: Sorry, I didn't catch your answer then?

MR HALE: Hold firm.

THE WITNESS: Firm, like, you know.

40 THE COMMISSIONER: Thank you. Thank you, Mr Hale. Thank you, Mr Wong. You may step down.---Thank you.

Thank you.

**THE WITNESS EXCUSED**

**[3.19pm]**

MR ROBERTSON: Can I deal with a formal tender arising out of my examination of Mr Wong, in fact two formal tenders. First I tender page 374 of the transcript of the compulsory examination of Mr Wong of 20 November, 2018, and I just note as I tender that, that - - -

THE COMMISSIONER: Sorry, what's the date again?

10 MR ROBERTSON: The date was 20 November, 2018, page 374, which was the line of examination concerning Mr Steve Tong. And can I just note as I tender that, that I don't require a further variation of the section 112 direction because you made a variation to that at line 30 of the transcript, page 520, on 3 September, 2019.

THE COMMISSIONER: Yes, very well. That will become Exhibit 360. That's the transcript page 374, 20 November, 2018.

20 **#EXH-360 – PAGE 374PT OF TRANSCRIPT OF COMPULSORY EXAMINATION OF ERNEST WONG ON 20 NOVEMBER 2018**

MR ROBERTSON: Next, I asked Mr Wong some questions concerning credit card transactions in the Emperor's Garden Restaurant, which included an email of 7 April, 2015, 10.42am. I tender as a bundle a bundle that I'll describe as the Emperor's Garden credit card transactions bundle.

30 THE COMMISSIONER: Emperor's Garden credit card transactions documents, Exhibit 361.

**#EXH-361 – EMPEROR'S GARDEN CREDIT CARD TRANSACTIONS BUNDLE**

MR ROBERTSON: And I will call the next witness. I'm just looking at the door and I note the door's just opened. I call Kevin Houlihan.

40 THE COMMISSIONER: Yes, thank you, Mr Houlihan. Mr Houlihan, do you take an oath or an affirmation to give evidence?

MR HOULIHAN: An oath, please.

THE COMMISSIONER: Thank you. I'll have my associate administer that.

THE COMMISSIONER: Thank you, Mr Houlihan, just take a seat. Mr Houlihan, I have the practice of explaining to witnesses that in giving evidence before the Commission they may – but they don't have to, it's a matter for them – object to giving evidence. The purpose of that under the provisions of the ICAC Act, section 38, is that once objected to the evidence can't be used in prior proceedings in the future – criminal, civil or any other form of administrative proceedings. It's a provision that's designed, really, to provide people with protection against its use, but at the same time get the benefit of their evidence for the purpose of the Commission so that they are protected in that sense, that their evidence can't be used against them in the future. Some people do claim it. It's a privilege you're entitled to. Others say, "I don't want to object," or they may take a mid-course and say, "Well, I'll object if it becomes apparent that I should object." So I'm just outlining the scenario for you so that if you want a declaration made, I'll make one. Matter for you.---I'm fine, thank you.

20 You don't wish to take the objection at this stage?---No, thank you.

Should you for any reason revise your position about that, just let me know. ---Thank you.

Thank you. Yes.

MR ROBERTSON: Mr Houlihan, are you the group investigations officer at The Star, Sydney?---Yes.

30 And is The Star the casino and entertainment complex in Pyrmont?---That's correct.

Have you been asked by this Commission to review The Star's gaming records associated with Mr Huang Xiangmo, Mr Wun Chi Wong and Mr Chulong Zhou?---Yes.

And have you reviewed those records?---Yes, I have.

40 Having reviewed those records, are you aware of whether there were any junket programs operated within The Star in April of 2015 in which Mr Huang Xiangmo, Mr Wun Chi Wong and/or Mr Chulong Zhou were the junket operators or participants?---Yes, I have.

Before I ask you some questions about that, can you just explain in general terms what a junket program is as that term is understood in the context of a casino?---Certainly. A junket is a person who organises effectively a tour group, and their job is to introduce players to a casino, and it's globally

recognised, and the casino will engage with a junket operator or their representative for the purposes of engaging in gaming activities at a casino.

And so is it right to say that for a junket program to exist there needs to be a junket operator? That's the first proposition.---Correct.

And is it also right that a junket program will usually have participants as well?---That's correct.

10 And so just to understand the casino's relationship, is your relationship as a casino with the junket operator or with the participants or both?---With respect to a junket program?

With respect to a junket program, yes.---It is, our relationship is with the junket operator.

20 Could you just assist us in understanding how it works in practice? I take it the junket operator is the one that you have the immediate contact with, as I think you've just explained, but in terms of actually gambling in the real world through the junket program, can you just explain in general terms how that works?---So, first of all, what will happen is a junket operator will approach the casino and say, "I would like to bring a number of participants to the casino to participate in gaming," and they will then engage with us where we'll sign a contract or a junket agreement for a program to commence. During that time, there will be the negotiation on what is the rebate or commission for that program and there will be an agreement on what is the actual buy in for that program.

30 THE COMMISSIONER: And that program could cover a reasonably lengthy period or a shorter period?---Generally it will go for 28 days but you can reduce that or have the opportunity to increase that, correct.

MR ROBERTSON: Now, is it the case that anyone can set up a junket program as a junket operator or is there some procedure in place where a casino like The Star will say, "I want you to apply to become a junket operator before I am prepared to approve you to play that role"?---You must be an authorised operator to undertake a junket program.

40 And do I take it from that, that in order to become authorised there's some procedure involving an application being made to the casino, which is then either approved or rejected in the particular case?---Correct.

Can we have on the screen, please, page 741. And just while that's coming up, you referred a moment ago to rebates or commissions. Who gets those rebates or commissions? Are they rebates or commissions that the junket operator gets and keeps or are they matters associated with the participants rather than the junket operator?---For us as a casino operator, it goes back to the junket operator.

And then the junket operator can do as they will with respect to those particular commissions, is that right?---Correct.

And so do I take it from that that the idea of a junket program is you're giving an incentive to a junket operator with a view to bringing in participants who in turn is likely to make the casino some money, is that right?---Correct.

10 And so that's the practical and commercial reason for a junket being set up, is that right?---Correct.

And in the real world, are there lots of junkets for small, medium and large buy-ins or are junket programs usually associated with large buy-ins and whereabouts might be described as high rollers?---No, it can be negotiated at any price.

20 So it would depend on the particular circumstances as to whether a particular junket operator will be approved, correct?---Correct.

And it will depend on the circumstances as to whether a particular junket program by a particular junket operator will be approved, is that right? ---Yes.

30 But is it the case that usually, if you have an approved junket operator, at least in the ordinary course, if that junket operator says, "I want a junket program for 28 days," or for 14 days, in the ordinary course, as long as that junket operator has been approved then the junket program for that junket operator will ordinarily be approved, is that how it at least generally works in the real world?---Yes.

I'll put up on the screen a document entitled International Junket Promoter/International Junket Representative Approval Procedures and Application Form. Do you see that there?---The front page, yes.

And do you recognise that as being the front page of an application form and approval procedures document that is produced by The Star?---Correct.

40 And if we can just turn the page. You see there an application form with Mr Wun Chi Wong as the name of the applicant?---That's correct.

And so do we take it that this is an application whereby Mr Wun Chi Wong wishes to be approved or at least pre-approved as what's here described as a junket promoter, is that right?---Correct.

Now, you and I have used the phrase junket operator a moment ago. Is junket promoter different from junket operator or are they interchangeable terms?---No, they are the words that are interchangeable.

And so is this then on the screen at least the first page of a document by which Mr Wun Chi Wong applied to be a junket promoter or operator in December of 2012?---Correct.

Are you aware as to whether or not this application was approved?---Yes, it was.

10 And if we can just go to page 5 of that same document, which is 738, I think. I'm going to go to a document called, or a page within the application called Gaming Manager Approval. So do we now see on the screen a document that confirms at least one stage in the approval of Mr Wun Chi Wong as a junket promoter or junket operator?---Correct.

And so we know from this, don't we, that at least there is provisional approval. You can see that towards the middle of the page, is that right? ---Correct.

20 And does this confirm that there's final approval or is this just provisional approval on this particular page?---This is provisional.

But in any event, you've looked at the records of The Star and confirmed that Mr Wun Chi Wong was approved, ultimately, as a promoter or operator of junkets, is that right?---Correct.

I take it that in addition to the pages that I've so far shown you there's an application process that involves things like showing your identity and matters of that kind, is that right?---That's correct.

30 And I take it that one of the matters that the casino would like to or expects to know in an application is who the employer of the junket operator is in the event that that junket operator has an employer, is that right?---Correct.

And if we can just then turn to the next page of the same document, do you see there a document entitled assessment questionnaire?---Correct.

40 And does this set out a number of the matters that The Star seeks to obtain from a proposed junket operator or promoter who wishes to become a junket operator or promoter?---That's correct.

And if we then just turn to the next page, do you see there that Mr Wun Chi Wong identifies himself as a current employee of Shenzhen Yuhu Group? ---At that time, yes.

So at least so far as Star is concerned, or The Star is concerned, as at 2012 Mr Wun Chi Wong is a, it seems, business manager in the Yuhu Group, is that right?---Correct.

Just in relation to junket programs more generally, are they just restricted to gaming in the sense is it just a facility for chips and matters of that kind? Or do junket programs have other facilities sometimes connected with them? For example, might it be agreed within a particular junket program that if the operator or promoter brings particular people to the casino, the casino will not just provide rebates or commissions but might do other things like provide hotel rooms, provide restaurant access, matters of that kind? Is that something that's connected with a junket program?---In the sense that it will come out of their rebate at the end of the program, correct.

10

So is at least one common aspect of a junket program that within that program there may be connections with things like hotel rooms, restaurants and matters of that kind?---And travel and so forth, yep.

And travel and matters of that kind.---Correct.

20

Is that an amount that always comes out of the rebate or commission of the junket operator? Or will the casino sometimes say, well, this is going to be a high roller. Not only will I give the junket operator a rebate or commission, but I'll also comp the hotel rooms or the restaurant meals or something of that kind?---Provided it's associated with that active junket, that junket operator, it will come out of their program.

It will come out of the rebate or commission component of the, of the program, is that right?---Correct.

30

And so I take it, then, that when a junket program comes to an end, ultimately there needs to be a reconciliation process that says this was the amount of the buy-in, this is how much you've lost on a particular day, these are the amounts of deductions to be made for food and expenses and other matters, and ultimately when the junket program comes to an end, there may be money in it, and that money may then be withdrawn from the junket program, is that right?---Correct.

By way of a settlement of the total junket.---Yep, at settlement.

40

But is it also the case that when a junket program is on foot, the junket operator can say, well, I actually want to take out some of that money now in, for example, cash?---Yes.

So someone might put in some money, gamble on a particular day, find that they've lost a little bit of money, but there's still someone (not transcribable) in the junket program, decide that they want some money that day in cash, still keep the junket program in operation, come back tomorrow for some more gambling, but in the meantime have some cash that's been taken out on that, for example, first day?---Yes.

So, in other words, you can use the junket program as a facility for adding some more money whilst it's on foot if you're not doing so well at the tables, is that right?---Correct.

If you are doing well at the tables you might withdraw some money from that program. Correct?---Correct.

10 But I take it at the very end, once the junket program has come to an end, there's got to be a reconciliation where if you've done well you get lots of money back, if you haven't done some well you might get some money back but it might be somewhat less?---Correct.

Is that how it works in - - -?---At the settlement, at the settlement process.

20 At the settlement process you'd need to say, right, you've done a buy-in of, let's call it \$1 million, you've lost \$200,000 at the table, you took out \$100,000 last week, you now get back \$700,000 of your \$1 million, if I've managed to do that calculation correctly. I may have got the calculation wrong, but the general concept is consistent with what I've just summarised. Is that right?---Correct.

Something in the nature of a ledger.---Yes.

30 You've done well, that's a plus, you've done badly, that's a negative, you've taken money out, that's a negative, you've put extra money in, that's a positive, do a wash-up or a reconciliation at the end and you, one would hope, get some money back at the end of the enterprise. Is that how it works as a general proposition? And I appreciate in the particular case there may be some complications to how it might work?---In general terms, yes.

And in amongst all that exercise there's a commission being earned by the junket operator. Is that right?---Correct.

And in fact I think the position is there's special chips that are actually used so that the casino can keep track of what's being in effect lost during the process of gambling. Is that right?---Correct.

40 So when you say I've got \$1 million in my junket program, I want to take out \$100,000 in chips, those are chips that you can then track within the junket program. Is that right?---Correct.

Which then leads on to matters, including matters of commission. Is that right?---Correct.

So we've seen here this document setting up Mr Wun Chi Wong as a junket operator as at 2012, but early in this examination you said that there was a junket program on foot in April of 2015. Is that right?---Specific to Mr Wong?

One specific to either Mr Xiangmo Huang, Mr Wun Chi Wong or Mr Chulong Zhou?---Correct, there was.

And in answer to one of the Chief Commissioner's questions I think you said that particular junket programs would usually last for up to say 28 days. Is that right?---They can do, yes.

10 And so is it right to say that although it appears that Mr Wun Chi Wong was authorised as a junket operator from 2012, it's not like there's one single junket program that remained into existence forever, but rather Wun Chi Wong would say, right, I'm an authorised junket operator, I want, I've got participant coming in and I want a junket program from say the 1<sup>st</sup> of the month to say the 15<sup>th</sup> of the month.---Correct.

Is that how it works?---Yes.

20 And I take it that for the particular junket program there's a process of making an application for that particular junket program. So is there a separate form to be filled out to say, right, I'm an authorised junket operator, I wasn't to set up a junket program for the 1<sup>st</sup> of the month through to say the 14<sup>th</sup> of the month?---Correct.

And can we have on the screen please page 741. I'm sorry, I've given the wrong reference, page 724. And while that's coming up I'll tender the first of the documents I took the witness to, namely a document entitled International Junket Promoter/International Junket Representative Approval Procedures and Application Form, being pages 741 to 764 of the bundle.

30 THE COMMISSIONER: Yes. Those documents as so identified becomes Exhibit 362.

**#EXH-362 – JUNKET APPLICATION DOCUMENTS, BEING PAGES 741-764 OF THE HOULIHAN BUNDLE**

40 MR ROBERTSON: And, Mr Houlihan, do we see on the screen an example of one of the agreements we referred to earlier before, namely the agreement to set up a particular junket program?---That's correct.

And so do we take it from this that this appears to be an application by Mr Wun Chi Wong, an approved junket operator or promoter, to set up a junket for 3 April, 2015 with a proposed or prepared departure date of 17 April, 2015?---A junket program?

A junket program, I'm so sorry.---Yes, a junket program, yes.

And do we take it from this that the way this operates is that if this junket agreement is approved and agreed to by The Star, what's anticipated is that there'll be a junket program in operation between at least 3 April, 2015 and probably 7 April, 2015, but it may well be terminated early or they may well apply to extend it? Is that how it works as a general proposition?---To 17 April (not transcribable)

To 17 April, yes.---Yes, correct.

10 So at least as at this document it's contemplated that it'll go to 17 April, 2015, but things can change. Sometimes you might settle earlier with approval or you might settle later with approval, is that right?---Correct.

And if you have a look in the, about two-tenths of the way down the page there's an item that says, "Front money, AUD\$5 million." Do you see that?---Yep.

That seems to be written in handwriting.---Sorry, I beg your pardon, at the very top of the page.

20

At the very top of the page, about two-tenths of the way down the page. ---Correct. Where it's got "Front money, AUD"?

Yes.---Yes.

Can you just explain what front money is?---Yes. So to be a junket operator you need to have a front money account, which is effectively your bank account at the casino where you deposit your money into our account, where we will then transaction that in and out of that account for you to be able to draw down chips for the purposes of gaming or withdraw your cash at any point in time as well.

30

So do we take it from that that what's being proposed by this document is to set up a junket program that will involve an original buy-in of \$5 million? ---That's correct.

THE COMMISSIONER: So does that require the junket operator then to deposit \$5 million or how does that work?---There will need to be \$5 million into the front money account, but that can occur in a number of ways, either through a telegraphic transfer or a cheque cashing facility.

40

MR ROBERTSON: Do you know whether a junket program was in fact established with Wun Chi Wong as the junket promoter, commencing on about 3 April, 2015?---I do.

Did that junket program involve a buy-in of \$5 million?---That's correct.

Where did that \$5 million come from as you understand it from The Star's records?---From a CCF drawdown from one of the players on the program.

And who was that player on the program?---Mr Huang.

Mr Huang Xiangmo, is that right?---Correct.

10 If we can just go to the third page of this document, so we'll go down two pages, please. Now, do we now see a document that forms part of the application form, the first page of which I showed you a moment ago?  
---That's correct.

So the page we can now see is part of the application program for the junket program, is that right? Application form for the junket program, is that right?---That's correct.

And you referred before I think to a CCF drawdown, is that right?---Correct.

20 And is that what's being referred to in the top left-hand corner?---Correct.

Can you just tell us what CCF stands for?---Cheque cashing facility.

And so do we take it from what we can see on the screen that there was a \$5 million cheque that provided the original drawdown for this facility?  
---That's correct.

30 And when I say a \$5 million cheque, if you just have a look at the very top line, the first substantive line, it refers to an Australian equivalent of \$5 million. Do you see that there?---That's correct.

And so do we take it from that that the actual cheque is not \$5 million of Australian dollars, it's a cheque for, a cheque in another currency of which the Australian equivalent, at least from The Star's perspective, was \$5 million, is that right?---Correct.

40 So we'd at least agree that we know from this document that, at least so far as The Star is concerned, the funding and the buy-in that came for this particular junket was an equivalent of a \$5 million cheque from Mr Huang Xiangmo?---That's correct.

But to be clear, this isn't a cheque that Mr Wun Chi Wong wrote in his own name. We can see that it's been funded from these records. Is it right to say we can see this was funded not from Mr Wun Chi Wong but funded by Mr Huang Xiangmo, is that right?---That's correct.

And in terms of how that then flows through the system, do you see there it says, "Funded by Huang Xiangmo" and then there's a number after the

hash. Do you see that there? Just about two-tenths of the way down the page.---Correct.

And is that a unique identifier for Mr Huang, is it?---Yes, it is.

And you'll see here there's, other than Mr Huang, there's two other names. There's Wun Chi Wong, the junket operator and then we've got Chulong Zhou who has been crossed out. Can you see that there?---Correct.

10 So what's the relevance, if anything, of Chulong Zhou to the particular junket program that we're now speaking about?---He was registered as a player to participate in gaming.

So is it right that if he was so advised, Chulong Zhou could participate in gaming as part of this junket?---Correct.

Was Chulong Zhou also a junket operator or a representative of the junket operator?---Not that I'm aware of, no.

20 Could Chulong Zhou withdraw money from this particular junket program? ---No.

So he could be a player but he couldn't, as it were, manage the junket, is that right?---That's correct.

Wun Chi Wong on the other hand, as the junket operator, could manage the junket program, is that right?---Correct.

30 Does that then mean that if Wun Chi Wong turned up to The Star and said, "I want some of this \$5 million to be paid out in cash," The Star would acknowledge that request?---Yes.

And proceed with that request, is that right?---Correct.

And is it the case that, as the junket operator, he could do that while the program is in operation or does he have to wait until the end?---No, no. Whilst it's in operation.

40 So 3 April 2015, buy-in of \$5 million equivalent Australian dollars, could Mr Wun Chi Wong withdraw some of that money, or perhaps even all of it, but at least some of that money on 3 April, 2015?---Correct.

It would be open to him to deposit it in the morning, for example, and withdraw some of it in the afternoon or evening, is that right?---That's correct.

And it would be open to him to withdraw that money in cash, is that right? ---Yes.

So he could turn up to The Star in the appropriate place and say, "I'm the junket operator for this junket program, please give me \$50,000 in cash," is that right?---Correct.

Now, if one was to ask for a substantial sum of money like \$50,000 or \$100,000, are you aware of whether there's any practice within The Star as to what denominations that would be? Is that usually \$50 notes, is it usually 100s, 20s, how does that work? Is it - - -?---\$100 notes is our preferred.

10

And is it right to say then that unless there's some request to give the money in \$50 notes or \$20 notes or whatever, at least ordinarily it would be given in \$100 notes, is that right?---Correct.

And would you agree, at least as you understand it, the almost invariable practice is that if substantial amounts of money are being withdrawn, by which I mean \$50,000 or more, almost invariably it will all be in \$100 notes, is that right?---That's correct.

20 There may be a rare circumstance where someone says, "Well, give me \$99,000 in \$100 notes and I want some \$20 notes as well," but subject to that unusual occasion, it's usually \$100 notes, is that right?---That's correct.

And it's also The Star's preference that it be done in \$100 notes, is that right?---Yes.

And can we now just look at how this \$5 million operates in terms of the accounts that The Star maintains.

30 THE COMMISSIONER: Just before you do that. When cash is withdrawn in large amounts, is it done by cash notes being bundled in some way? Is there a typical way of bundling together a certain amount of money to meet the drawdown amount?---Our operation from our procedure will be to hand them out in what's called strap of notes and they will be bound in \$5,000 straps.

But what does that strap look like?---It would just be a white strap with a stamp date on it.

40 Thank you. Just one other matter while we've got this on the screen, and you may be coming to this. Just for completeness' sake, there's a line through the name Zhou and some number written there. What does that indicate? Do you see what I'm saying?---I do. I believe they, the numbers that are there are the employee of The Star who's initialled to say that they've crossed that record out.

So the cross-out indicates that he was in effect removed as a player, is that what it signifies?---As it appears in front of me, correct.

MR ROBERTSON: And do we take it from that that in relation to junket programs, some junket programs may well just have one person and other junket programs may well have others, have more than one person, is that right?---That's correct, yes.

10 But in light of what you've just told to the Chief Commissioner, does it appear at least from this document that this particular junket, what I'll call the April 2015 junket, has Mr Wun Chi Wong as the junket operator, and Mr Huang Xiangmo as the sole player, it seems?---Mr Huang would have been listed as a player as well. Why, that's why he sits into the player section of that form.

But is it right that at some point in time, the strikeout seems to suggest that he was removed as a player from that form, a player from that junket (not transcribable)

THE COMMISSIONER: Mr Zhou, Zhou, we're talking.---Mr - - -

20 MR ROBERTSON: Oh, I'm so sorry.

THE COMMISSIONER: Mr Zhou.

MR ROBERTSON: I'll put that again. Is it right that what appears to be the case from this form is that at some point in time, during the (not transcribable) of the junket program, Mr Chulong Zhou had been removed as a program within that junket?---That's correct. A player, correct.

30 Oh, I'm so sorry, removed as a player or as a participant within that particular junket program, is that right?---Correct.

Can we go now, please, to page 350 of volume 9A? I just want to follow how that \$5 million from the cash, from the CCF facility then finds its way into money that can then actually be used or operated. Volume 9A, page 350. Are we seeing here on the screen, sir, a copy of a page within a front money detail report in relation to Mr Huang Xiangmo?---(No Audible Reply)

40 Perhaps I'll phrase that in stages. Are we at least seeing a front money detail report in relation to the patron with a patron ID 4-0-1-6-1-1-6-3? ---That's correct.

And I think you've looked separately as to the patron ID matching, oh, sorry, the patron matching that patron ID, and found that that's Mr Huang Xiangmo, is that right?---Correct.

And then if we just look at the item for 3 April, 2015, the third item, do you see there a deposit amount of \$5 million, deposit 4-0-3-2-2-4-3-5?  
---Correct.

And the next line then says redeem, redeem \$5 million. Do you see that there?---Correct.

10 Can you just explain why we appear to have \$5 million coming in and then \$5 million coming out within about 30 seconds of each other?---This will identify that Mr Huang has deposited \$5 million into his front money account, which would be that CCF, the cheque. And then he has then withdrawn it almost immediately to put into the front money account of Mr Wong for the purposes of the junket.

And so we'll come to that in a moment, but what we can see on the screen with respect to 3 April, is it right to say it's essentially the CCF facility running its course, you notionally put it into Mr Huang Xiangmo's front money account, because it's his cheque, is that right?---Correct.

20 But almost immediately afterwards, it seems, looking at the transaction time on the right-hand side, 30 seconds afterwards, it disappears from Mr Huang's front money account, and ends up in the account of the junket operator, Mr Wun Chi Wong, is that right?---That's correct.

30 Chief Commissioner, I apply for a direction under section 112 of the Independent Commission Against Corruption Act prohibiting the publication of the column marked Cashier, being the second to last column, on the grounds that although those codes don't personally identify individuals, one may be able to ascertain the particular individuals from that. But just the Cashier column.

THE COMMISSIONER: Is there any other identifying information on that form, other than the column Cashier? By "identifying", you understand what I'm talking about, identifying an individual?---Correct, and that's the only column.

That's the only one?---Yes, please.

40 Pursuant to section 112 of the Independent Commission Against Corruption Act, in respect of the document entitled Front Money Detail Report, printed on 23 November, 2018, the entries and information contained within the document under the heading Cashier is not to be published. The data is, in my view, such that identifying information should be suppressed and prohibited from publication. Accordingly, being satisfied that it is necessary and desirable in the public interest to do so, I so direct that the evidence to which I've referred not be published or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission.

**SUPPRESSION ORDER: PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, IN RESPECT OF THE DOCUMENT ENTITLED FRONT MONEY DETAIL REPORT, PRINTED ON 23 NOVEMBER, 2018, THE ENTRIES AND INFORMATION CONTAINED WITHIN THE DOCUMENT UNDER THE HEADING CASHIER IS NOT TO BE PUBLISHED. THE DATA IS, IN MY VIEW, SUCH THAT**  
10 **IDENTIFYING INFORMATION SHOULD BE SUPPRESSED AND PROHIBITED FROM PUBLICATION. ACCORDINGLY, BEING SATISFIED THAT IT IS NECESSARY AND DESIRABLE IN THE PUBLIC INTEREST TO DO SO, I SO DIRECT THAT THE EVIDENCE TO WHICH I'VE REFERRED NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION.**

20 MR ROBERTSON: May it please the Commission. Can we go now, please, to volume 9, page 154. So we were just having a look at the document in respect of Mr Huang Xiangmo, and I'm now going to show you a page in a document which, at least as I understand it, relates to Mr Wun Chi Wong. Chief Commissioner, you'll see that in anticipation perhaps of an application that I would have shortly made, the Cashier column of this particular document has been redacted.

THE COMMISSIONER: Yes.

30 MR ROBERTSON: Now, Mr Houlihan, can you just assist us with this particular document? If you have a look towards 3 April, 2015, about half the way down the page, can you see there a deposit item of \$5 million?  
---That's correct.

And if you look to the right-hand side, we see a transaction time of 4.33pm.  
---Correct.

Now, are we looking here at a report concerning Mr Wun Chi Wong?---I believe that to be the case.

40 And do you believe that because we look at the patron ID 4-0-3-6-3-8-0-8, which you understand to be the patron ID relevant to Mr Wun Chi Wong?  
---That's correct.

And I think that was a number that we saw on one of the previous documents when we had individual IDs, is that right?---That's correct.

But you've looked at the document that we can see on the screen before, correct?---Yes.

And you've satisfied yourself that the patron ID that we can see on the top right-hand corner is the patron ID associated with Mr Wun Chi Wong, is that right?---That's correct.

10 And so the item that we can see, the deposit of 3 April, 2015, \$5 million, just explain what that deposit is, as you understand it.---Pardon me. As I was saying earlier on, that \$5 million will be a transfer from the front money account of Mr Huang into Mr Wong's front money account.

So this is not a new \$5 million. It's the same \$5 million that you and I have been talking about so far this afternoon, is that right?---Correct.

And so to follow the money, as it were, we have a Mr Huang cheque of the Australian dollar equivalent of \$5 million. That's the start of the process, as it were.---Correct.

20 He uses the cheque cashing facility offered by The Star to turn the cheque into credit sitting within his front money account, correct?---Correct.

And that's what we saw on the previous document that you and I discussed, correct?---That's correct.

But as part of that facility, that very same \$5 million disappears out of Mr Huang's front money account and ends up in the front money account of Mr Wun Chi Wong, correct?---Correct.

30 But that front money account is the account that is associated with the junket program that you and I discussed, is that right?---That's correct.

So the junket program where Mr Wun Chi Wong is the operator and where Mr Huang Xiangmo is either the sole participant or the sole player or one of two players, is that right?---Correct.

40 And can you then help us what happens now. So there's then the next line says, "Redeem of \$3 million." Can you just explain what that redemption would relate to?---That would have been money redeemed for the purpose of participating in gaming. So they will have withdrawn \$3 million worth of chips.

And so do we take it from that that at least as you can understand this document, by the afternoon of 3 April, 2015, the \$5 million that started life as a cheque cashing facility front money account of Huang Xiangmo, front money account of Wun Chi Wong, then becomes at least \$3 million of something that can be played with at the tables?---Correct.

And if you then look at the next line, we then have deposit of about \$2 million. Can you just explain what that deposit relates to?---I believe that to be gaming chips that were returned after gaming that had occurred.

And so you've checked the records that underlie what we can see here to assess whether that \$2 million is as it were, extra money coming into the front money account or whether it's chips that were out on the gaming floor and coming back, and you've satisfied yourself, have you, that the \$2 million is chips coming back into the front money account. Is that right?  
10 ---Correct.

So just to understand that, following the money. Cheque, cheque-cashing facility, Huang Xiangmo front money account, Mr Wun Chi Wong's front money account, \$3 million in chips come out, about \$2 million in chips come back in.---Correct.

But that's not \$2 million of new money, as it were?---No.

It's \$2 million of the \$3 million that was taken out to use as chips on the gaming floor. Is that right?---That's correct.  
20

And then if you go to the next line there's another redemption amount of \$2 million. Can you just explain what that is?---As previously the 3 million over there, another 2 million drawdown for the purposes of gaming.

So that falls within a similar category to the 3 million that we've already referred to. Is that right?---Correct.

And then the next line we've got a deposit of \$4 million. Do you see that there?---Correct.  
30

And again is that new money coming into the account or is that chips coming back in?---Chips coming back in.

And the next line as well, the \$3.9 million?---Yes, that would be chips again.

And that's chips again. So do we take it from that, that someone's had a fairly successful afternoon at the casino, because we start with \$5 million and we end up with about \$9.97 million?---Correct.  
40

Let's then just go to the next item. 3 April, 2015, \$100,000. Do you see that one there?---Correct.

Now, is that a withdrawal in chips or is that a withdrawal in cash?---That's a withdrawal of cash.

Now, who is allowed to withdraw money in cash from this particular junket program, is it something that Mr Huang can do, is it something that Mr Wun Chi Wong can do, is it something that Mr Chulong Zhou can do?---Mr Wong.

It can only be Mr Wun Chi Wong. Is that right?---Correct.

And that's because he's the junket operator. Correct?---That's correct.

- 10 He hasn't provided the \$5 million cheque, but he is the junket operator so therefore he gets control of what's sitting in the junket account. Is that right?---That's correct.

Now, is it also the case that The Star has a procedure that where substantial amounts of cash are withdrawn, there will at least be a record, perhaps some sort of a surveillance record or some sort of a record being kept of that money being taken out?---Correct.

- 20 And that's part of your role as the group investigations officer or at least the role of others within The Star to keep a track of records of that kind and make records in The Star's computer system. Is that right?---That's correct.

And can we go please to page - - -

THE COMMISSIONER: Mr Robertson, just to refresh my memory, 3 April, 2015, what day of the week was that?

MR ROBERTSON: It was Good Friday.

- 30 THE COMMISSIONER: Good Friday. The Easter period?

MR ROBERTSON: That's right. And I take it from what we've just discussed that The Star Casino is open on Good Friday?---We are.

I grew up in Adelaide where casinos had to close on Good Friday. If we can go to page 767. I hear some mutterings about Adelaide behind me but I won't respond to those. Now, do you recognise the document that's on the screen?---I do.

- 40 And can you just explain what this document is?---This is a document that is recorded inside our Surveillance Department where our Surveillance Department will record a number of records for a number of incidents where we keep it as a log that can be referred to at a later date. This one specifically will relate to a notification from the PGR cage that an amount of money was being withdrawn in cash.

Can you just explain what the PTR cage is?---So PGR. It's just cut off there. PGR is Private Gaming Room.

And so do we take it from that, that someone's taking a record that in the PGR cage there's a request to withdraw the amount and that request was followed through. Is that right?---That's correct.

And so this is some further confirmation, is it, of what you told us a moment ago, namely the \$100,000 that you and I discussed a moment ago was \$100,000 being withdrawn in cash from Mr Wun Chi Wong's front money account, is that right?---That's correct.

10

And so I take it that, as a matter of procedure, The Star keep a record of the kind that we can see on the screen with respect to transactions of that kind that may be, or may not be, but may be suspicious, is that right?---That's correct.

And you'll see there that it says that Mr Wun Chi Wong wanted to withdraw the money and he departed in a white Audi with a particular rego number. Do you see that there in the comments section?---That's correct.

20

And so do I take it from that that because this was a transaction that might be suspicious, or might not, there was some surveillance performed of Mr Wun Chi Wong which ultimately resulted in seeing him getting into a white Audi with a particular registration number and then driving away, is that right?---Correct.

And that's pretty standard operating procedure within The Star, it may be completely innocuous or it may be suspicious, but as a matter of practice, transactions of that kind have log entries of the kind that we can now see on the screen, is that right?---That's correct.

30

THE COMMISSIONER: The log entry indicates 3 April, 2015, 22.57 hours. All right.

MR ROBERTSON: And have you satisfied yourself that the \$100,000 that we saw on the last page that I showed you is the same \$100,000 that we saw as the \$100,000 redemption in the front money detail report of Wun Chi Wong that you and I discussed a minute ago?---That's correct.

40

And indeed the timing of the two reports, I think you agree, are almost identical timings. Is that right?---Yes, that's correct.

Now, are you aware of whether this particular – I withdraw that. Have you had a look at The Star's records at to the finalisation and settlement of this particular junket?---The settlement records, yes.

And so in other words, the junket program has now come to a, this particular junket program has now come to an end, I take it?---Correct.

And as part of the exercise of finishing the exercise of the junket, there's a settlement exercise that's undertaken, is that right?---That's correct.

It's the ledger type process that I attempted to explain in a simplified form that was probably approximately right but probably not perfectly right, is that right?---Yes.

Can we go, please, to page - - -

10 THE COMMISSIONER: Just before we leave that, I take it the registration number of the Audi vehicle that's referred to there, we'll hear some more evidence about?

MR ROBERTSON: We will after I'm finished with this particular witness.

THE COMMISSIONER: Thank you.

MR ROBERTSON: I'm proposing not to have that particular number redacted because we need that number to follow it on as it were. Can we go  
20 please to page 738, which is also page 405 of volume 9A. While that's coming up, looking at this in the real world, following the money as it were, cheque from Mr Huang Xiangmo, through the cheque cashing facility into Mr Huang's front money account, into the junket operator's front money account, some cheques coming in and out but before the \$100,000 is withdrawn in cash, there's no additional money that had been added to the junket program, is that right?---That's correct.

And there no money before that \$100,000 is withdrawn, there's no other money that is being withdrawn in cash, it's only cheques coming in and out,  
30 is that right?---Chips in and out?

Sorry, it's only chips coming in and out, I'm so sorry.---Correct, chips in and out because I put it badly. Between the cheque cashing facility exercising happening that finds its way into the front money account of the junket operator, there's some chips coming in and out of the junket program, correct?---Correct.

But there's no cash coming out, no electronic fund transfer, no cheque or anything like that, until the \$100,00 in cash gets withdrawn it seems on the  
40 evening of 3 April, 2015. Is that right?---Correct.

And so, as you read the accounts that we've seen, that \$100,000 is \$100,000 sourced from and connected with that original \$5 million cheque, is that right? That's how we follow the money?---Correct.

Now, that's not to discount what you've already told us, namely that the casino's relationship is with the junket operator, but in terms of the actual money, you agree with me, don't you, that that's how we follow the money?

The cheque through the facility, and that \$100,000 is, at least in substance, part of that \$5 million that originally found its way through the cheque cashing facility. Is that a fair way of understanding all that?---Yes, that's correct.

Can we have page 738, please, on the screen. Now, is this a settlement report of the kind that you and I discussed a little while ago?---That's correct.

10 And is the purpose of this document to identify the amount of money that should be returned at the settlement of the account?---That's correct.

And we see there a settlement date about three-tenths of the way down the page of the 17<sup>th</sup>, it says of May 2015. Does that look like an error, given that we saw I think 17 April before? Or does it look like this particular junket's been extended? Or do you not know one way or the other?---I don't know that.

20 But at the very least what we have here is a, is something in the nature of a ledger. We can see the initial buy-in of \$5 million on the right-hand side. We can also see a subsequent buy-in, which I'll come to in a moment, but the ultimate result is this junket started with \$5 million, added another \$8 million or so, and the amount returned at settlement is about 680K, is that right?---Correct.

And so whoever was doing the gambling on 3 April did pretty well, but things turned for the worse a little bit later in the junket program, is that right?---That's correct.

30 If we can then just turn to the next page. Now, I just want to direct your attention to where it says, "Cash-outs prior to settlement." Do you see that there just in the first section?---Yes, sorry, yep.

And can I just ask, in respect of this settlement document, is this something that's produced and spat out automatically from the raw data that you and I have already discussed? Or is this something that is added into a separate document manually, albeit influenced by what's in the raw data that we've seen?---This is a manually filled in document but does come from raw data from our gaming system, correct.

40 Have you identified any errors in the section marked "Cash-outs prior to settlement"?---I have.

And what error or errors were they?---On line 2 it's dated 13 April, 2015, 100,000, Mr Wong. That's a typographical error and should record 3 April, 100,000.

And if it's corrected in that fashion, are we talking about the same \$100,000 that you and I already discussed of 3 April? Or are we talking about some other \$100,000?---No, the same one.

So just to understand how this works then. \$5 million starts life in the way that we've discussed. Some chips coming in and out on 3 April. Is it right that the first cash-out was \$100,000 on 3 April? Or was there some other cash-outs before then?---3 April, correct.

10 And so if this document was correct, the \$100,000 that we see on 13 April, 2015 would be at the top of the page, is that right?---Correct.

Or at least at the top of that table, correct?---That's correct.

And the one of \$5 million that also says 13 April would be lower down the page.---That's correct.

And that 13 April, is that accurate or inaccurate, do you happen to know?  
---For which amount?

20

The \$5 million at 13 April. Was that supposed to be 13 April or was that some other date (not transcribable)?---I haven't analysed that, sorry.

But one way or the other, that particular cash-out, you're clear, happened after the \$100,000 cash-out of 3 April, 2015, is that right?---Correct.

And I take it, then, that if – I withdraw that. Mr Houlihan, have you prepared a statement that explains the matters that you and I have discussed in a little more detail?---I have.

30

And can we have on the screen a copy of that statement, please.

Do you see now on the screen the first page of the statement that you prepared?---I do.

And is this a statement of 9 October, 2019?---Correct.

And do you confirm that the matters in this statement are true and correct to the best of your knowledge and belief?---Yes.

40

Chief Commissioner, I tender the statement that is on the screen, namely the statement of Mr Kevin Houlihan, H-o-u-l-i-h-a-n, dated 9 October, 2019. At this point, I just tender the front part of the statement, and I'll tender separately some but not all of the exhibits, because the exhibits are lengthy, and many of which are not relevant to this investigation.

THE COMMISSIONER: So you're tendering the statement itself, is it, separately from - - -

MR ROBERTSON: I'm tendering just the statement itself, and not the exhibits to the statement, which are - - -

THE COMMISSIONER: Yes. The statement then of Mr Kevin Houlihan, 9 October, 2019, will become Exhibit 363.

10 **#EXH-363 – STATEMENT OF KEVIN HOULIHAN DATED 6 OCTOBER 2019**

MR ROBERTSON: May it please the Commission. I should then tender the particular documents that I've taken the witness to. I first tender pages 724 to 731 of Mr Houlihan's statement, described as the Special Junket Agreement.

20 THE COMMISSIONER: Very well. Pages 724 to 731, the annexures to Mr Houlihan's statement, will become Exhibit 364.

**#EXH-364 – PAGES 724-731 OF STATEMENT SPECIAL JUNKET AGREEMENT**

30 MR ROBERTSON: And I might actually do the other ones separately to ensure that we only tender the minimum that is, well, to only tender the material that's of particular relevance, if that's convenient. That's the examination, Chief Commissioner.

THE COMMISSIONER: That completes it? All right. Now, is there anybody who wants to cross-examine Mr Houlihan?

MR HALE: I must say, I'm not – I doubt it, but having been confronted with this, I'm obviously not in a position to do so, but - - -

40 THE COMMISSIONER: Oh, you've got a very quick mind, Mr Hale. No, look, yes, the parties haven't had the opportunity of examining the material before today, so I think we'll proceed on the basis, well, if anybody wants to make application, they should do in, notify the Commission in writing, preferably with a note to Counsel Assisting, and to do so by Monday at 10.00am. I think it possibly is unlikely that there will be any application, but nonetheless, that's the direction. Anything else?

MR ROBERTSON: Not with respect to this witness.

THE COMMISSIONER: We can let Mr Houlihan get away?

MR ROBERTSON: Not with respect to this witness. He can be released.

THE COMMISSIONER: Yes. Mr Houlihan, you've heard what I've said, it's a question as to whether anyone wants to ask you any questions other than Counsel Assisting. It may be reasonably unlikely that you'll be troubled to come back again, but it's a possibility. Commission officers will let you know one way or the other sometime after 10 o'clock on Monday. Is that suitable to you?---Thank you, yes.

10 Thank you for your attendance, Mr Houlihan. You're excused today.  
Thank you.---Thank you.

**THE WITNESS WITHDREW**

**[4.18pm]**

MR ROBERTSON: Can I then deal with some material that arises in light of that evidence? Can we first have document 4 on the screen? We've just heard some evidence with respect to Mr Wun Chi Wong, also known as  
20 Gary Wong.

THE COMMISSIONER: Yes.

MR ROBERTSON: According to the material available to this Commission, Mr Wong is not presently in Australia. He has been contacted by way of email and has responded by way of email indicating that he doesn't wish to accept an invitation this Commission has extended to give an interview by way of video link or by way of telephone. What I'm about to put up on the screen, which I'll call the Wun Chi Wong bundle, is firstly  
30 the movement details of Mr Wun Chi Wong. Now, there's a number of lines in it. The long and short of it is that Mr Wun Chi Wong is not presently in this country, although it does appear that he has a visa that permits him to be in the country up to and including 2021. You can see that in the top right-hand corner. Okay, I then move to the next page – oh, sorry, I'll just pause, so back to the first page while the Chief Commissioner looks at what's a very faint document, I apologise.

THE COMMISSIONER: Yes.

40 MR ROBERTSON: The particular line item that's relevant is towards the top of the page, departure date 13 November, 2019. That's the last record according to the movement details, and that suggests that Mr Wun Chi Wong is not presently in the country. You'll recall, Chief Commissioner, that Mr Xu gave evidence that, at least as he understood it, Mr Wun Chi Wong remained in the employ of what I'll call the Yuhu Group. If we then go down two further pages, you'll see that an investigator from this Commission has invited Mr Wun Chi Wong to give assistance, including in relation to the withdrawal of \$100,000 from the Star Casino in

April 2015, which has been the subject of my examination of Mr Houlihan, and was offered the, was asked whether he was willing to take part in an interview, provide a statement et cetera. And then go to the next page. And Ms Lee confirms in the next page that if Mr Wong is overseas, that's Mr Wun Chi Wong, the Commissioner would be prepared to conduct an interview by telephone or video link. Plainly enough if Mr Wong was available to me as a witness I would put a number of propositions to him, including in connection with the matters that I've now discussed with Mr Houlihan, but you'll note with respect to this page, about six-tenths of the way down the page, first he says he didn't receive the first email, but in any event, he says, "As I am currently overseas of Australia I am sorry I could not accept the invitations." And so the document we see towards the top of the page is a response to that particular indication. But I should indicate that if Mr Wun Chi Wong does wish to be heard or provide a statement to this Commission concerning his activities, in particular those associated with what appears to be a withdrawal of \$100,000 on 3 April, 2015, he should draw that to the Commission's attention so that that's a matter that can be dealt with.

20 THE COMMISSIONER: Yes, very well. Are you tendering those documents?

MR ROBERTSON: I do. I tender what I'll describe as the Wun Chi Wong bundle which is also known as document number 4.

THE COMMISSIONER: yes. The Wun Chi Wong documents, including movement details and email correspondence with Commission officers will be together admitted as one exhibit, Exhibit 365.

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**#EXH-365 – BUNDLE OF DOCUMENTS RELATING TO AVAILABILITY OF WUN CHI (GARY) WONG**

MR ROBERTSON: May it please the Commission. Can we then go to document number 2, which I'll describe as vehicle registration records. You'll recall, Chief Commissioner, that I took Mr Houlihan to a report that identified Mr Wun Chi Wong leaving The Star entertainment complex in an Audi with a particular registration number. The same registration number now appears on the screen in a certificate under section 221 of the Motor Accidents Compensation Act 1999 and the Commissioner will note that the registered operator of that particular group was Yuhu Investment Holding Pty Ltd. I tender the document on the screen, being vehicle registration records in relation to vehicle registration number C for CHARLIE, D for DELTA, U for UNIFORM, 7-0-L for LIMA.

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THE COMMISSIONER: Mr Robertson, normally registration details would be suppressed. I don't know - - -

MR ROBERTSON: My submission would be the Commission should suppress the VIN and chassis number and the engine number.

THE COMMISSIONER: Sorry, which numbers?

10 MR ROBERTSON: About point 5 of the page there's an engine number and a VIN and chassis number. It's appropriate that that be suppressed but in my submission to understand what Mr Houlihan has just said one needs to see the link between the particular registration number and this particular document.

THE COMMISSIONER: All right. Are you tendering that?

MR ROBERTSON: I tender that.

20 THE COMMISSIONER: The certificate under section 221 of the Motor Accidents Compensation Act 1999 will be admitted and will become Exhibit 366.

**#EXH-366 – ROADS AND MARITIME SERVICES S 257  
CERTIFICATE FOR VEHICLE CDU70L**

30 THE COMMISSIONER: The VIN number and the chassis number of the vehicle referred to in that certificate is suppressed. I consider it is desirable and necessary in the public interest to suppress those details. Accordingly I make a direction under section 112 of the Act prohibiting publication or any communication of those details, except by Commission officers for statutory purpose or pursuant to further order of the Commission.

40 **SUPPRESSION ORDER: THE VIN NUMBER AND THE CHASSIS NUMBER OF THE VEHICLE REFERRED TO IN THAT CERTIFICATE IS SUPPRESSED. I CONSIDER IT IS DESIRABLE AND NECESSARY IN THE PUBLIC INTEREST TO SUPPRESS THOSE DETAILS. ACCORDINGLY I MAKE A DIRECTION UNDER SECTION 112 OF THE ACT PROHIBITING PUBLICATION OR ANY COMMUNICATION OF THOSE DETAILS, EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSE OR PURSUANT TO FURTHER ORDER OF THE COMMISSION.**

THE COMMISSIONER: Yes.

MR ROBERTSON: Next can we go to document number 3. I'm now going to bring up a movement details record for Mr Huang Xiangmo, the relevance of it being that, according to these records, Mr Huang was present within the country between 28 March, 2015 and 8 May, 2015. I tender those movement details.

THE COMMISSIONER: Yes, the movement details in respect of Mr Huang Xiangmo will be admitted and become Exhibit 367.

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**#EXH-367 – TRAVEL MOVEMENT RECORDS FOR XIANGMO HUANG - 01-JAN-2015 TO 15-JUN-2015**

MR ROBERTSON: Next can we go to document number 1. This is a document obtained from the bank of NSW Labor and that of Country Labor, identifying the deposit of \$100,000 on 9 April, 2015. The particular relevance being that the denominations of the \$100,000, according to this record, were all \$100 notes. The Commissioner will note that from about point 5 or 6 on the page, towards the middle, moving horizontally, denominations:notes:\$100:\$100,000.

20

THE COMMISSIONER: Yes, I see.

MR ROBERTSON: I tender the – well, I'll describe it as document 1, also volume 4, page 309 of the public inquiry brief.

THE COMMISSIONER: Did you say this is a bank account record of NSW Labor?

30

MR ROBERTSON: That's so. NSW Labor and Country Labor.

THE COMMISSIONER: And Country.

MR ROBERTSON: And you'll note, Chief Commissioner, that there's two account numbers about three-tenths of the way down the page. The full numbers have been redacted, but one of those accounts is what I'll call the NSW Labor bank account and the other one is what I'll call the Country Labor account.

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THE COMMISSIONER: Bank account records of ALP New South Wales/ALP Country in respect of the entries there, including deposit on 7 April, 2015 of \$100,000, will be admitted and become Exhibit 368.

**#EXH-368 – CBA BANK VOUCHER RE DEPOSIT OF \$100,000 CASH ON 9 APRIL 2015**

MR ROBERTSON: And then the final document to tender now is a CCR document for 3 April to 9 April, 2015. This document will require a little bit of explanation. You'll note, Chief Commissioner, that during the course of the last, I think, 36 hearing days I've raised with a number of witnesses call charge records and also other forms of documents such as extractions from telephones as to communications between various people, in particular during the period from 3 April, 2015, being the date where it appears that \$100,000 was withdrawn from The Star, which \$100,000 originated from a cheque from Mr Huang Xiangmo, until 9 April, 2015, that being the date at which \$100,000 of \$100 notes appears to have been banked in NSW Labor bank accounts or in Country Labor bank accounts.

THE COMMISSIONER: Sorry, it was banked on the – did you say 9 April?

MR ROBERTSON: On 9 April.

THE COMMISSIONER: I thought earlier I had recorded it as 7 April.

MR ROBERTSON: 7 April is the date on which it's suggested that a meeting occurred between Mr Clements and Mr Huang and Mr Xu. So Mr Clements and Mr Xu appear to agree that there was a meeting at the Sussex Street office on 7 April. Obviously enough, it's contested as to whether \$100,000 or any other amount was delivered on that occasion. That's the subject of contested evidence, as you appreciate, Chief Commissioner. The banking records indicate 9 April, 2015 was the date of the deposit, and one factual contest for you, Chief Commissioner, will be whether or not Mr Cheah's evidence should be accepted, that there was a bag of \$100,000 that was in the Sussex Street on either 7 or perhaps 8 April, 2015. But at least the banking records that I tendered a moment ago suggest that the \$100,000 was banked on 9 April, 2015.

THE COMMISSIONER: 9 April, yes.

MR ROBERTSON: What this document seeks to do is to bring together the other evidence that has been produced to this Commission, and much of which has been subject of cross-examination by me. You'll recall, Chief Commissioner, that I've shown to a number of witnesses their own communications, for example, Mr Xu's communications, Mr Ernest Wong's communications, Mr Clements' communications and the like, and I've cross-examined with respect to those matters. There is some new material in this document but where it's new, it's new because both ends of the conversation are people who have declined to give evidence to this Commission. So, for example, not yet in evidence is item number 4 or item number 5 which is the communication between Mr Xiangmo Hung, otherwise known as Changran Huang, who as you know, Chief Commissioner, has leave to appear and has been present here by

representative but has declined the invitation given by this Commission on more than one occasion to participate in the hearing of this Commission. Similarly, Mr Wun Chi Wong, as you've seen by reference to the bundle I tendered a moment ago, had been invited to at least participate in an interview with this Commission and so far hasn't agreed to that opportunity, or hasn't availed himself of that opportunity. So this document contains CCRs, call charge records, it also seeks to bring in relevant material from Mr Clements' extraction report, which is the material in red and it also seeks to bring in material from Mr Houlihan's both oral evidence and statement in the colour that is described to be apricot. And so, one notes that there are a number of communications between Mr Huang and Mr Xu, between Mr Xu and Mr Wun Chi Wong, on 3 April, 2015, and puts those in the context of the evidence that's just been heard from Mr Houlihan. If we then turn over the page we then see evidence that I've already led in relation to Mr Xu and Mr Clements, including the text of SMSs communicated between Mr Xu and Mr Clements.

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20 THE COMMISSIONER: So there's more data in this document than the CCRs?

MR ROBERTSON: That's so. So, this document is constituted by three sources of information. First, call charge records, second the material that's in red comes from the extraction report that I've already examined at least two witnesses with, that's the material in red, and there's two columns in what's described as Apricot, which are the two key events the subject of my examination of Mr Houlihan, the \$5 million coming into the junket account and the \$100,000 in cash coming out on 3 April.

30 THE COMMISSIONER: Yes, thank you. The CCR records together with data from extraction reports and containing references to key events based on the evidence of Mr Houlihan will together be admitted in respect of the period 3 April to 9 April, 2015, as Exhibit 369.

**#EXH-369 – CALL CHARGE RECORDS FOR X. HUANG, T. XU, J. CLEMENTS, E. WONG, WC. WONG, K. CHEAH AND J. YEE FOR THE PERIOD FROM 3 APRIL 2015 TO 9 APRIL 2015**

40 THE COMMISSIONER: Just going back to 368, I think I had earlier said that the bank account records of Labor, ALP Labor and Country related to a deposit on 9 April but that's not right, is it?

MR ROBERTSON: No, 9 April is correct. I think you may have said 7 April to start with. So just to be clear about that, Mr Xu and Mr Clements both appears to agree that there was a meeting between Mr Clements, Mr Xu and Mr Huang in the Sussex Street office on 7 April, 2015. It's hotly contested as to what happened at that meeting. Mr Cheah gave evidence

that he took money home for one or two nights and the evidence from the bank is that there was a deposit on 9 April, 2015.

THE COMMISSIONER: Which is the first working day after the Easter break, is that right?

MR ROBERTSON: 7 April is the first working day after the Easter break. That's the Tuesday and then 9 April is obviously the Thursday of the same week.

10

THE COMMISSIONER: Yes, all right. Thank you.

MR ROBERTSON: Those are the only tenders I wish to deal with now. I'll need to tender a couple of the documents I took Mr Houlihan to but before I formally do that, I want to make sure that any personal identifying information has been redacted from it. So with your leave, I propose to deal with that matter in chambers, if that's convenient. All that then leaves in the question of a program of submissions in relation to the public inquiry.

20 THE COMMISSIONER: Yes. All right. Well, I, in a position to deal with that now. Perhaps I should outline directions in respect of submissions are as follows. One, that submissions will be made available on the Commission's website for Operation Aero, being the submissions Counsel Assisting - - -

MR ROBERTSON: I think, Chief Commissioner, you want to add the word "restricted" before the word "website".

30 THE COMMISSIONER: I'm sorry?

MR ROBERTSON: I think you want to add the word "restricted" before the word "website".

40 THE COMMISSIONER: Restricted. Yes, thank you. On the restricted website. The contents of the restricted website are subject to a non-publication direction under section 112 of the Independent Commission Against Corruption Act, which was made on 15 August, 2019, and it applies to written submissions provided to the Commission in Operation Aero. Copies of this suppression order will be made available by the Commission's solicitors when parties are notified that the submissions have been uploaded to the restricted website. Secondly, submissions by Counsel Assisting the Commission are due on 2 March, 2020. Thirdly, submissions in answer by the other parties are due on 30 March, 2020, subject to a page limit of 40 pages unless leave is obtained for a lengthier submission. And, fourthly, parties who wish to apply for leave to make any submissions in reply to submissions made by any interested part will be required by 3 April, 2020 to identify the issue in relation to which they seek to make a submission, and the nature of their interest in that issue. If any such

application is made and I determine that leave should be granted, then a time limitation and a page limitation may be imposed. I suggest that a written form of direction containing those directions be made available to the parties in due course. Are there any other matters?

MR ROBERTSON: Just pardon me just for a moment. Nothing further for my part, Chief Commissioner.

10 THE COMMISSIONER: Are there any other matters that anyone here wants to raise at this stage? Yes, Mr Moses.

MR MOSES: Can I just confirm what Counsel Assisting informed you of earlier, and that is that we have provided to the Commission the interim report of Professor Lavarch and Dr Mills into the review into the NSW Labor head office. There's no objection to that report being tendered or published by the Commission if it deems it appropriate. It does add further to the reforms which were outlined by Mr Lennon in his report, and you'll note in particular contained within that report chapter 4 deals with branch governance structures, and in particular the establishment of what is said to  
20 be a new State Executive Board and an Audit and Risk Committee that will have the authority to report any suspected illegalities concerning electoral funding and the like not acted upon by the branch directly to the responsible regulator. Page 17 of that report, as you'll note, takes into account what has been uncovered before this Commission as part of recommendations contained with that report, and I'm instructed to inform you that each of the recommendations contained within that report will be progressed by the party by changing of the rules of the party to enable these new governance structures to be implemented. So it's a matter for Counsel Assisting if he  
30 wishes to put that before you, but you'll find chapter 4, in particular, of some relevance to the work that you'll undertake in terms of the corruption prevention aspects of the Commission's recommendations.

THE COMMISSIONER: Mr Moses, just to be clear about it, if the document is admitted, as I propose to do in due course as an exhibit, there's no restriction on publication from your point of view?

MR MOSES: No, there is not.

40 THE COMMISSIONER: In other words, the matter can be put on the website as an open exhibit?

MR MOSES: That is correct. And you'll see there's some commentary about failures uncovered by this Commission at page 17. They're not meant to cut across what this Commission is doing, but they merely reinforce the fact that there has been a culture that had developed within head office which enabled compliance and regulatory failures detailed in this inquiry. So it's available there, and it may assist other political parties who may wish

to be heard on any corporate governance recommendations by this Commission.

THE COMMISSIONER: Mr Moses, it occurs to me that, strictly speaking, this is not a corruption investigation in the ordinary sense. It's a referral, as we all know, from the Electoral Commission, in relation to any possible contraventions of the legislation that was in place in the relevant period.

MR MOSES: That is correct.

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THE COMMISSIONER: However, it does seem to me that it may be open to the Commission to make such observations of a kind that might be expected in a conventional corruption investigation report that's published. And there may be of course matters that the Electoral Commission itself would wish to examine and be heard on or make submissions on, and I in due course intend to give some thought to that. And if the parties need to be informed of course they will be, in the event that the Commission does seek the assistance, for example, of the Electoral Commission, and if the Electoral Commission cares to make any contribution, then that should be, in general terms, it should be available to the parties to the hearing. So they're my provisional views.

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MR MOSES: We would certainly support that, because what's been uncovered here could impact upon any political party in the state. And if we could just say that the Labor Party is grateful for the work undertaken by the Commission in this inquiry. Thank you.

THE COMMISSIONER: Thank you, Mr Moses.

30

MR ROBERTSON: Can I just record one final matter? Can I record my personal appreciation for the Commission officers and others who assist the Commission in this public inquiry, and can I also record my appreciation to the solicitors of Counsel who have by and large, oh, in fact, I think without exception acted very professionally and cooperatively in the conduct of this public inquiry.

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THE COMMISSIONER: Thank you, Mr Robertson. I join with you in thanking the court officers, staff, and indeed, members of the legal profession for the cooperation in the course of this hearing and to ensure that it was, time was well used and efficiently used. All right, nothing else?

MR ROBERTSON: Nothing further.

THE COMMISSIONER: Nothing else anybody else wants to raise? Then I'll adjourn.

**AT 4.42PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.42pm]**