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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

Reference: Operation E18/0093

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 26 AUGUST, 2019

AT 2.00PM

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

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

THE COMMISSIONER: Just before we resume with the witness, Mr Cheah, Mr Moses you made an application this morning – I withdraw that. You commenced to make a statement and I interrupted you.

MR MOSES: You didn't interrupt me, Commissioner. Yes.

- 10 THE COMMISSIONER: And I have since been provided with a document entitled Opening Statement on Behalf of the Australian Labor Party, NSW Branch and the Country Labor Party. I propose to deal with a question of the appropriateness of a statement being made as you seek. Is there anything else you want to say about that before I deal with it?

MR MOSES: No, Commissioner. And that is that if you determine to receive it I won't need to read it out. I would be happy for it to be received by the Commission because - - -

- 20 THE COMMISSIONER: The question is whether you should be allowed to make any statement by way of an opening statement. Is there anything else you want to say?

MR MOSES: Well, three things, Chief Commissioner, if I could. The first issue is that the statement seeks to put the position very clearly on behalf of the Australian Labor Party and the Country Labor Party in the context that, of course, it is an unincorporated association with over 22,000 members, that if there was any actions taken which - - -

- 30 THE COMMISSIONER: I don't want you to go into the detail of what you want to say.

MR MOSES: But I need to explain - - -

THE COMMISSIONER: Is there anything you want to put as to why - - -

MR MOSES: Correct.

- 40 THE COMMISSIONER: - - - your client should be given this opportunity to make a statement more or less by way of an opening statement, that's the only issue I'm concerned with.

MR MOSES: No, of course. In order to make clear what its position is in relation to this matter as it is a political party that constitutes a major political party in the state. It's very clear that it should be very clear as to what its position is in relation to these matters given the general nature of the allegations that have been made in the opening so there be no misunderstanding and no unfair assertions made that impact upon individual

members of that party who have got nothing to do with what has occurred here. And to also put on the record very clearly the position of the party which is being made clear to the Electoral Commission about the \$100,000 which is the subject of this inquiry and to put it clearly to you that we are ready today, if you so take the view, Chief Commissioner, for that money to go into an account that you designate as appropriate. At the moment it's being held in a trust account after discussions with the Electoral Commission. But we want it to be made abundantly clear from the outset, this is an issue that the party takes very seriously and that it will deal with those individuals who are said to have committed wrongs. This is not something that can be said the party condoned. That was the purpose of this and also to ensure that no assertions are made in respect of community involvement in political parties somehow being bad because that would demonise sections of the community and we're very worried about that, and that there are no unintended consequences in respect of those types of matters. That's all I wish to say, Chief Commissioner. And if we're told where the money is to be placed, we will place it in there by the end of today.

20 THE COMMISSIONER: I'll just put on the record, then, my ruling about this. This morning after Counsel Assisting's opening address Mr Moses of Senior Counsel sought to make an opening statement on behalf of the Australian Labor Party NSW Branch and the Country Labor Party. I interrupted Mr Moses and sought for him to provide in writing what it was that he wished to say by way of an opening statement and I have since received a copy of a document entitled Opening Statement on Behalf of the Australian Labor Party NSW Branch and the Country Labor Party.

30 There are three matters that I want to state about this matter. Firstly, there is no general entitlement or right in any party before the Commission to make an opening statement. If there were particular circumstances that would warrant that course, which is unconventional in public hearings in this Commission, then I would expect that there would be an application for leave to the Commission to make an opening statement by a person with a relevant interest in the public inquiry before any statement is sought to be made. No application was made in this case.

40 The second matter is that the written form of what was said to be the opening statement asserted, and I quote, 1.3, "Counsel Assisting sought to assert that officials or members of the Australian Labor Party (NSW Branch) and the Country Labor Party engaged in certain conduct that may involve possible criminal offences which breach the provisions of the former Election Funding, Expenditure and Disclosures Act 1981 NSW." It is not, with great respect, correct to say that Counsel Assisting sought to assert such a matter at all. In the opening paragraph of the statement of the opening address by Counsel Assisting, Mr Robertson stated that the public inquiry is conducted for the purposes of an investigation by this Commission into whether from January 2015 officials of the Australian

Labor Party NSW Branch, members of Chinese Friends of Labor, political donors and others had entered into or carried out a scheme to circumvent prohibitions or requirements under part 6 of the relevant Act.

10 In addition, Counsel Assisting was careful in stating that the function of investigating conduct that may involve possible offences under New South Wales electoral law arose under section 13A. He further stated that a number of questions arise from the Commission's investigations to date to be pursued in the public inquiry. Nowhere was it asserted or sought to be
10 asserted that any particular conduct by any particular person had occurred which would constitute or reflect adversely upon any such person. Counsel Assisting stated, and I quote, "It will be obviously necessary for the Commission to make assessments as to the credibility of what has been said to the Commission to date and what might be said in evidence in this public inquiry. That being so, a further question that may arise for consideration is whether any person has made any false or misleading statements to the Commission." Counsel Assisting then carefully articulated a series of
20 questions indicating the matters that would arise for inquiry, all posing them as questions and not statements or assertions. So with great respect, the premise upon which this opening statement is sought to be made on behalf of the Australian Labor Party as put does not exist. There are no "unfair assertions", as was mentioned, against any parties. The Commission is investigating matters by way of public inquiry so that all evidence can be heard and considered and all submissions made and considered by the Commission.

30 There is a third reason why the application – I withdraw that. There is a third reason why the opening statement should not be permitted on behalf of the Australian Labor Party NSW and Country Labor Party. That is that there is no particular circumstance established that would warrant departure from the general position in relation to the lack of entitlement of a party to make an opening statement.

40 This issue has been considered by this Commission in Operation Jasper in which then Commissioner Ipp stated, and I quote, "I do not think after Counsel Assisting has completed his opening that any affected party will be in a position to provide an opening statement that will assist the Commission. That is the principal factor that I bore in mind on this issue. In my view, if such an opening statement were to be allowed, time would be wasted, unnecessary costs would be incurred and many other parties might be encouraged, in vain, to make similar applications. Of course in determining this issue I took into account whether procedural fairness required me to allow the affected party concerned to make an opening statement. In my view it would be premature, inappropriate, and in this particular public inquiry to allow an opening statement to be made by an affected party. It is for these reasons that I refuse the application. All affected parties will in due course be given ample opportunity to answer in public all allegations that are made against them."

I have specifically considered whether there was any aspect of this matter, based on the opening statement by Counsel Assisting, opening address by Counsel Assisting, whereby procedural fairness would require me to permit the ALP NSW Branch and Country Labor to continue to make the statement which counsel assisting appearing for them commenced. No such matter has been identified in the submissions made to the Commission and the position is, as I have stated otherwise, to be dealt with the conventional approach to the conduct of public inquiries.

10

The matters which then Commissioner Ipp referred to in Operation Jasper equally apply in my assessment to the circumstances of the present case.

Accordingly I refuse the now application by the ALP NSW Branch and the Country Labor Party to continue to make the statement that it seeks. All evidence will be heard, all submissions will be heard in the conventional way in this Commission.

Very well, we'll resume.

20

MR MOSES: May it please. Thank you, Chief Commissioner.

THE COMMISSIONER: Thank you, Mr Moses.

MR MOSES: And, Chief Commissioner, as I indicated earlier about the money that I've referred to - - -

THE COMMISSIONER: Well, I'm not concerned with that at the moment, Mr Moses.

30

MR MOSES: No. Thank you. It remains, that proposition remains open. Thank you.

THE COMMISSIONER: Right. Thanks. Mr Cheah, where is he? There he is. Thank you, Mr Cheah. Just take a seat. You still understand the affirmation you took earlier continues to apply to you?---Yes, sir.

40

MR ROBERTSON: Can we have Exhibit 160 on the screen, please, which is the statement of Mr Cheah dated today that was provided this morning, and can we go, please, to page 3 of that statement. Mr Cheah, I just want to ask you some questions by way of clarification of matters that you've dealt with in your statement and that you and I have discussed this morning. And I ask you to direct your attention to paragraph 17 of the screen, if we can zoom into that a little bit to help Mr Cheah. You refer there to raffles usually being handled by NSW Young Labor volunteers. So you see that there?---Yes.

You say, "I can't recall if we held a raffle draw on that night." I just want to make sure I understand the various categories or buckets of money that may be associated with a Chinese Friends of Labor event. I assume one category relates to people buying either tables or seats on tables, is that right?---Yep.

10 And is it right to say that there's a separate category, it's of people who may choose to make donations either on the night, or perhaps after the night, in connection with the event but not necessarily paying for a seat or a table. Is that fair?---I guess if you're talking about people who want to attend the event but can't attend it or just want to donate?

Well, let's deal with that in stages. Is it the case that for events like the Chinese Friends of Labor event, from time to time people will say, "Well, I can't attend but I nevertheless want to make a donation." And can we just look at that tangibly. If we go please to volume 5 of the public inquiry brief, which forms part of Exhibit 125. If we just go to page 3, just as an example of one of these forms. So here on the screen is another one of these forms, a different one to what I showed you last time but it seems to be to the same effect. If you just focus your attention on the top right hand corner of that form where it says, "Please send me tickets." So I take it that the idea of a form of this kind is that if someone wants to buy either a ticket or a table, they would identify the number of tickets or number of tables in the squares that we can see toward the top right hand corner. Do I have that right?---Sometimes people just tick it and just put the amount of money in the total column. So for example, if someone was buying two tickets they may not – logically you would put the two in the box but some people don't, they just tick it or they circle the whole things and put the total amount of money that they're giving in.

30 But I just want to understand - - -?---But in terms of the purpose, yeah, I guess the box is meant for number of tickets.

Because you were responsible for organising this flyer, is that right?---Ah
hmm.

And you have engaged in some communications with Mr Lewis Hamilton, not the racing car driver, another Lewis Hamilton, regarding that matter, is that right?---Yep.

40 And just to understand at least what the intent of this form is, do I read it correctly to say that in the square boxes, the idea at least was, that if I wanted to buy one VVIP table, I would indicate that by putting a number in the box on the left hand side. Was that the idea of this setup?---Yeah. Yep.

And then if you have a look underneath it, in italics, it says, "I am unable to attend but would like to make a donation." Do you see that there?---Yep.

And so was the idea of this so-called reservation form to also allow someone to make a donation even if they didn't want to buy a ticket at the event?---Yep.

And so where we have a form like you see on the screen, do you take that to be that Mr Lin wanted to make a \$5,000 donation or was it that he wanted to buy a \$5,000 table?---Probably \$5,000 table.

10 And then was the idea – what was the idea if one wished to make a donation rather than to buy a table?---Well, there really should, there should be a box underneath, there should be a fifth box for that donation option to make it clear.

Now just understanding the difference between what I'll call table money on the one hand and donations on the other, was it common at Chinese Friends of Labor events for people to both buy seats or tables and then make a further donation or was it usually the case that someone would do one or the other?---I wouldn't say it was common.

20 But it would happen from time to time?---I don't remember if it happened or not, but I don't think it was common.

You say you don't think it was common?---I don't think it was common.

And did you say to us this morning that in terms of donations, they were more likely to be received after the event, did I get that right?---Generally speaking, yeah.

30 But it's sometimes the case, is it, that donations would be made during the event?---Yep.

So just understanding those two categories, there are people who are buying seats and tables.---Ah hmm.

There are also people who are making donations separately from seats and tables?---Ah hmm.

Is that right?---Ah hmm.

40 And those donations might be made on the night or they might be made before or they might be made after. Is that right?---Yeah.

And I think I understood from what you said this morning that it would be unlikely that a donation would be made before, possible, but unlikely?
---Ah hmm.

Is that right?---Yep.

But more likely on the night or perhaps after the event itself?---Yeah.

Can I then deal with a separate potential bucket of money, which is the raffles of the kind you referred to in paragraph 17, and are you saying your best recollection is you can't recall whether there was a raffle draw on that night?---That's right.

10 Can I try and help you this way. Can we have up on the screen, please, page 131 of volume 2. Do you see there an email from Ernest Wong to a series of people, carbon copied to you?---Ah hmm.

And I take it that's your email address, kenrick@nswlabor.org.au?---Yep.

And you see there that Mr Wong is providing you with a rundown for 12 March, 2015 event?---(No Audible Reply)

Sorry, you need to answer out aloud.---Ah, sorry, say again?

20 You see there that Mr Wong is giving you what's described as a rundown in relation to the event on 12 March?---On the screen, I can't see - - -

I'm sorry, let's zoom in a little bit so that you can see the text. I'm just drawing your attention to the body text identifying what's described there as, "Tonight's rundown." Do you see that?---It describes, describes a rundown but I assume the attachment is the rundown.

30 Yes. I'll take you to the rundown in a moment, but before we get there if you just have a look at the To field. You see a series of names there. Now, I take it you recognise at least most of those names?---Say all that again?

Are there any names there that you don't recognise?---A few.

Could you just identify those ones?---Ah - - -

Or if it's easier to identify the names that you know, then you can do that. Whichever is quicker.---I don't know who Eason is, I don't know who Simon Lee is and I don't know who lizenan123@live.cn is. The rest of them I know.

40 And in terms of the remainder, are they all people who are associated with Chinese Friends of Labor in one way or another?---Ah, not all.

Which ones are associated and which ones are not, to your knowledge?
---The ones who aren't are Adam Huang and James Zhou, Zhou, Zhou.

So excluding those two, the other names are people you recognise as being associated with Chinese Friends of Labor. Is that right?---Yeah.

And just turn the page, please. Can you see a document there entitled
Rundown?---Yep.

And if you'd just cast your eye a little bit further down the page at about
7.45 in red text we see on the right-hand side, "Dinner served. (Sell
raffles.)"---7.45?

Yes, just towards the right-hand side of the page near where we have - - -?
---Oh, yep, yep.

10

And you see, "Sell raffles" there?---Yeah.

Now, does that refresh your memory that there may have been a raffle at the
2015 Chinese Friends of Labor dinner?---I wouldn't, it doesn't refresh my
memory but it indicates that there was a raffle that night.

And so it's at least happened from time to time that there's been raffles at
Chinese Friends of Labor events. Is that right?---Usually.

20

And you don't have a specific recollection in 2015 but there may well have
been a raffle?---Most of our events have raffles.

Now, just to understand how the raffles work in terms of the money. I take
it that raffle tickets are sold and prizes are available if you win the raffle?
---Correct.

30

Are any forms associated with the payment of money? You would describe
before how you would insist on disclosure forms for the other categories of
money we've talked about. Does that apply to also the raffle money?---Yes.

And so again, what was the procedure in 2015 in terms of collecting that
money and it coming back to NSW Labor head office, if that was the
procedure?---The most probable thing that would have happened would be
that Young Labor would have gone around to all the tables trying to sell
raffle tickets. If people bought raffle tickets, they would receive the money
and also take a disclosure sheet, like a payment form.

40

So just to be clear about that, you told us this morning that at least the
instructions to NSW Labor Young Labor volunteers and others would be,
"Don't take money unless there's a disclosure form," correct?---Yep.

And that similar approach applies to raffle money as well, is that right?
---Yep, correct.

Again, in terms of collecting that money at the end of the night, whose job is
that, was that your job or someone else's job?---Sometimes it would
probably go, I know at other events it's gone to me, other times it gets
lumped in with the rest of the money that's been collected but in a separate

bag, for example. Like, the ticket money that's been collected is in one stack, on one bag and maybe all the raffle money's been put together in a different bag to differentiate the two.

Do you have any specific recollection about what might have happened at the 2015 event?---I don't remember us having a raffle but I think we probably did because it's very rare that we don't have a raffle but I don't have any recollection of who took the money back home afterwards or where it went.

10

Are you at least clear that it wasn't you that accepted any raffle money at the end of the night?---I don't, I can't, I can't say certainly either way.

I just want to be clear about this at least though, I think you were clear but don't let me put words in your mouth. I think you were clear that you didn't receive what I'll call the table money at the end of the night, in other words, money being paid for seats or for tables on the night, is that right?---That's correct.

20

And is it also the case that you were clear that you didn't receive any money by way of donations, by way of general donations on the night?---If any, like, loose money had been given to me by way of donation or table money, I would have given it to the reception to be, you know, put together.

So at the very least you're clear that on the evening of 12 March, 2015, you didn't bring, either home with you or to head office, money for donations? ---Not intentionally.

30

Well, when you say, "not intentionally," what do you mean by that?---Like, if someone came and put \$20 in my pocket and then, like, a form or something like that, you know, while I'm standing there not really thinking about collecting money and I forgot to put it with the rest of the money, then that may have happened but in the end it would have all obviously gone into the big pool of money but I can't remember, I can't categorically say that I went home without, you know, with someone's \$20 in my pocket.

40

Let me at least put it this way, you are at least clear that on the evening of the 12 March, 2015, you didn't leave The Eight restaurant with \$10,000 or more in money that was table money, donations money or raffle money? ---No.

And you're quite clear about that?---Yes.

So I'm clear on the different categories of money. We've talked about what I call table money. We've talked about what I called donation money, donations to NSW Labor or perhaps Country Labor, not associated with buying a ticket to the event or buying a ticket in a raffle. We've talked about raffle money. Are there any other categories of money that may be

received at a Chinese Friends of Labor event or have I got them exhaustively in the three categories I've just identified?---I mean, I guess, sometimes you might have an auction or a silent auction or something like that but looking at the run sheet, it doesn't look like we had one that night.

So other than that possibility, are there any other possible categories of money that might arise from a Chinese Friends of Labor event in your experience?---Don't think so. Unless, unless someone wanted to, like, pay for, like a Labor membership that night or something like that but - - -

10

But absent something unusual like that, I've identified really the three categories that are likely to arise?---I think so.

Can we have Exhibit 160 back on the screen please, and we'll go back to paragraph 18 of your statement, Mr Cheah. Do you have a hard copy of that in front of you?---I do.

If you could just refresh your memory about what you said in paragraph 18. ---Ah hmm.

20

And so do we take it from that that when we're talking about donations as distinct from table money or raffle money, it's unusual for that to happen prior to functions and unusual to happen during the function? It's more likely to happen after the function. Is that a fair summary of what you've said at paragraph 18?---I wouldn't really differentiate donations from table money.

I see. So do you say that it's unusual for table money to be received prior to Chinese Friends of Labor functions?---Yes.

30

Is it also unusual for that to happen during the course of the function? ---Sometimes. As we said before, earlier, yes.

So sometimes it happens, sometimes it doesn't?---As in sometimes it's, sometimes it's unusual for the money to be donated, given, paid, whatever you want to call it, on the night itself.

But if I understand what you're saying correctly, it's not, it's not more unusual than receiving the money in advance? Particular events you'll get more on the night and particular events you'll get it after the night, is that fair?---Yeah.

40

If you could then refresh your memory on paragraph 19. If you can just scroll that down, please, Operator, so we can see the start of 19 and the end of 19. I first want to ask you about the \$19,000 that you refer to at the top of page 4. And so you have a recollection of Mr Ernest Wong coming into the Sussex Street office and giving you \$19,000 and some forms associated with the Chinese Friends of Labor event?---I think it was around \$19,000.

Maybe a little bit more, maybe a little bit less.---Yeah, something like that.

And is it right to say that's consistent with the general practice you explained this morning, namely for a Labor Action Committee – and in particular, Chinese Friends of Labor – from the head office perspective you would expect the Chinese Friends of Labor people to collate the money, bring it together, and then bring it in to head office.---Yes. Yes.

10 And in relation to that \$19,000, is it right to say that you would have checked at that point in time to make sure that there was about \$19,000 in money and about \$19,000 in forms associated with that money?---Yeah, I might not have done the hundred per cent check-through at that time straight away, but I would have done a general, at least the general count of the money and a general add-up of the forms.

But just to be clear about that, was it your practice that if someone like Mr Wong came in with \$19,000 you would make sure that he was also giving you \$19,000 worth of disclosure forms?---Yes.

20

And so you would do that fairly promptly after receiving the money and the forms, is that right?---Yeah.

And if there was some discrepancy between the two, what would you do?
---Tell him that there was a discrepancy.

And I assume ask him to explain what that discrepancy might be.---Yeah, we would try and work out, you know, whether a form is missing. Like, in the case of where there's more money than forms, then obviously there's a form missing, something like that.

30

And in respect of this particular event, do I take it that unless there was a particular reason otherwise, you would instruct that the money be banked in NSW Labor's bank account rather than Country Labor bank account?
---Sorry, say again.

Seeing you and I have discussed the reservation form, and I think you agreed that nowhere on that form was Country Labor identified, correct?
---Right.

40

Focusing on this \$19,000 bucket, is it the case that you would have told Finance to bank the whole of that money in NSW Labor's bank account? Or is it possible that that would have been banked part in NSW Labor and part in Country Labor?---Like I said before, I can't remember where that money was meant to go, so wherever it was, I was, wherever it was earmarked to go at the time would have been what I told them, but I can't remember whether it was Country Labor or NSW Labor.

And so you would have done it in a manner consistent with what I think you described as the understanding or direction you were given within head office.---Yes.

If that understanding or direction was to split it up as between NSW Labor and Country Labor, you'd do that. If the understanding was that it was all NSW Labor, you would have done that. Is that a fair summary?--- Yeah. Yeah.

10 That can come off the screen for now. Now, separate from the \$19,000 that you refer to in paragraph 19 of your statement, you also received about \$100,000 in cash a few weeks after the Chinese Friends of Labor event. Correct?---Correct.

And that money was brought into the office by Mr Huang Xiangmo. Is that correct?---Yes.

20 At the time that that was received, did you know what Mr Huang's business activities were?---No.

Are you quite sure about that?---Yes.

At that point in time were you aware of a group called the Yuhu Group? ---Yes.

And were you aware of what Yuhu Group did?---No. I think, I think they had something to do with agriculture.

30 So to be clear about that, your understanding as at March and April of 2015 was that the Yuhu Group was associated with agriculture. Correct?---Yes.

Do you now know what line of business Yuhu Group is in?---In subsequent years I found out.

And what have you found out about the Yuhu Group?---If we're talking about development, I think they have an interest in a development in Eastwood.

40 So you're aware that the Yuhu Group is associated with property development, you're aware of that now?---Now I am.

And you say you weren't aware of that in March and April of 2015?---No.

In March and April of 2015, you knew, didn't you, that property developers were prohibited donors as a matter of New South Wales electoral law. Correct?---Yeah.

But you weren't aware – I withdraw that. At that point in time you say you didn't know that Yuhu Group was involved in property development. Is that right?---Again, sorry? I didn't know that Yuhu were involved - - -

Sorry, I'll withdraw the question and rephrase it. In March of 2015 you thought that the Yuhu Group was involved in agriculture and was not involved in property development. Correct?---Yes.

10 Now, that point in time, March and April of 2015, did you know that Mr Huang was associated, that is to say Mr Huang Xiangmo was associated with the Yuhu Group?---Yes.

But you didn't know that the Yuhu Group was associated with property development?---No, I didn't think they were a prohibited donor, nor had I, I don't think, I don't think I've ever actually processed anything from the Yuhu Group.

20 THE COMMISSIONER: Can I ask you this. As at March 2015, what did you know about Mr Huang Xiangmo?---What did I know about him?

Yes.---I know he was a wealthy businessman, I know he's from the region of Guangzhou in China and I know that he doesn't speak much English.

Did you know whether he, did you understand him to be an important person in Australia, in the Australian scene?---I'd say anyone who's rich is important, so probably, yeah.

Influential?---Sorry?

30 Influential?---Yeah.

A donor to political parties?---To my knowledge I don't think I'd ever put through a donation or processed anything from him.

Had he been a donor to the Australian Labor Party before March 2015 to your knowledge?---Unaware. I don't know.

You don't know now?---I, I don't know now.

40 Was he ever a member of the Labor Party so far as you know?---So far as I know, no.

Was he ever ideologically committed to the Labor cause, so far as you know?---He and I have never really had a conversation apart from nodding our heads at each other.

You don't know by reputation whether he was a fellow traveller with Labor in terms of its ideology?---I don't know, but a lot of people donate to both

sides of politics, I do know that, so I don't really delve into the ideological thoughts of people who do donate.

Do you know whether he was one of such donors who donate to both parties?---There were media reports that he's donated to Andrew Robb I think from the Liberal Party, but that was in subsequent years.

That's all you know about his donation history?---Donation, yeah.

10 I see. And he'll ask some questions I think in a moment probably. In April 2015, he came to the NSW Branch of the Labor Party's office in Sussex Street, is that right?---Correct.

You knew he was coming that day, is that right?---I think someone had mentioned he was coming, yeah.

Who was that somebody?---I really, it, it's very hard to say categorically.

20 I want you to stop and think about it. We're talking about an expected visit from Mr Hoang on a date in April 2015 to the ALP NSW Sussex Street offices. You knew he was coming. He was expected to come, is that right? ---I think I knew he was coming.

Yeah. And you think you heard that from someone?---Yep.

Who do you think it's likely to have been?---By deduction, I guess probably, if it happened, Jamie, who was the general secretary at the time. If that had happened.

30 Yes. Leaving deduction to one side, did Mr Clements tell you that he was coming?---I can't remember is the honest answer.

Are you serious when you say that?---I'm, yes.

In any event, he did arrive, is that right?---Sorry?

He did arrive?---He did come here. He did come.

40 And that came as no surprise to you because you had some full knowledge that he would be coming.---I think I thought he was coming.

Why do you think he was coming?---Because I'm guessing that someone must have told me.

Why did you understand Mr Huang Xiangmo was coming to the ALP head office that day in April 2015?---Again, sorry.

Why was he expected to come to the office on that day in April 2015?---To donate money, I suppose.

Well, I'm asking you what you knew as to why he was coming. What was the reason.---We know now that it was to donate money.

Did you know then?---I'm trying to be as honest as possible.

10 Well, I want you to be as honest as you possibly can in answering these questions and all questions.---I can't - - -

I'm going to give you an opportunity to think about it before you answer. Did you know why he was coming to the ALP NSW Sussex Street office that day in April 2015.---I think he was coming to donate money.

And did Mr Clements tell you that?---I would have thought, I would think so.

20 Based on your recollection?---Yeah.

Yes, Mr Robertson.

MR ROBERTSON: Just taking a step back about the Yuhu Group. The start of 2015, for example, January 2015, did you make any inquiries as to what the Yuhu Group did? Or did anyone make any inquiries of you as to what the Yuhu Group did?---At that time?

Yes.---I think I may have done a few Google searches out of curiosity.

30 Well, do you recall whether anyone had raised with you the question of who the Yuhu Group was?---I don't recall that.

Can I assist you this way. Go, please, to page 15 of volume 2. See there, Mr Cheah, an email from the office of the Leader of the Opposition and Deputy Leader of the Opposition to you of 15 January, 2015?---Ah hmm.

Can you see that the subject heading is "Do you know anything about the Yuhu Group?"---Yeah.

40 Does that refresh your memory as to whether you had engaged in any investigations as to what the Yuhu Group might do as at January 2015?---I still don't, I still don't recall. I mean, I get questions like that quite a lot, but - - -

So it's right to say you don't specifically recall the email that is now up on the screen?---No.

Do you recall whether you responded to it?---No.

Can we turn the page, please. If you can just read that to yourself, which appears to be an email from you back to Ms Bellia of the 15 January, 2015. Just let me know when you've read that to yourself.---Yep.

So at least as at January 2015, you knew that Yuhu Group was what you described as a party donor on a large scale, correct?---At the time I guess I thought that.

10 Well, you don't have any recollection inconsistent with that, do you?---No. Apart from what I just said five minutes earlier.

But you're not suggesting that you were saying something wrong to Ms Bellia?---No. If I said that to her then I would have believed it at the time.

And at that point in time, having seen that, is it still your evidence that you understood Yuhu Group as at January of 2015 to just be involved in agriculture and not in property development?---Yes.

20 And that continued to be your understanding of the Yuhu Group until sometime after the Chinese Friends of Labor event in March and sometime after April 2015, for example, is that right?---Yeah, yes.

Chief Commissioner, I tender the email exchange of 15 January, 2015, appearing at page 15 and 16 of volume 2 of the public inquiry brief.

THE COMMISSIONER: Yes. Those records will be admitted and become Exhibit 162.

30

#EXH-162 – EMAIL CHAIN BETWEEN KENRICH CHEAH TO LEE BELLIA TITLED ‘DO YOU KNOW ANYTHING ABOUT THE ‘YUHU GROUP’ DATED 15 JANUARY 2015

MR ROBERTSON: So, Mr Cheah, we got up to the point at which Mr Huang Xiangmo has come to the Sussex Street offices and he goes to meet with Mr Jamie Clements, is that right?---Yes.

40 And as you said to the Chief Commissioner, you knew that Mr Huang was coming into the office, correct?---I think I knew he was coming. I don't know how to make it any more clear that I don't a hundred per cent categorically remember if I knew he was coming but I think I knew he was coming.

Can we go please to page 40 of the transcript just so I can identify for you, Mr Cheah, why both the Chief Commissioner and I are trying to be quite specific on this part of your evidence.---Okay.

Now, you gave some evidence before this Commission in a compulsory examination earlier this year, correct?---Yes. This year?

Sorry, last year.---That's correct.

And you answered a series of questions to the best of your knowledge and belief regarding the matters that the Commission has been investigating?
---Yes.

10

You gave truthful answers on that occasion?---To the best of my memory, I still am.

You gave truthful answers on the occasion of your compulsory examination, correct?---Yes.

And there's nothing that you said in the compulsory examination which on reflection you now know to be wrong?---I can't remember every word I said 12 months ago.

20

But there's nothing that's come to your mind after participating in that compulsory examination which has led you to think, well, hang on, I got something wrong in the compulsory examination?---I don't think so. Apart from, unless you're going to tell me that I'm wrong about what I just said, not knowing he was coming.

30

No, in fact the opposite. If you have a look on the screen you'll see page 40 in the transcript and if we can just zoom into the top half of the page, please. On page 40, please. And if you can just have a look, there's a number 10 on the left hand side. If you just have a look at the next line, line 11. The question was, "You were aware that he was going to come in to do that?" "Yes, yes, yes, yes." And the Commissioner said, "Who told you that?" "I think Jamie did, I think." Do you see that there?---Yep.

And that was your best recollection at the time, during your compulsory examination last year, is that right?---yeah.

40

And so is it fair to say that, doing the best you can even now, your best recollection is that Mr Clements told you that Mr Huang was coming in for the specific purpose of dropping off some people's donations. Is that fair?
---To the best of recollection, yeah.

Take that off the screen. Chief Commissioner, in due course I will ask you to vary the section 112 direction to deal with the particular page I've taken Mr Cheah to.

THE COMMISSIONER: I might have already made such a variation. Perhaps you could check? If I haven't then I will.

MR ROBERTSON: I think that hasn't yet occurred but I'll seek that in due – just pardon me for a moment.

THE COMMISSIONER: Perhaps you can come back to that.

MR MOSES: Commissioner, I don't mean to be disrespectful but there have been two occasions today where a reference has been made to what's happened in private hearings without variations first being - - -

10

THE COMMISSIONER: Sorry, I'm having trouble hearing. Just speak into the microphone.

MR MOSES: I'm just trying to assist, Chief Commissioner, and that is that there have been a couple of occasions now where reference has been made to what's occurred in private hearings without variations being sought. They need to be sought before they're said, otherwise there's a technical breach of the Act.

20

THE COMMISSIONER: I think I'm aware of that, Mr Moses.

MR MOSES: No, but we are aware too but it's not happening, so it needs to be done.

THE COMMISSIONER: No, but it's going to happen but at a timing determined by the Commission, not by anyone else.

MR MOSES: Yes, thank you. No, but things can't be said unless it's varied first. That's the problem. I'm just trying to assist.

30

THE COMMISSIONER: Mr Moses - - -

MR MOSES: We're just worried because we're hearing things and then there's an application made for variation before it's happening. The course has been – and I'm only trying to be helpful, Commissioner – in relation to matters it usually happens beforehand.

THE COMMISSIONER: I understand I have not yet made - - -

40

MR MOSES: Thank you.

THE COMMISSIONER: - - - a variation to the section 112 order.

MR MOSES: Thank you.

THE COMMISSIONER: The intention is that I will at an appropriate time.

MR MOSES: Thank you.

THE COMMISSIONER: And that's always been the intention.

MR MOSES: Thank you, Chief Commissioner.

MR ROBERTSON: I'll assist you and my learned friend on that topic, Chief Commissioner. You have made a variation in relation to what I said with respect to Ms Murnain this morning, and I will get a copy of that amended variation to Mr Moses so he can see that. As you'll recall, the usual form of the section 112 direction that's made, including the one that you made this morning, is one that exempts people like Commission officers, including me, to do so for statutory purposes. So it's not correct, with respect, to say that I am prevented from putting matters to the witness. My learned friend's correct, with respect, to observe that in order to protect people in his position it's appropriate that a variation be made within short order of my disclosure of any matter in a compulsory examination, which is why I now ask for you to vary all existing section 112 directions insofar as they would otherwise prevent the disclosure of the material to which I've taken Mr Cheah to a moment ago.

20

THE COMMISSIONER: So the variation will be to vary the order so as to enable parties who have been granted leave to appear and their legal representatives to have access to the transcript that we're dealing with now, the 25th of May, 2018.

MR ROBERTSON: That's correct. Which is page 40 of the transcript, lines 21 through to 30.

THE COMMISSIONER: Just page 40?

30

MR ROBERTSON: Just page 40, lines 21 to 36 for the time being.

THE COMMISSIONER: Sorry, 21, did you say?

MR ROBERTSON: Page 40, line 21 through to line 36.

THE COMMISSIONER: So in respect of the section 112 order - - -

MR ROBERTSON: I'm sorry, it's just been drawn to my attention - - -

40

THE COMMISSIONER: The line numbers may need to be double-checked.

MR ROBERTSON: Yes, I'm so sorry. I should give the Commissioner an earlier line number. So page 40 of the transcript, line 4 through to line 36.

THE COMMISSIONER: 36. Section 112 order made on 25 May, 2018 in the compulsory examination of the witness Mr Cheah will be varied so as to permit publication of the transcript page 40, lines 4 to 36.

10 **VARIATION OF SUPPRESSION ORDER: SECTION 112 ORDER
MADE ON 25 MAY, 2018 IN THE COMPULSORY EXAMINATION
OF THE WITNESS MR CHEAH WILL BE VARIED SO AS TO
PERMIT PUBLICATION OF THE TRANSCRIPT PAGE 40, LINES 4
TO 36**

MR ROBERTSON: I apologise for that error, Chief Commissioner. Now, then, Mr Clements gives you some money following the meeting with Mr Huang Xiangmo, is that right?---Yes.

Now, does he give you just money at that point or forms as well?---I'm pretty sure the forms were in the bag.

20 So you have a recollection, do you, of a bag which I think your statement refers to as an Aldi bag, is that right?---An Aldi bag, yeah.

Aldi as in the supermarket as opposed to Audi - - -?---Correct. Plastic bag.

And your best recollection is that that bag had both cash in it and forms, is that right?---I think so, yeah.

30 THE COMMISSIONER: Can I just check something? So we're dealing with, the correct date is 9 April, 2013? Does that accord with your recollection - - -?---Are you talking to me? Sorry, I thought you were talking to him.

- - - at or about 9 April, 2013?---Say again, sorry.

The occasion when Mr Huang Xiangmo attended at the ALP head office was, I'm putting to you, at or about 12 April, 2013?---I'm not sure about the day.

40 MR ROBERTSON: Sorry, the 9th. Sorry, the 9th. The 9th, Chief Commissioner.

THE COMMISSIONER: 9th, is it? Thank you. 9 April.---Yeah, I'm not sure about the exact date but thereabouts.

And just to be clear about it, you may have already dealt with this, on that date indeed you saw Mr Huang Xiangmo arrive at the office that day. Correct?---I saw him come into the office.

You saw him come in.---Arrive, if you mean arrive.

That's what I mean, walk into the office.---Yeah.

And was he carrying something?---I can't remember if he was carrying something.

And do you know who he asked to see?---I think he asked to see Jamie, because that's where he went in.

10

So what did you see. He entered the premises and where did he go?
---Past me to Jamie's office or to the section where Jamie's office is, which is closed off by a wall so I can't see that far.

Did Jamie come out to meet him or did he just walk into his office?---I - - -

Can't remember?---He may have come to the door maybe but I can't remember.

20 MR ROBERTSON: Can we have Exhibit 160 on the screen, please, final page. Just so we can understand the detail of what you've just said to the Chief Commissioner, the last page of Exhibit 160, please. Mr Cheah, do you now see on the screen a diagram that you've drawn of New South Wales Labor's offices in Sussex Street?---Yep.

And I take it the desk that's marked as "Kenrick desk," is your desk?
---That's where I was sitting that day, yeah.

30 Does that mean you don't have an allocated desk and you'll sit in a - - -?
---My allocated desk has moved multiple times.

I see. So in 2015 your desk was where you've indicated with "Kenrick desk." Is that right?---Yeah.

And so is it the case that you saw Mr Huang walk in the direction that you've identified with the arrows?---Yes.

And do you recall whether Mr Clements walked with him in that direction?
---I don't recall.

40

But you at least have a recollection of seeing Mr Huang?---Enter in, yes.

And do you recall whether you saw him carrying anything at that time?
---Can't recall.

Was Mr Huang with anyone else when he walked in?---He might have been with an interpreter, maybe, but I don't recall seeing the interpreter or an interpreter.

And then Mr Huang disappears behind what I think you've identified as partition wall.---Yep, yes.

Presumably into the general secretary's office. Is that right?---That's right.

Do you recall around about how long Mr Huang was behind that partition before he emerged?---From memory, maybe somewhere between 20 minutes, maybe half an hour. Not too long.

10

And did you see him walk back out of the office?---I'm pretty sure I saw him exit.

And do we take it that he would have exited using the same route that you've identified with the arrows but in the other direction?---Just, he would have probably exited through, if you see where I put "Reception," there's an exit door at the top of the page in the middle. That's, that's a separate exit, kind of exit only door, so he may have gone out that way.

20

So roughly the same route but rather than exiting through the entrance, exiting through what you've identified as the exit. Is that right?---I think, I think, yeah.

And then what happens next, is it Mr Clements comes out to see you or do you come and see Mr Clements?---At some point in time, I can't remember when, probably soon after, Jamie comes out to see me.

30

And what happens then?---Gives me the bag with the donations and the forms in it and says something along the lines of, "Here's the donations, can you check the forms and if it's okay get Finance to bank it," something like that.

And what do you then do?---I did as instructed, counted the money, checked the forms to make sure the donors were on the electoral roll or whatever it is to comply with, you know, the electoral legislation.

40

Doing the best you can, what was the form of the organisation of the money? Was it in bundles or was it all in one big bag, not organised by reference to bundles or how did it present?---Yeah, like I said, just a heap of loose notes.

Was it a heap of loose notes, was it in rubber bands, what was it?---Oh, it was, it was, it was rubber banded in some type of lots, some type of bundle of some type of denomination.

Do you recall what the denominations of the notes were?---No.

Do you recall – I withdraw that. How did you know that particular bits of money were associated with particular forms? Were they physically attached to forms or were there forms separately and money separately or how did that present it in the bag?---I counted up the totals of each. So the total amount of money and the total amount from the forms. So treated the forms as one in a way and then the money as one.

And I think you said in your statement that there were 20 forms, is that right?---Something like that.

10

Just go back to your statement at photograph 30. This is Exhibit 160. There you say, “There were also 20 forms accompanying the cash.” So is that your best recollection that there were 20 forms?---Yep.

And just to be clear, you’ve got 20 forms and you’ve got \$100,000 in cash but the bits of cash aren’t necessarily attached to the individual forms, is that your best recollection?---Yeah.

20 THE COMMISSIONER: Can I just check something with you. Paragraph 30 you say, “There were also 20 forms accompanying the cash, indicating that the donor had made a payment of \$500.” Did you mean \$5,000? ---That’s a, yeah, that’s 5,000, not 500.

So that’s an error? So where it says 500 it should read 5,000?---It does say 5,000, it’s just that the print didn’t come out on the last zero there.

Oh, I see. I’m sorry, yes. I thought that was a bracket. Thank you. And so you say you counted this cash, \$100,000 of it?---Yeah.

30 On the same day or did you continue the next day or - - ?---I don’t know whether I finished the counting on that day but no I didn’t complete the process that day because it took a while.

Would it be correct to suggest that you’d never counted \$100,000 in cash ever before or since?---Yeah, I don’t think I, I don’t think I have counted 100 since.

40 \$100,000 was a very large amount, wasn’t it, in the experience, your experience of assisting in collecting and passing on donations?---Sure, ah hmm.

And was the practice after donations are collected at a function like the one we’re discussing, to ensure that the money is processed as soon as possible and banked as soon as possible?---Yep.

So within a day or two depending whether the bank was open, is that right? ---As soon as, as soon as, as soon as possible.

That would be particularly so with a very large amount such as \$100,000 or any large amount?---Presumably, yeah.

Did they ask questions as to why it took so long on this occasion for the \$100,000 to find its way to the ALP head office? Do you have any explanation?---I know I didn't finish counting the money that day itself or counting, sorry, counting and checking. I think I finished it the day after.

10 So within a couple of days you had finished the - - -?---Yeah. And then - - -

And it was then banked, it was then – is that right?---Yeah. To my knowledge, yeah.

MR ROBERTSON: But you would ordinarily expect the money for an event to come in within quite short order of the event itself, correct?---Yeah.

But this in fact happened some weeks after the event, correct?---Yeah.

20 Do you know why there was a delay between the event and the money coming in?---No.

No one gave you any explanation in relation to that matter?---Not really, no.

THE COMMISSIONER: It's an extraordinarily long delay in your experience, wasn't it, almost 28 days?---Well, I wouldn't say it's extraordinarily late. It's late, yes.

30 Certainly late, there's no doubt about that?---Yeah, certainly late, yes. It's certainly late but - - -

Can you ever think of an occasion when it took 28 days for money collected at a dinner to find its way through to the head office of the ALP?---Yeah.

You can?---Plenty.

Plenty?---Plenty.

40 Even large amounts?---Yeah. People aren't, aren't so diligent at paying bills.

I thought the practice was that once money had been collected from willing donors, the money was processed and banked as soon as possible. That was the practice, wasn't it?---Once we get it, yes. So we try and collect it as soon as we can, and once we get it and check everything's okay with it, yeah, try and bank it as soon as we can.

I'm putting to you 28 days' delay is an extraordinary delay. What do you say?---It's definitely a long delay. I don't know how extraordinary it is

because I do know that sometimes it takes, it can take months to chase people down for ticket money, donation money or whatever you want to call it. That, that's just – it is what it is.

MR ROBERTSON: When you counted the money, did you count it at the location you've marked as "Kenrick desk"?---Yes.

And that's a desk in an open-plan office, correct?---Correct.

10 So I take it that others must have seen you counting the money, correct?
---Some people might have.

Do you recall seeing any particular individuals having seen you count the money?---I think there might have been someone sitting next to me working who might have seen me count the money, perhaps.

Do you recall who that person is?---I think at the time I was sitting next to Blake Mooney.

20 Can you spell that surname?---M-o-o-n-e-y.

Anyone else?---Not, I mean, I'm sure people did walk past. Whether they took notice of what I was doing, I can't, can't remember.

Can we just then have a look at some of the forms that seem to have accompanied that money? Can we go to volume 5, please. And just by way of an example can we go to page 8 within volume 5. That's Exhibit 152 for those working off that version. And for your assistance, Mr Cheah, what I'm about to show on the screen are copies of forms as they were recovered
30 from the Sussex Street office pursuant to a search warrant. You see there an example of one of the forms, this time for Patricia Siu?---Yes.

And does that appear to be one of the forms that accompanied the \$100,000 in cash that we're talking about?---I can't remember. Probably but - - -

But they're at least forms of this kind, is that right?---Yeah, something, yeah, something of this kind. I can't remember if Patricia Siu was one of those.

40 Are there any particular names that you do recall?---No, I think I remember Jonathan's.

Let's go to that one, then. Let's go to page 16, please. And so you recall, do you, that in the bag that Mr Clements gave you was a form for Mr Jonathan Yee, correct?---Yep.

And it was probably the form that you can now see on the screen, correct?
---Probably, yeah.

And in fact there were two forms for Mr Jonathan Yee in the bag that Mr Clements gave you, correct?---Were there? I - - -

Well, if you have a look at this one, you've got one for \$5,000 in colour.
---Ah hmm.

Can we then please go to page 36 I think it is. I withdraw that. Page 38.
Can you now see a monochrome version of a form to Mr Jonathan Yee?
10 ---Okay.

Now, would you agree with me, and we'll flick back between the two, but would you agree with me that this form appears to be a copy of the first form that I showed you?---Um - - -

Flick back if we can, Operator. Just show the two forms.---They look very similar.

They're more than similar, they look like a copy of the same form. Would
20 you agree with that?---Can you flick back again?

Yes.---Yeah, okay. They look like a copy, yeah.

Did you take a photocopy of Mr Jonathan Yee's form?---I don't think so.

Are you quite sure about that?---Pretty sure.

You deny being directed by anyone to take a photocopy of Mr Yee's form,
is that right?---Yeah. I don't think anyone asked me to do that.
30

And it's your best recollection then, is it, that there were 20 forms in the bag, it wasn't, for example, 10 forms that you then photocopied so as to make 20, is that fair?---I don't think so. To the best of my knowledge, to the best of my recollection, I really don't think so.

Well, it would be a significant matter, wouldn't it, for you to be asked or to take it upon yourself to photocopy one of those forms, wouldn't it?---I suppose.

40 Well, I'm suggesting to you that if you were asked to do that or you did do that, you would have remembered it, do you agree with that?---Yeah. I think yes, but, yeah. I think I would remember that.

And you're saying your best recollection is that you didn't photocopy the forms?---No.

If they were photocopied, do you know who did that photocopying?---I don't know.

Is it the case that so far as you can recall, you're quite sure that there were 20 forms in the bag, there wasn't some smaller figure that was then expanded upon by photocopying, is that your evidence?---Yeah. That's to the best of my knowledge.

Now, focusing on – not just to the best of your knowledge, to the best of your recollection as well, is that right?---Yeah, yeah. That's right.

10 Now, just focusing on Mr Yee's forms, do you recall whether you gave any direction to NSW Labor Finance Department as to whether money, in relation to Mr Jonathan Yee, should be banked in NSW Labor or Country Labor or both?---I probably gave some direction.

Do you recall what that direction was?---If there were two forms, I guess I probably would have said, "Bank one to Country Labor and one to NSW Labor."

20 And why would have you said that?---Because you can't donate more than whatever the cap amount is.

Now, was that a direction that you would have given after speaking to Mr Yee or without speaking to Mr Jonathan Yee?---If there were two forms there already then I would have assumed that one was for each.

30 So to be clear about that, where someone has filled out a reservation form for an event called Chinese Friends of Labor presents NSW Labor Chinese Launch, if there were two forms, you would assume that the intention was one of them to go to NSW Labor and one to go to Country Labor, is that right?---All things considered, yes.

40 When you say, "All things considered" what are the all things considered? Was there some understanding or direction given to you on that matter or you just assumed that if someone has two forms, what they must have intended is for some money to go to NSW Labor and some to go to Country Labor?---The fact that it was up to the cap limit would have meant that you could leave the, it was, one was for NSW Labor and one was for Country Labor. If it was someone paying, for example, two forms in the same name for some reason, \$50 and \$50, then I probably wouldn't come to that conclusion.

So just to be clear about that, the inference that you draw as the community development manager - - -?---Relations.

If I got that right. Sorry, community relations director, I'm sorry, is that if someone seeks to donate more than the applicable cap, what they are intending to do is to make one donation to NSW Labor and another donation to Country Labor, is that fair?---All things considered as well, because I

know Jonathan has political ambitions, so he would be wanting to be extra generous with his donations as well.

But that situation didn't just arise with respect to Mr Jonathan Yee, did it? It related to other people who had forms in the bag from Mr Clements, is that right?---You're asking me about this one.

10 Yes but what I'm – well, are you giving a different answer with respect to Mr Jonathan Yee as opposed to others who have forms in the bag for Mr Clements?---No. I'm trying to answer, you're asking about this form and how I would come to that conclusion, to this one . That's how I would have come to that conclusion for this one.

So in respect of Mr Yee's form, Mr Jonathan Yee's form, you've got two forms, you realise that to donate \$10,000 to a political party would be over the relevant cap. Correct?---Ah hmm.

20 You know Jonathan Yee and you know that he might want to be generous. Correct?---Ah hmm.

And you draw the inference from that, that what Mr Jonathan Yee was intending to do was to donate some money to NSW Labor and some to Country Labor. Is that right?---Hence why he would have filled out two forms and not put 10,000 on one form which is obviously over the cap.

And was it the same form of reasoning that applied to other people who had two forms in the bag from Mr Clements?---Something similar to that.

30 So where there were two forms, you would draw the inference that what was intended was for one of them to go to NSW Labor and one would go to Country Labor. Correct?---Yeah, yeah.

But that's not something that you would check with the individual donor, it's an inference that you would draw from the fact that there were two forms. Is that right?---Yeah, generally, because the high-end scale of the donors, they donate up to the cap on NSW Labor and sometimes they donate up to the cap on Country Labor too.

40 Now, are you quite sure that there were 20 forms in the bag as you indicated at paragraph 30 of your witness statement, Exhibit 160, or is it possible that there was actually 21 forms?---It's possible.

Do you have any recollection of being given any other forms associated with the Chinese Friends of Labor event on the same day that you got the bag from Mr Clements?---I don't recall any other forms like, being given to me separately you mean?

That's right.---As in one bundle and then another form?

That's right.---I don't recall.

So your best recollection is that there were 20 forms in the bag from Mr Clements and you didn't get an additional form on the same day as that exercise?---Yeah, I don't think so.

10 So then after counting the money and having a look at the forms, what did you then do?---So that didn't – completing the process you mean?

Yes.---That wasn't till the next day, just to be clear.

So just to make that clear, you started the exercise of counting, but what, didn't finish it on the day that Mr Clements gave you the - - -?---I only got the money in the afternoon of whichever day, whatever, that Mr Huang gave.

20 Yes.---So I didn't finish the process of counting and checking the money till the next day.

So to be clear about that, you started the process of counting but you didn't finish it. Is that right?---Correct, yeah.

And so I take it you – where was the money overnight, in terms of the first night?---I took it home.

So you get the bag from Mr Clements on a particular day.---Ah hmm.

30 A few weeks after the Chinese Friends of Labor event. Correct?---Ah hmm. Yes.

You start but don't finish the counting exercise.---Correct.

You then take the money home overnight?---Yep.

You take the forms home overnight or just the money?---I probably would have kept the forms with the money, probably, in the same bag probably.

40 So your best recollection is you took the money and the forms home overnight.---To my best recollection, yeah.

You then I take it continue the counting exercise the next day?---Yep.

Again was that done at your desk marked "Kenrick desk?"---I think so.

And then having finished the exercise of counting the money, what do you then do in relation to the money or the forms?---Once money's been counted, the check of the forms has been done, then I would take it to

someone in Finance, presumably Maggie, and tell her that, okay, here is X amount of money and here is the equivalent amount in forms, I've checked it, if you want to check it, like, do it, she would do a count anyway, and then from there it would be processed by the Finance Department.

And when you say processed, you mean I take it that they would record that money as having been received?---Yeah, and bank it.

10 And bank it.---And then the receipt would be issued. I think, I think it's automated once it's entered.

And that's the Finance Department's job to issue those receipts. Is that right?---That's correct, yeah.

Did you give any direction to anyone in the Finance Department as to how the money should be split up between NSW Labor and Country Labor?
---Can't recall. Probably.

20 Well, how would the Finance Department know if you have say 20 forms and \$100 in cash that some of that should go to NSW Labor and some should go to Country Labor in the way that you've identified?---Well, yeah, that's why I said probably, but I don't recall giving them the specific instruction but that's probably what I would have said.

But that's a matter that you would ordinarily deal with? You would ordinarily tell the Finance Department whether particular money from a Chinese Friends of Labor event should be banked in the NSW Labor bank account or the Country Labor bank account, is that right?---Yeah, that's fair.

30 Go, please, to document 111. Zoom in to the top half of that screen. I'll just ask you to read that to yourself because that might help refresh your memory on the topic that you and I were just discussing.---Okay.

40 And so does that refresh your memory that you instructed Ms Zhao, who I think you told us was an accounts assistant, that \$50,000 should go into the state campaign account and \$50,000 into the Country account?---Does it, I mean, when you read it back like that, "Kenrick, I deposited 50K into state campaign account and 50K to Country Labor account as advised," that could have – depends how you read it. If you read it one way, yes, sounds like I said it, which I may have, but I can't remember. But you could also read it as advised by whoever.

Well, what I'm asking you now is whether that refreshes your memory that you advised Ms Zhao that it was to be deposited in that fashion.---Doesn't, it doesn't – what was the word you used?

Does it refresh your recollection?---It doesn't refresh my memory in terms of specifics of that, no.

But you wouldn't be - - -?---But foreseeably, foreseeably that's something I would have said.

You wouldn't be surprised if you'd given that advice because ordinarily it would be you - - -?---Yeah, that's right.

- - - for Chinese Friends of Labor events - - -?---That is correct.

10 - - - that would give advice or instructions of that fashion?---Yeah.

Can you see, though, that Ms Zhao draws your attention to a, what she described as an "addition form" from David Han, Sydney Today Pty Ltd. No money is received.---Ah hmm.

Does that refresh your recollection that you may have had an additional form, this time for Sydney Today Pty Ltd?---Don't know anything about, I mean, it doesn't, I don't remember any additional form. I don't know who David Han is, Han is.

20

You know what Sydney Today Pty Ltd, though?---I know what Sydney Today is, yes.

And what's Sydney Today?---It's a WeChat platform.

But are you saying you don't have any specific recollection of doing anything special in relation to, or specific in relation to a form by Sydney Today?---No. I mean, I mean, there's, there's a number of, well, a possibility could be that maybe Sydney Today paid by direct transfer and the form was to catch up with the direct transfer for ticket money or something like that possibly.

30

But having seen that, that doesn't lead you to think that there might have actually been 21 forms in the bag, does it?---I mean, I guess there could have been.

Well, as I understood your statement, see paragraph 30 in particular - - -?---Ah hmm.

40 - - - there were 20 forms matching with \$100,000 in cash, is that right?---Yes, yes.

And so does it follow from that that your best recollection is that there were 20 forms and not 21 forms in the bag?---Yeah, to my best recollection, because 20 times five equals 100,000.

And if you had an inconsistent - - -?---If you were to tell me that David Han had a form, there were 21 forms there for 5,000 each and David Han's form

also was 5,000 each, then I would say that obviously I made a mistake somewhere.

Well, this is just what I'm trying to test, whether the email on the screen leads you to recall anything about Sydney Today Pty Ltd on 9 April, 2015. ---I don't recall seeing any form from Sydney Today. Not to say that I didn't, but I don't recall.

10 Do you recall later giving any instructions to the Finance Department concerning Sydney Today and the Chinese Friends of Labor function?---No.

Sorry, you - - -?---No, I don't recall.

Can I assist you this way. Can we go, please, to page 208 of volume 2. Now, we're jumping a little forward in time now, Mr Cheah, in fact this is an email of 2 July, 2015 from you to Ms Wang.---Okay.

20 If you just have a look further down the screen, she says, "This is another one, could you please get back to me one way or another." And if we can just turn to the next page so we can see what she's talking about, one further page on, and probably a further page on from that. Go back, go back a page. I can assist you by noting that what Ms Wang is referring to is a Sydney Today invoice.---Okay.

And you'll see there on the screen 2 July, "Hi, Maggie. We'll have to write this one off. I can't remember, but Ernest explained this one to me before." Do you see that there?---Yep.

30 And that's an email that you sent to Ms Wang.---Yeah.

Does that refresh your memory as to any instructions that you gave to Ms Wang regarding an invoice to Sydney Today Pty Ltd?---No.

Doing the best you can sitting there now, you don't recall anything special happening with Sydney Today. Is that right?---Honestly, no. If I couldn't remember then I don't think four years later I'd be able to remember.

40 But do you have a recollection of asking Ms Wang to write that one off?
---No.

By using the phrase, "write that one off," what do you mean by that?---I guess it means don't worry about it, there's nothing to process, or something like that.

Well, by that you mean, do you, that although - - -?---There's no money to chase I think would probably be the most likely.

In other words, the Accounts might have thought or Ms Wang might have thought that money should have been coming in from Sydney Today and you're indicating write this one off, to indicate in point of fact we're not expecting any money from Sydney Today at all? Is that - - -?---Most likely.

That's the way in which you'd use the phrase, "write this one off." Is that right?---In this occasion, yes.

10 If we can have Exhibit 160 back on the screen, please, your statement, Mr Cheah. If we can go to page 5, please. Just refresh your memory of paragraph 28, Mr Cheah, as that comes up on the screen.---Yep.

Paragraph 28 which will come up on the screen at the moment, you say when you left the office some ALP were still there and said, "Be careful." Do you see that there?---Yeah.

20 Doing the best you can, who was or were those ALP staff?---There were a bunch of, there were a bunch of people around, I can't remember who, I just remember, you know, people saying, "Be careful," because you're carrying so much money.

Do you recall any specific individuals?---Not categorically.

Well, doing the best you can, who do you think - - -?---I can make estimated guesses at who might have been there at that time but like, I don't think that's fair.

30 Well, I'm asking you to make an estimated guess, albeit it I accept that you might not know for absolutely sure.---Maybe some of the admin staff, maybe Kaila.

THE COMMISSIONER: Why wasn't the money left on the premises overnight at the ALP office?---I'm not aware of any safe place to keep the money overnight at the office.

Well, a bit risk isn't it, taking it home? How did you travel - - -?---I'd say it's more risky leaving it in the office.

40 Right. How did you get home that day?---I drove.

Well, it was risky having all that cash in your house, wasn't it, or carrying it, transporting it?---Well, not unless the whole world knows I'm carrying that amount of cash.

Can I just ask you this. You refer to the \$100,000 in cash, we've examined that in paragraph 30 before, you took about 20 forms accompanying the cash. If the cash came from multiple donors, can you explain to me how Mr Huang Xiangmo, who is said to be an extremely wealthy individual, would

be carrying cash in a shopping bag on behalf of donors? Can you just explain that to me?---Explain why he would be the one carrying the money?

Yes. Well, he was, by reputation anyway, an extremely wealthy individual, wasn't he?---Yeah.

Why would somebody of his station be carrying a - - -?---Be the one to collect to money?

10 Was it a plastic bag, is that?---It was a plastic bag, yeah.

Plastic shopping bag?---Yeah.

Full of \$100,000 in cash?---Yeah.

Said to be on behalf of the ALP and donors?---Sure.

20 Why would a man of his stature be undertaking such a task of a delivery man?---I guess to people like him it's like giving, gives himself face by being the one to be able to bring this amount of donations from X people to the office and give it to Jamie himself.

Sorry, I - - -?---He's giving himself prestige in a way.

I'm struggling to understand that. Can you help me - - -?---It's a concept of face.

Face.---So he feels like I'm the big man who can organise this for you.

30 Well everyone knows he's a big man in terms of being a fabulously wealthy individual. He doesn't have - - -?---So, but that doesn't preclude him from acting in a certain way to - - -

No, doesn't stop him from acting that way but it doesn't really explain why he would act in that way. But I'm asking for your assistance to gain an understanding.---That's, that's why I would think he would be the one to bring it in because he wants that kind of accolade so to speak.

40 Presumably he's a very busy man.---Boss to boss.

Presumably he was a very man at this time. He - - -?---Oh, I think at that level of richness, I don't think he's that busy to be honest.

All right. Okay.---That's, that's, that's a serious answer there, I'm not trying to be funny.

No, no, no. I understand what you're saying.---I think he's quite adept at doing what he likes when he feels like it because he can afford to.

Just one other matter before we get back on track with the line of questioning that's being pursued. Do you know whether there has been an association between Mr Clements and Huang Xiangmo prior to this say when he came in with the cash of \$100,000?---Like, what type of association?

10 Well, any association, that is to say, where they used to see each other from time to time and if so in what capacity?---I think they've seen each other at functions. They probably knew each other, I would assume.

Well, that's what I want to know. Did they have a relationship?---I know at some point they did have some kind of relationship but timeline wise, I'm not sure when.

Well, was it before the day upon which this money was brought to the ALP, did he establish a relationship with him - - -?---I think he had a relationship with him before.

20 And does that mean, what, they met socially from time to time?---Oh, maybe not socially but just friendly terms, I guess.

What do you mean by that?---Maybe if they saw each other in a common function, you know, exchange friendly words and then - - -

I'm not talking about fundraising events and things like that. I'm just talking about a personal relationship of some kind.---Yeah, yeah. I, I, I get that. I mean, like - - -

30 So did they have a personal relationship to your knowledge?---I think they did.

And how would you describe that? Is it sort of a meeting for lunch from time to time or have a cup of coffee or how would you describe that?---Not privy to that. But friendly.

They were friends, were they?---I think so. On friendly terms.

40 MR ROBERTSON: Mr Cheah, in answer to one of the Chief Commissioner's questions you indicated, as I understood it, that a reason why Mr Huang Xiangmo may have brought the cash into the Sussex Street office was to give face, is that right?---To get face.

Sorry, it was to get face?---Yep. And to give face I guess.

Is that an inference that you're drawing from specific information that you have concerning that particular event? Or are you just drawing that inference or conclusion based on your knowledge of the Chinese

community more generally?---I'm drawing that based on my knowledge of the Chinese community and how people operate.

And so no one said to you, for example, well, Mr Huang is coming in to bring other people's money, is that right?---No one said those specific words to me, no.

And when the money in fact came in, did you think that the money was Mr Huang Xiangmo's money or did you think it was other people's money?
10 ---Didn't really think about it that far. I just thought that, wow, there's \$100,000 there that I better count.

But you saw Mr Huang coming in to meet with Mr Clements?---Yes.

And you understood that the money that Mr Clements had given to you was money that Mr Huang had brought in off the street?---No.

At that time, did you understand the money that you were getting to be from Mr Huang or from other people?---From other people.
20

And why did you draw that conclusion?---Because there were X amount of forms there that correspond to the money being brought in.

And so you drew the conclusion that Mr Huang was bringing in the money on behalf of others, is that right?---Yeah.

I think we've got to the point at which you've given the forms and the moneys to the Finance Department, correct?---Yeah, yes.

30 And that wasn't on the day that you got the money from Mr Clements, correct?---No, it wasn't.

It was either the day after - - -?---I'm pretty sure it was the day after, pretty sure.

Was it then left to the Finance Department to deal with matters such as sending out receipts or did you have any other involvement in that issue?
---No, that's the Finance Department's job to do the receipts.

40 So you didn't have any further involvement regarding whether receipts should be issued?---Not that I recall.

Did you give any instructions to the Finance Department regarding receipts in relation to the \$100,000, other than to note that \$50,000 goes to NSW Labor and 50,000 goes to Country Labor?---What kind of, like, I don't think so. What kind of instructions do you mean?

Well, is it the case that what's supposed to happen is that after money and forms is received it's then for the Finance Department to process them and then to send out those receipts promptly, is that right?---Yes.

Did you instruct the Finance Department to not send out receipts or to wait, wait before sending out receipts?---Don't think so.

Is it possible that you did and you just don't remember?---I don't know why I would do that.

10

Can I help you this way? Can we go, please, to document 113. I might just zoom in to the top half of that screen. See there an email from a Ms Harding to Ms Zhao of 17 April, 2015?---Yeah.

And Ms Harding was a receptionist at head office at that time, correct? ---Yeah.

20

And does that refresh your memory that you made a call to the Sussex Street office with a message from Ms Zhao, namely don't send out the receipts, please contact you urgently?---No recollection.

So you have no recollection at all of giving any instruction of the time that this email seems to have in mind, is that right?---Yeah, I don't have any recollection of it.

Before I forget to do it, Chief Commissioner, I tender the document on the screen, namely an email from Ms Harding to Ms Zhao, for 17 April, 2015.

30

THE WITNESS: Can I point out I'm not a recipient of this email, so it would be hard for me to have a recollection of this email.

MR ROBERTSON: I'm not suggesting for a moment that you have a recollection of this email, I'm suggesting that this might refresh your memory that you've called in and asked for Ms Zhao to call you urgently. ---I can't remember.

THE COMMISSIONER: The email 17 April - - -?---Don't remember.

40

Sorry, the email 17 April, 2015 from Ms Harding to Ms Zhao will become Exhibit 163.

#EXH-163 – EMAIL FROM ELLYSE HARDING TO JENNY ZHAO TITLED 'PLEASE CALL KENRICK URGENTLY - DON'T SEND OUT THE RECEIPTS FROM THIS MORNING' DATED 17 APRIL 2015

MR ROBERTSON: Mr Cheah, you're aware that the NSW Electoral Commission conducted an investigation into moneys received in connection with the 2015 Chinese Friends of Labor function. Correct?---Yes.

When did you first become aware of that matter?---When did I first become aware that they were investigating?

Yes.---Probably when one of the investigators rang me I would think.

10 So you gave an interview to the NSW Electoral Commission. Correct?
---Yes, yes.

And your best recollection is that that's when you first became aware of it?
---When I was told to come for an interview, not the interview itself.

Were you involved in any responses that NSW Labor or Country Labor gave to any questions that the Electoral Commission asked it or asked either of those two parties?---Again, sorry?

20 Want me to reframe?---Yeah, please.

Are you aware that the Electoral Commission asked NSW Labor and Country Labor to answer certain questions associated with the 2015 Chinese Friends of Labor function?---I think there was a series of questions I know they sent by email perhaps.

Did you participate in the preparing of responses to those questions?
---In a, in a quite ad hoc kind of manner, not in a, not in a formalised way, if that's what you mean.

30 Well, I'll deal with it in stages then. Were you asked by anyone within the Labor Party to any questions associated with the Electoral Commission investigation?---I think the governance director at the time, Julie Sibraa, who didn't work there at that time of the event in question asked me some questions for clarification, since I'm the head office conduit with those events.

40 Doing the best you can, what were those questions and what were the answers that you gave to Ms Sibraa?---I couldn't be able to remember one question.

Well, what was the topic area that Ms Sibraa was interested in?---Donations.

And - - -?---And maybe, maybe the running of the event.

And doing the - - -?---Who did what kind of thing. Sorry.

Well, did she ask you for example who brought in the \$100,000?---Maybe.

Well, do you have a recollection one way or the other?---Well, if she asked it or if she didn't ask it I would have given the same answer which is Mr Huang brought in the money.

10 So to be clear about that, to the extent that Ms Sibraa asked you questions associated with the Chinese Friends of Labor event, you gave her the same answers in substance to what you gave to the Electoral Commission, namely that Mr Huang brought in the money, gave it to Mr Clements and Mr Clements gave it to you. Is that right?---I think so.

As best as you can narrow it down?---Yeah, well, I would have no reason to give different answers.

Well, you didn't suggest to Ms Sibraa for example that in fact you were the person who brought in the money to Sussex Street from – sorry, that you brought the money into Sussex Street head office?---The 100,000?

20 Correct.---No.

\$100,000. So to be clear about that, to the extent that you contributed to any response to the Electoral Commission's inquiries, you made it clear that the immediate source of the money in the sense of who brought it in from street level to Sussex Street was Mr Huang Xiangmo and not for example you. Is that right?---Yeah. Not to be confused with the, the event money that Ernest had brought in about a week after the event, we met in the café downstairs and I was the one who physically brought it into the office, but I consider that him bringing the money to the office.

30 THE COMMISSIONER: You're now referring to the parcel of money about \$19,000-odd?---Yes, yes, that's right, that's right. (not transcribable) getting confused there.

MR ROBERTSON: I think we're clear about this but just to be crystal clear, the paragraph - - -?---I never said to anyone that I brought, that I carried in the \$100,000.

40 And just to be crystal clear, I think we're clear but to be crystal clear, paragraph 19 of your statement, Exhibit 160, refers to that \$19,000 figure, that's a figure that Mr Ernest Wong gave to you at the café and you brought it into the Sussex Street office, is that right?---Yes.

And separate from that is the \$100,000 that you referred to, starting at page 21, and that's the money that Mr Huang Xiangmo brought in, gave to Mr Clements and then gave to you, is that right?---Yes.

Did you ever see any draft response that had been prepared by NSW Labor or Country Labor in response to any questions that had been asked by the

NSW Electoral Commission?---I don't recall seeing any response. I do recall being asked questions for clarification like I just said, but I don't recall seeing any draft response. Not to say that I didn't, though, but - - -

10 And to – well, is it right that your best recollection is that you didn't, that you may have had enquiry by Ms Sibraa which may have assisted in preparing a response but you weren't yourself, as far as you can recall, asked to have a look at a draft response and give any comments on it, is that fair?---Oh, I was, I don't think I saw a draft response, then again there might have, now that you mention it, they might have flicked me something, maybe, but that could just be, be me imagining it now.

Can I help you this way. Can we go please to public inquiry brief volume 1, page 1 which is part of Exhibit 149. Do you see there a document called Notice Issued to Organisation Pursuant to Section 110A?---Yep.

Do you recognise that document, noting that it's addressed to the proper officer of the Australia Labor Party?---Do I recognise having seen it before?

20 Yes.---I don't think so.

And if we can turn please to page 5 of the same document. Do you see there a letter to Mr Smithers signed by Ms Murnain?---Okay.

Do you recognise that letter?---No.

30 And turning the page, do you recognise what's now on the screen, which appears to be responses to certain questions?---These look like the kind of questions that Julie Sibraa would have asked me.

But I'm asking you about this specific document, whether you've seen this document in draft with its responses?---Doesn't ring any bells.

Can you just focus on question 1 to start with. It's saying, "Please provide the names of the persons who handed the donation to the ALP on 9 April, 2015." Do you see that there?---Yep. Yep, yep.

40 And the response that was given in behalf of NSW Labor was Kenrick Cheah. See that there?---Yes.

Now from your perspective, that response is incorrect, isn't it, in that the persons who brought the money in to the Labor Party was Mr Huang Xiangmo and not you, correct?---Yeah, that's, that would be a more correct answer, yep.

And would you agree that if this specific question was put to you for a response to it, your answer would not be Kenrick Cheah, but rather would be - - -?---The first question? The first question?

Question number 1, your answer to question number 1 is not Kenrick Cheah but rather is Mr Huang Xiangmo, correct?---Correct.

And if you have a look at question number 4 as well, there's a question of a similar nature. Have you read that question yourself, question number 4? We can zoom in a little bit if that makes it easier.---Okay.

10 And I take it from what you've told us before that your answer to question number 4 is that that was provided in the bag that Mr Clements gave to you which originated from Mr Huang Xiangmo, is that right?---Yeah. That, I suppose, the breakdown they're referring to is referring to the forms that came with the - - -

But it wasn't you who brought the forms into ALP head office.---No.

It was Mr Huang, is that right?---Yeah.

20 And Mr Huang then gives it to Mr Clements. Mr Clements then gives it to you, correct?---Correct. The only way that those two things would be correct would be if there was a misunderstanding between 9 April and whichever day got the money from Ernest in regards to that money. Does that make sense? That's the only way there could be some misconstrue of, misconstruing of what happened. So, for example, if you changed the date from 9 April to whenever day it was that Ernest and I met up to collect the 19,000, then these questions make sense and the answers make sense.

30 Sorry, can you just explain that again? I think I know what you mean, but just explain that again.---So if you, so question 1, for example, right. The way it is now, 9 April, we both agree that that wasn't me that brought the money in. But if that date was actually the date that Ernest came in to bring the money and the person that asked me these questions misunderstood, then that answer is correct. Does that make sense?

Yes, but if we go back to page 1, and I think this is just confirmatory of what you're saying, if you just have a look at the second full paragraph, which starts with the words, "I, Peter Smithers."---Yep.

40 If you can just read that to yourself.---Yeah.

And so you know from that paragraph that what Mr Smithers is concerned about is that donations may have been made for or on behalf of other persons. See that there?---Yeah, yeah.

And so on the face of that you'd agree, wouldn't you, that what Mr Smithers is seeking is not to know that it was you giving money from yourself to the Finance Department - - -?---Yes. Yes, yes. I'm saying - - -

- - - but rather where it came from, is that right?---Yeah, yeah, yeah. I, I, my point is if Julia or whoever it was that was drafting these answers got confused between the two lots of money coming in, right, which is not that difficult to do, really, when you really, really, really talk about it around and around, that's a possible human error. I'm just saying it's a possible human error.

10 THE COMMISSIONER: Mr Cheah, just on a related matter, have you discussed, since the Electoral Commission investigations commenced, the donations issues raised by the Electoral Commission with Mr Wong?---Yes.

You would have had several conversations, I take it, with him between then and now about the matters we're talking about here today?---Yes.

When did you last speak to him?---About this matter? Or in general?

Perhaps if I put it another way. When did the two of you last communicate about the subject matter of what we've been talking about here today?
---Maybe a few months ago.

20

Can you be more precise than that?---Maybe end of, what is it, it's August now, within maybe six months, from memory.

And being more precise - - -?---But it would have been, it would have been a simple, like, has anything, have you been called for ICAC since or anything like that. Like, a one-question conversation.

30 Can you be more precise? You and he have, I take it, discussed the \$100,000 cash brought to the ALP NSW office by Mr Huang Xiangmo.
---Haven't really discussed the cash but discussed the fact that I've been called to ICAC before.

But have you discussed with him – I want you to think about this – the legality of the \$100,000 that came in to the ALP?---Have I discussed with him the legality of it? No.

Has he discussed with you the source of the \$100,000?---No.

40 I'll give you another chance to answer that question. Have you and he communicated at all on the subject matter of the source - - -?---Oh, okay.
So - - -

- - - that is to say where the \$100,000 that came into the ALP headquarters on 9 April, 2015 came from?---We've had discussions about the inquiry, including the money, the \$100,000 and the line of questioning where it kind of brought us towards the inference that the money is from, all from Mr Huang and not from the people who signed the forms or whatever on the forms.

And has he told you where the money did come from?---He's just said that, I mean to the best of my memory, because this, this kind of conversation would have been more than a year ago - - -

No, listen, just concentrate on my question. Has Mr Wong told you as to what the source of the \$100,000 that came into the ALP on 9 April, 2013, was?---From the donors themselves.

10 Is that your truthful answer?---Honestly.

Sorry?---Yes. I don't, I don't have any other recollection of any other answer.

I see the time. Now - - -

MR ROBERTSON: I've got a couple of questions on the topic, I've just about finished and then I've got another topic to move to which I'll do tomorrow.

20

THE COMMISSIONER: Yes, all right.

MR ROBERTSON: So if I can perhaps have another two minutes or so - - -

THE COMMISSIONER: Yes, okay, you continue for a while.

MR ROBERTSON: - - - before we might adjourn, if that's convenient. Mr Cheah, I was asking you some questions before about the Electoral Commission's inquiries and I think you told us that Ms Sibraa made some inquiries with you. Correct?---Correct. I think, yeah.

30

Did anyone else other than Ms Sibraa make any inquiries with you regarding the matters that the Electoral Commission was interested in? ---Not that I recall.

40

That's the examination for now. I'm about to move on to another topic. Mr Cheah, can I flag that tomorrow one of the matters I want to ask you about is, you referred in your statement to various others that told you things, such as be careful with the money and things of that sort. I just want you to have a further think overnight whether you can recall who those particular individuals might be. For example, you said some admin staff, but without identifying any names, and in the morning I'm going to come back and ask you whether overnight you recalled any particular individuals rather than more general topics and communications like admin staff or things of that sort. Do you understand that?---Okay.

Yes?---Okay.

THE COMMISSIONER: Mr Cheah, you may step down. You'll be required back here tomorrow at 10 o'clock.

THE WITNESS STOOD DOWN

[4.02pm]

10 MR ROBERTSON: One other matter you might consider, Chief Commissioner, is whether at least tentatively you wish to hear any applications for leave to cross-examine Mr Cheah.

THE COMMISSIONER: Yes.

MR ROBERTSON: I anticipate I'll be relatively brief with Mr Cheah tomorrow and Mr Cheah will be available for cross-examination after that occurs, but I'm in the Commission's hands as to whether that be done now or done tomorrow.

20 THE COMMISSIONER: Very well. Counsel heard what Counsel Assisting has stated. Will there be any applications to cross-examine Mr Cheah tomorrow, and if so by whom?

30 MR MOSES: Chief Commissioner, perhaps an indication from my learned friend how long he thinks he'll be tomorrow because I've just got to try and juggle some commitments, whether I deal with them in the morning or in the afternoon in relation to this, because there are some issues that I wish to cross-examine Mr Cheah on, Chief Commissioner, but I might just get an indication from my friend as to whether he thinks he'll be concluded by the morning tea adjournment.

THE COMMISSIONER: Mr Moses, how long do you think you might be?

MR MOSES: At the moment, no more than 20 minutes, Chief Commissioner, perhaps less.

MR ROBERTSON: I anticipate I'll be less than an hour, to assist my learned friend.

40 MR MOSES: Okay, thank you. That helps me. Thank you.

THE COMMISSIONER: Mr Moses, it would be of assistance for you to identify the area of cross-examination you wish to pursue.

MR MOSES: Of course. Those instructing me - - -

THE COMMISSIONER: Perhaps that could be dealt with in the morning, just so that we, as I've said before, ensure that there is an efficient and

orderly disposition of the proceedings in accordance with the standard directions.

MR MOSES: Of course. That's what we're here to do. Thank you.

THE COMMISSIONER: Is there anybody else?

MR LAWRENCE: Chief Commissioner, in terms of Mr Clements being heard on that question as to the admission into evidence of Mr Cheah's statement this morning - - -
10

THE COMMISSIONER: Sorry, if you could keep your voice up a little.

MR LAWRENCE: In terms of Mr Clements being heard on the question of the admission of Mr Cheah's statement, could I seek an extension until tomorrow morning for that?

THE COMMISSIONER: Yes, very well.

20 MR LAWRENCE: The statement is yet to go up.

THE COMMISSIONER: 10 o'clock tomorrow?

MR LAWRENCE: Yes, certainly. The statement is yet to go online, I haven't had the opportunity to view it.

THE COMMISSIONER: Very well. Well, I take it from that response that the only application to cross-examination Mr Cheah will be from Mr Moses.

30 MR ROBERTSON: Can I indicate that I had a discussion with my learned friend Mr Hale this morning, who appears for Mr Ernest Wong, and I would apprehend that he may make an application as well.

THE COMMISSIONER: I see.

MR NEIL: If it please, Chief Commissioner, could we preserve our position until tomorrow morning?

40 THE COMMISSIONER: Yes, very well. Well, Mr Neil, if you could be similarly in a position to identify in the morning what the metes and bounds in the areas you want to cross-examine on, just simply that I can understand what it is so that I can make sure that the standard directions are being applied?

MR NEIL: If it please.

THE COMMISSIONER: All right.

MR LAWRENCE: And I should also flag that there'll be an application on behalf of Mr Clements also to cross-examine.

THE COMMISSIONER: Well, again, I say to all who wish to cross-examine there's a requirement to be ready to articulate a basis for cross-examination, again in accordance with the standard directions, which I won't repeat here, but if one reads them it will be clear as to what will be required by way of an outline. Yes, Mr Ramrakha, you wanted to also - - -

10 MR RAMRAKHA: Yes, just to preserve my position as well, Commissioner. I don't anticipate that I will be cross-examining but would like to just mull over the issue overnight.

THE COMMISSIONER: Very well. Okay, thank you. Nothing else?

MR RAMRAKHA: Thank you.

MR ROBERTSON: Can I deal with one formal tender before I forget?

20 THE COMMISSIONER: Yes.

MR ROBERTSON: I tender the email exchange between Ms Wang and Mr Cheah during the period from 1 July, 2015 to 2 July, 2015, being the pages that are marked 206-210 of volume 2 of the public inquiry brief.

THE COMMISSIONER: Yes, very well. Those documents as identified will become Exhibit 164.

30 **#EXH-164– EMAIL CHAIN BETWEEN MAGGIE WANG AND KENRICK CHEAH DATED 'RE: INVOICE #00040919; FROM AUSTRALIAN LABOR PARTY (NSW) BRANCH' DATED 1 AND 2 JULY 2015**

MR ROBERTSON: Please the Commission.

THE COMMISSIONER: Yes, very well. Then I'll adjourn until 10.00am tomorrow.

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