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26/09/2019

AERO
pp 01600-01656

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

Reference: Operation E18/0093

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 26 SEPTEMBER, 2019

AT 10.00AM

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

THE COMMISSIONER: Mr Robertson.

MR ROBERTSON: Chief Commissioner, can I again confirm the program.

THE COMMISSIONER: Yes.

MR ROBERTSON: Can I apologise in general terms to interested observers that it's been necessary to make many changes to the program from time to time. As those observers will appreciate a number of matters have arisen during the course of the inquiry, including in particular evidence being given in the public inquiry that's somewhat different to the evidence that's been given in private inquiry, and so a number of changes have been necessary. They've been unavoidable but we've attempted to meet people's availability and things of that kind as much as we can. In terms of this week, I'll continue with Ms Sibraa today. I will then call Ms Maggie Wang. Tomorrow I'll call Ms Zhao. That means I won't be in a position to call Mr Yee this week and will instead need to call him next week. An amended program for this week has been uploaded and a program for next week will be uploaded to the public website within short order.

20

THE COMMISSIONER: That's Mr Jonathan Yee?

MR ROBERTSON: That's Mr Jonathan Yee. I don't expect to call him on Friday. I now expect to call him on Monday instead.

THE COMMISSIONER: Monday.

MR ROBERTSON: As I just indicated a program for next week will be uploaded to the public website very shortly.

30

THE COMMISSIONER: Yes. Thank you, Mr Robertson.

MR ROBERTSON: The only other housekeeping matter is my learned friend Ms Lindeman, I understand it, seeks leave to appear for Ms Wang and she's here this morning. That might be conveniently dealt with now.

THE COMMISSIONER: Yes, very well.

MS LINDEMAN: Thank you, Chief Commissioner. My name is Lindeman. I seek leave to appear for Ms Wang.

40

THE COMMISSIONER: Yes, I grant you leave.

MS LINDEMAN: Thank you.

THE COMMISSIONER: Yes, Mr Robertson. We'll resume then where we left off yesterday. Ms Sibraa. Good morning, Ms Sibraa. I'll readminister the affirmation. If you wouldn't mind standing. Thank you.

THE COMMISSIONER: Thank you very much. Take a seat. Yes.

MR ROBERTSON: Ms Sibraa, just to summarise an aspect of your evidence yesterday. You received the notice to produce information and documents on 8 December, 2016. Correct?---Yes.

10 You draw them to Ms Wang's attention by email. Correct?---Yes.

You go and speak to the Finance Department, probably Ms Wang. Correct?---Yes.

You do that either on 8 December or perhaps on the 9th. Correct?---Correct.

And not immediately but within short order you're provided with some tax invoices and reservation forms. Is that right?---Yes.

20 And is it still the case you can't recall whether that was done by Ms Wang or Ms Zhao?---Yes, I can't exactly recall, no.

But at the very least it seems, your best recollection was that the request was made of Ms Wang rather than Ms Zhao. Is that right?---To the best of my recollection.

Now, I'm going to hand you back the folder that we discussed yesterday and you remember that I told you that the documents in this folder are the documents that came from the folder that I'm now holding in my hand that
30 has a spine label "Tax invoice from 40001 to 41000" and which was recovered during the execution of a search warrant of the Sussex Street office but those same documents have been put in the white folder so that we can actually flick through it without the folder in effect exploding.
---Yeah.

Can I get you to go to the start of that folder again, and you'll note – and while that happens, so that people can follow along, if we can have Exhibit 152 on the screen, please. And you'll note that the first of the invoices in that folder is from Mr Lin, do you have that there?---Yes, I do.

40 And stapled to that is a reservation form, correct?---Correct.

And then I'll just get you to count with me the ones that we have for the Australian Labor Party NSW. So we have Mr Lin as the first one?---Yes.

We then have Harbour City Group as the second one?---Yes.

We then have Patricia Siu as the third one?---Yes.

We then have Teresa Tay, T-a-y, as the fourth one?---Yes.

Lei Mo as number 5?---Yes.

Valentine Yee, number 6?---Yes.

Jonathan Yee, number 7?---Yes.

10 Emperor's Garden Pty Ltd, number 8?---Yes.

Wei Shi, number 9?---Yes.

May Ho Yee, number 10.---Yes.

Now if you then just go to the next one, you will note that that's Quanbao Liao, but now we've got to Country Labor.---Yes.

Do you see that there?---Yes.

20

So just pausing on the last of those ones, where we have May Ho Yee, page 21 of Exhibit 152 for those working on that, at least at this point, would you agree that there's nothing that seems suspicious on these documents, in the sense that you've got 10 invoices, as you would expect - - -?---Yeah.

- - - each for \$5,000, and you've got 10 reservation forms, as you would expect, each for \$5,000, correct?---Yes.

30 And those reservation forms appear to be original signed documents, is that right?---Yes.

And the only thing that's a little bit suspicious, at least with the benefit of hindsight, is that as you and I discussed yesterday, it looks like the \$5,000 figure has been written by someone other than the person who's signing that document.---Yep.

Would you agree?---Yes. Yes.

40 And so you and I discussed Teresa Tam's reservation form - - -?---Yes.

- - - as an example of that, where there's blue handwriting for the name and for the signature, and there's what appears to be a photocopied version or a scanned version of the \$5,000 figure. But other than that, what I've just shown you is effectively what you were expecting when you asked the Finance Department to give you 10 invoices and 10 reservation forms, is that right?---Well, when I asked them for the documentation, yes, I didn't know exactly what I would be given, so - - -

But the particular documentation that you were looking for was documentation that showed 10 payments - - -?---Yes.

- - - of \$5,000 from the Australian Labor Party, is that right?---Correct.

But if you then go back to Mr, in fact, Dr Liao's form – so we're now in the Country Labor section.---Ah hmm.

10 Can I just ask you to go through the folder and count, in the same way, how many Country Labor forms you have, we have in that folder in front of you.---Okay.

And as that happens, I'll just get the operator to slowly go through the pages, and to stop on page 46.---10.

Are you sure? Are you sure you only get 10?---I better recount.

Go back to Dr Liao.---Yeah. Okay. Oh, I missed, I missed one. Yes. 11.

20 So in relation to Country Labor at least - - -?---Mmm.

- - - would you agree with me you've just found something unexpected - - -? ---Yeah.

- - - in the sense that instead of having 10 - - -?---Yes.

- - - you have more than 10? I think it might actually be 12, but the point for present purposes is that it's more than 10.---Oh. Okay.

30 When I just put that to you, your face showed some surprise. Are you surprised to find that there seems to be more than - - -?---Yes.

- - - 10 \$5,000 forms in that particular folder?---Yes.

And you remember that you and I discussed yesterday that one of the forms, at least in the folder, is a folder that had a strikeout through that particular invoice?---That's right.

40 But is it your recollection that at least for Country Labor you may have been given by the Finance Department more than 10 forms, 11 or 12 tax invoices and forms, or are you quite clear in your mind that there was only 10?---I'm quite clear that there were only 10.

And that's one of the reasons for the surprise that I detected on your face a minute ago because you have quite a clear recollection, I think, don't let me put words in your mouth.---Yeah. No.

But quite a clear recollection that when you asked for the documents and you got them on say 8 or 9 December you have a recollection of receiving two times five times 10, in other words, two invoices and reservation forms stapled together or otherwise connected together each for \$5,000 and for two political parties. Is that right?---That's is my recollection.

And so is it the first time now that it's been drawn to your attention that there may actually have been more than 10 Country Labor tax invoice forms and reservation forms?---Yes.

10

And may in fact have been 12?---Yes.

Do you have any explanation as to why there might be 12 in the folder as recovered from NSW Labor whereas at least by recollection there were only 10 that were given to you when you asked the Finance Department to provide them?---No. No.

No one has raised that matter with you since you were first given these forms?---No.

20

Just to understand the next step then, so you get from the Finance Department the Australian Labor Party forms and 10 Country Labor forms, not 11, not 12 but 10 Country Labor forms?---That's my recollection.

Do I take it that you then scan those in so they can be provided to the Electoral Commission?---Yes.

30

And so amongst the documents that you provide to the Electoral Commission ultimately are scans of the particular documents that you were provided on that occasion. Is that right?---Yes.

And just for your assistance, the scans had 20 forms not 21 and not 22. ---Right.

And that's consistent with your recollection, isn't it, that you were scanning 20 of them?---Yes.

Not 21 or 22?---Yes.

40

You would agree, wouldn't you, that if you were given more than 20 forms when you asked the Finance Department to give you the documents, by which you meant 10 times five times two in the way that I've explained, if you got more than 20 forms that would have been a matter that would have at least raised a concern and at least raised a matter that would require some explanation. Would you agree with that?---Yes, I think so.

I'll just get you to give the white folder back to the associate. One of the matters you and I discussed yesterday was what you described as poor

governance and one aspect of it was having someone collecting money, keeping it at home, bringing it in, walking it into the office. Do you remember explaining that?---Yes.

And so I take it that you were aware that Mr Kenrick Cheah said that he took the \$100,000 to his home. Is that right?---I think I read that, yes.

10 Well, did you know that at the time that you were preparing responses to the notices to produce information and documents or did you find that out at a later stage?---When I originally questioned him, he said that he had had the money at home, that's, that's correct, and he brought it in from home.

So just to get the chronology. In terms of the notice to produce information your first port of call was the Finance Department. Is that right?---Yes, yes.

20 And someone in the Finance Department told you that Mr Cheah was the one who brought the money into the office on 9 April, 2015?---Yes. They would have told me he was the one that brought the money in and given, I mean, yes, I think it would have been that they said on the 9th because it would have been banked straight away.

THE COMMISSIONER: What do you understand, that he brought the money into Sussex Street, then took it home, then brought it back. Is that the story you were getting or not?---No, no, no. No, no.

30 Well, let's go over it again just to be sure.---No. My understanding was that the money had been collected. Kenrick had had it at his home then brought it into the office on the 9th where it was banked. That was my understanding at that time.

40 Just on that, and in relation generally to the gathering of information, did you, as it were, sit Mr Cheah down and interview him, either question-and-answer format or just to give a narrative, give a narrative about what happened, particularly about the money? That's one point. And the second is, if you did interview him, then did you take a statement from him? So it's a double-barrel question, but are you able to handle that one? Can you respond to that?---Yes. Again, in my recollection is, so Kenrick only came into the office on a Friday, so I would have, it would have been that following Friday, I imagine - - -

He only worked one day.--- - - - that I would have called him into my office, and, yes, he would have sat down and we would, I would have told him what this matter was about and I would have asked him whether - - -

Just pause there. Don't lose your train of thought. It's very important sometimes for a witness to say what they remember rather than what they would have done, unless in certain circumstances what they would have done is regarded as reasonably probative, because they always repeat it (not

transcribable), but we're dealing with a one-off situation here. So insofar as you're able to remember so that you can answer these questions, if you proceed accordingly. If, however, distance of time or whatever else prevents you from really recalling what you said and he said, then if you'd indicate that, then we can see the difference. So, now, I'm sorry, I've interrupted you. I think you said he would have come in on a Friday. It would have been a Friday. Is that because he only worked on Fridays?
---Yes.

10 Right, okay. Perhaps you could take it from there.---So, yes, as I said - - -

So you said you would have sat down and had a conversation with him.
---I'm fairly, I'm fairly sure I recall asking him to come to my office and explaining to him what the matter was about, and then asking him whether he, well, firstly whether he was the person that brought the money to the office on that day.

Well, doing the best you can, can you reconstruct that conversation for us to the extent that your recollection permits?---I think, you know, I mean, it's
20 very difficult to reconstruct it because, as you said, it would be what I think I would have said.

MR ROBERTSON: Can I respectfully suggest a slightly different course, Chief Commissioner?

THE COMMISSIONER: Certainly.

MR ROBERTSON: Can we actually just take a step back first, because the first time you find out that Mr Cheah was the person who brought the
30 money on 9 April, 2016 was when the Finance Department told you, is that right?---So, so - - -

Is it right that the first time you found out that Mr Cheah was the person who brought the money in on 9 April, 2016 is when you were told that by the Finance Department, is that right?---Yes. That's right.

You later had a conversation with Mr Cheah to confirm that matter, is that right?---That's right.

40 But the first time you found out that information was from the Finance Department, is that right?---Yes.

And was that from Ms Wang, do you remember?---No, that's the, that's the point. I don't recall whether it was from Ms Wang or, or Jenny.

It was someone in the Finance Department. It may have been Ms Wang, it may have been Ms Zhao, is that right?---Yes. It was, again, reconstruct, it

was most likely Ms Zhao because she was the person who banked the money.

And then in respect of that conversation with whoever it was, whether it be Ms Wang or Ms Zhao, doing the best you can, what did that person say to you about Mr Cheah and the money?---It would have been a very simple conversation.

10 What I'm really trying to understand is, did they simply tell you that Mr Cheah brought the money in on 9 April, 2016 and nothing more, or did they add some of the other details you've now told us about, such as took the money home, collected money, things of that kind?---No. No, I think it was a very simple answer, which was that it was Kenrick.

So at least at that point in time, with your first port of call with the Finance Department, all you knew was that Kenrick Cheah brought the money in on that day, but without the context of that, is that right?---Yes.

20 But you then went to check that information with Mr Cheah?---Yes.

And just to help you get your bearings, the date that you got the notices to produce was 8 December, 2016, which was a Thursday.---Yep.

And so I take it from what you said before, you most likely spoke to Mr Cheah the next day, on Friday, 9 December, 2016?---I assume, I assume so.

And your best recollection is you asked him to come into your office.---Yes.

30 And then, now I'll go back to the Chief Commissioner's question, and appreciating it's very hard to do with the effluxion of time, but doing the best you can, what did Mr Cheah say to you when you asked him words to the effect of, "Are you, is it right that you are the person who brought the money in on 9 April, 2016?"---Well, I, first, he confirmed it was.

40 But did he say anything more about it?---I just, I remember he was very relaxed about it. He said, yes, it was. There was no – oh, he was upfront with saying that he had. So there was no question of extracting information from him. Obviously, as I said yesterday, I was concerned – the fact of it, the, the cash being brought in was something that I was focusing on, because it just seemed obviously such a large amount, and unusual. I was probably more focused, most focused on that issue, as I said yesterday. Then we did discuss, like, how, where this money, like how it was gathered, like, was it in one lot or – and he, he said that it had been gathered from pledges made at the dinner or money that was, people had said they would donate, and it was collected.

Did he explain who it had been gathered by?---In terms of the donors?

In terms, at the moment I'm talking about who – you said it was gathered from pledges. So I understand you to be saying someone did an exercise of collecting money - - -?---Yes.

- - - from one or more places.---I'm, my recollection is fuzzy, but I, I, we talked about the Chinese Friends of Labor dinner, and I think that's when we probably, we talked about Ernest Wong, that he was the organiser, and that – so I have a vague recollection that he may have said Ernest gathered some of the money.

10

And then did he explain in that conversation that he had brought the money in from home? Would that have been in that conversation?---He said that, yes, he'd brought it in from home, because I'd said where was the money being held, and he said, "At home," and I said something like, "You're kidding." So it was that sort of conversation.

And was there any explanation as to where the money was before it was at his home, immediately before it was at his home?---No. No.

20

But I thought you said before there was – to the Chief Commissioner – that there was some concept of the money coming into Sussex Street, and then going back to Mr Cheah's home, and then coming back in again.

MR LAWRENCE: I object, I object.

THE WITNESS: Not in the, no, not in any initial conversation I had with -
--

30

MR ROBERTSON: Just – I think someone objected?

MR LAWRENCE: I think that probably takes care of my objection, Chief Commissioner. There was no suggestion in her evidence prior to this point of that.

MR ROBERTSON: Well, I just clarified.

MR LAWRENCE: It was in a question from you, Chief Commissioner, and the answer to that question was, "No."

40

MR ROBERTSON: Well, let me simply clarify with the witness.

THE COMMISSIONER: Yes, yes.

MR ROBERTSON: So I'm just trying to understand what Mr Cheah is telling you in terms of the money.---Mmm.

So he tells you that he's brought in the money from home, on 9 April, 2016, is that right?---Yes. Yes. Yes, yes.

And does he tell you anything about where the money was before it got to his home?---No.

So there was no suggestion – I withdraw that. So from what Mr Cheah was saying, the first time that money hit NSW Labor was on 9 April, and not before, is that right?---That was my understanding at that time, yes.

10 And during the course of that discussion, I think you said there may have been a reference to Ernest Wong, is that right?---Yes.

Was there a reference to Huang Xiangmo?---No.

And was there a reference to Jamie Clements?---No.

And was there a reference to any other person you can now recall?---No.

20 And so from your perspective, at least at that point in time, your information was that it was Mr Cheah who brings it in on 9 April, 2016, correct?---Yes.

And that the first time that money hit the Sussex Street office was 9 April, 2016, correct?---Yes.

And that the immediate source of that money was that it was gathered from pledges from the dinner, correct?---That was my understanding.

30 Well, and it was more than – that was an understanding based on what Mr Cheah had told you, is that right?---Yes. And the fact that I had all those forms, as I said before.

And did Mr Cheah indicate to you who the donors were in relation to that money? Or was that something that you took from the forms that you and I have discussed?---I took it from the forms, but I did ask him whether he knew these donors, and I remember him saying, “Not really.”

And do you remember anything else about that discussion?---No.

Can we have volume 2, page 262, back on the screen, please.

40 THE COMMISSIONER: While that’s coming, I take it you didn’t have a statement prepared by Mr Cheah about these events?---No, I didn’t, sorry, Commissioner.

MR ROBERTSON: So I’ve put back on the screen the Word document that you and I discussed yesterday, and have you now given us the full source of the information that then led you to draft the responses to question number 1 and question number 3 that we can see on the screen?---I believe so.

And those two sources of information are, first, the Finance Department.
---Yes.

And then Mr Cheah.---Yes.

If we can then go two pages further along in that volume. Now, do you see there a draft letter to Mr Smithers of the Electoral Commission?---Yes.

And I take it you drafted that letter?---Yes. Yes.

10

And do I take it that these documents that we've just seen were drafted after you had done the exercise of asking some questions to find the answers and seeking to collate the various documents?---Yes.

THE COMMISSIONER: Can I ask you this, when you undertook your task of drafting the responses to the Electoral Commission, did you know that your draft responses would be reviewed, checked, whatever, by the ALP's lawyers?---Yes. Yes.

20

And the purpose of them reviewing it would be to, as it were, as a form of double-checking, if you like, to ensure that the responses were appropriate, given the serious nature of the Electoral Commission's investigation?---Yes. Yes.

MR ROBERTSON: Before I forget to do it, I tender pages 262 and 263 of the public inquiry brief, being draft responses to requests for information from the NSW Electoral Commission.

30

THE COMMISSIONER: Yes, the draft responses prepared by Ms Sibraa in response to requests from the Electoral Commission, being pages 262-3 of the Electoral Commission bundle, will be admitted and become Exhibit 289.

#EXH-289 – DRAFT RESPONSES TO QUESTIONS FROM THE NSW ELECTORAL COMMISSION

40

MR ROBERTSON: And if we can go back to page 264, please, Operator. Ms Sibraa, you'll see at the very top of the page, in red writing, some metadata that's come from the file that says, "File date, 16 December, 2016." Do you see that there?---Yes.

And do you see that it's a file coming from G:drive? And G:drive was the drive used to store documents, including documents for NSW Labor, is that right?---G:drive was the drive, NSW Labor's drive, yes.

And so that's where you would ordinarily store your documents that you prepared as governance director, at least for NSW Labor, is that right?---I,

well, I don't, I had my own, like a folder, so I would have stored my drafts in my folder, so I can't remember is that my folder or the - - -

If you just had a look at the file paths.---Yes.

It says "G:drive/Governance".---Governance, yep.

10 Does that ring a bell? So did you have a Governance folder within the G:drive where you stored your documents?---Well, my, my whole folder was Governance, so, as in, I'm wondering if that's a different, a different folder, whether that's a, held in a different place to my folder. I can't, I'm not clear from that whether that's my folder.

So it was at least stored somewhere on the ALP system?---Yes.

It may have been the folder you usually used or it may have been some other place. Is that right?---Yes. Sorry.

20 But is at least consistent with your recollection that you likely drafted this letter - - -?---Oh, yes.

- - - on Friday, 16 December, 2016?---Yes. I always dated, I always named my files in that way. So the year '16, the month, the day. So, yes, that would have been the day I drafted that letter.

So both the title of the document and the file creation date are consistent with your recollection that you prepared this document on Friday, 16 December, 2016.---Yes.

30 Is that right?---This, certainly this cover page, yes.

Now, it was only at – before I move on I will tender the document on the screen, volume 2, page 264, public inquiry brief draft letter to Mr Smithers from Ms Murnain, 19 December, 2016 prepared 16 December, 2016.

THE COMMISSIONER: The draft letter dated 19 December, 2019 [sic] will become Exhibit 290.

40 **#EXH-290 – DRAFT LETTER IN RESPONSE TO NSW
ELECTORAL COMMISSION DATED 19 DECEMBER 2019
PREPARED 16 DECEMBER 2019**

MR ROBERTSON: Now, is it right to say that it was only at the point at which you had prepared a full draft of what you proposed to send on to the Electoral Commission that that draft was forwarded on to Holding Redlich for their comment?---Yes, I, I believe so, yes.

And before that point in time do you have any recollection of any communications with Holding Redlich in relation to this matter and these notices to produce from the Electoral Commission?---I don't recall. However, I may have called to make sure they knew that something might be coming.

But you don't have any particular recollection - - -?---No.

10 - - - of a request for specific advice or provision of - - -?---No, no.

- - - specific advice at least until after the draft had been prepared. Is that right?---Yes, that's right.

And if we can go to document 3, please. You will see there an email from you to Mr Robertson and Ms Butler. Do you see that there?---Yes.

And they're a partner and senior associate of Holding Redlich respectively. Is that right?---Yes.

20

Those two were your usual contacts when seeking advice from Holding Redlich on behalf of either NSW Labor or Country Labor. Is that right? ---Yes.

And so on the evening of Friday, 16 December you then send the drafts both of the cover letters that we've seen but also the detailed responses and documents that you proposed be sent to the Electoral Commission. Is that right?---Yes.

30 And if you have a look at the second paragraph you say, "Can you please have a look at them and let me know your thoughts." Do you see that there?---Yes.

What advice were you seeking from Holding Redlich in writing that email to them? In other words, were you asking them to simply do something in the nature of a tick-and-flick exercise or were you actually seeking legal advice as to whether the responses to the questions were responses on a kind that the Electoral Commission seemed to be looking for?---It certainly wasn't tick and flick. It was for them to read my response to ensure that they felt that it satisfied what the Electoral Commission was asking and whether I had answered the questions adequately.

40

After sending this to Mr Robertson and Ms Butler, do you recall having any oral communications by telephone or otherwise with either of them regarding the draft?---I don't. No, I don't.

Let me try and help you this way. On the bill that was sent from Holding Redlich to NSW Labor, Ms Butler charged, or at least the firm charged for

Ms Butler 1.2 hours which included a telephone attendance upon you. At least that's what the narrative in the bill said.---Okay.

Does that help at all in refreshing your memory as to that matter?---Not really. Not really.

But you're at least sending it to them for more than, as I put it, a tick-and-flick exercise. You wanted them to confirm whether it was in sufficient form to go to the Electoral Commission, is that right?---Yes.

10

THE COMMISSIONER: But for them to do that – that is, Holding Redlich – they'd need more, wouldn't they, than the documents attached to this email. I mean, how could they know whether your responses were appropriate or not unless they had the full picture?---I, yeah, I don't know. I mean, I had - - -

20

I mean, were you asked to draft that letter to Holding Redlich? I mean, had there been some discussion about Holding Redlich's role dealing with the Electoral Commission?---We had a previous notice to produce, as I said yesterday, on a different, completely different matter. And at that time I was told send, before you send it in, send it to the lawyers, get them to look over it.

Well, that's the notice to produce documents, was it?---The same, exactly the same - - -

Same as this.--- - - - process.

30

Was that a list of questions? Was that - - -?---Yes, exactly the same.

Right.---A list of questions and a list of notice to produce documents. So exactly the same format, completely different, unrelated issue. So - - -

It was an unrelated matter, is that - - -?---Unrelated.

Right.---Yeah, just as I said yesterday.

Nothing to do with these donations?---Nothing to do with this.

40

No, okay.---Just something completely different.

I understand what you're saying.---So, yes, and I, and I was, and that had arrived a couple of, very shortly after I started in the role. So I was instructed that before, before you send it in, make sure the lawyers see it just in case. And in fact I think on the notice to produce documents, it suggests you seek legal advice when answering, so - - -

What I'm putting to you, just for your observations, is that perhaps, using the benefit of hindsight for starters, it might be put that both ALP, in approaching the questions from the Electoral Commission which they were seeking information on what was, I think we all agree, a very serious matter about which the Electoral Commission had a suspicion, it might be put that the ALP, dealing with these responses in the way it was, completely miscued, if I put it that way, because unless they had a full brief prepared with statements of people who were involved and so on, it would be well-nigh impossible for the lawyers to do much more than tick and flick, as it was put in the question. And it might be put equally for the lawyers. What did they think they were doing if they weren't fully in the picture as to what the background of this matter was, given the serious nature of it? So they too, it might be suggested, were acting inappropriately. What's your response? What's your response if those suggestions were made that on both sides of the equation there were gross deficiencies (a) by the ALP in not being realistic in providing all required information, and on behalf of the lawyers for realising that of course they need more information before they can evaluate your responses?---Well, I sent it to them so they could let me know whether I had answered the questions in sufficiency to, that I hadn't, that I hadn't read something wrong or done something incorrect or, or that, so, I mean, you know, and I think, I don't, I don't recall them having, querying anything I did. So - - -

No, that's not suggested.---Obviously, and as I said, my frame of reference throughout this part, this process was that I felt that because I had the forms, the invoices, we'd disclosed the donation to the commission in the first place, that I was, I, as I said, I hadn't jumped to that worst possible scenario, and therefore I wasn't, yeah, I, I was, I felt my answers were adequate and that that's what was confirmed by the lawyers. I can't speak for the lawyers otherwise. And as I said, it didn't differ substantially from my earlier dealings with them on another matter related to the Electoral Commission notice to produce.

I prefaced what I put to you "with the benefit of hindsight". Looking at it now, doesn't it somewhat appear that you were working, through perhaps no fault of yours, with insufficient information, and the lawyers just didn't have very much at all by way of background to work with to see whether your responses to the Electoral Commission were appropriate? With the benefit of hindsight.---Possibly, unless they saw the disclosures and the invoices as well and felt that it - - -

In other words, if you're dealing with a serious issue the Electoral Commission were writing to you about, you would expect somebody on both sides, both the ALP and the lawyers, might do some in-depth research and investigation of witness statements and the like, seek an extension of time if necessary, from the Electoral Commission to do it. Doesn't that appear now to be the, what would have been the appropriate way to handle this?---Yes. With the benefit of hindsight.

All right.

MR ROBERTSON: To your knowledge, did Holding Redlich do any investigations of that kind? For example, speak to the Finance Department or to Mr Cheah?---Not to my knowledge, no.

10 And so the extent of their review, at least to your knowledge, was to look at the draft that you had prepared and point out – or not – whether there was anything on the face of the documents that gave them any particular concern, is that right?---Yes.

And in point of fact, I don't think they suggested any amendments to the draft that you prepared at all, is that right?---That's my recollection, yes.

Just to confirm that, if we go to document 5, please, here's Ms Butler saying, "We've considered the attached documents and we think they're fine to be sent to the commission." Do you see that there?---Yes.

20 And that's on the following Monday, after you send it to them on the Friday evening, 3.27pm?---Yes.

And if we go to document 6, you were then at least a little bit surprised. "Don't you want to at least change the cover letter?" you ask of Ms Butler, at 4.30pm.---Yep, yep.

Do you see that?---I see the email.

30 And then document - - -?---I have no idea what it means.

Well, you're – it seems that you're confirming that Holding Redlich's view is that your document is, as it were, perfect, and doesn't need any changes, including to the cover letter. Would you agree?---That's how it reads, yep.

40 And then document 7, please. We'll try and just flick through these as quickly as we can. Just while that's coming up, at the head office end, other than you and those you spoke to, namely the Finance Department and Mr Cheah, was there anyone else involved in the exercise of producing this response?---Not, not that I recall. And I, I would have been careful about who I spoke to about this, because it does say on the document that you shouldn't discuss this with anyone, so I would have been very limited in who I spoke to. But I don't recall, other than of course notifying the general secretary, I don't recall anyone else assisting me.

In relation to the general secretary, that was Kaila Murnain at that time, is that right?---Yes. Yes.

Other than mere notification, you must have at least had some discussions with her in relation to this notice to produce and response?---Yes.

And doing the best you can, what were the nature of those discussions?---I think in the, it would have been the week following receipt of the documents and my getting the copies of the invoices and disclosure forms and speaking to Kenrick, that I would have gone in to see her, I went in to see her to, just to let her know where I was up to with it, and I said I had all the forms and I'd be putting together the response.

10

Did she express any concern that the Electoral Commission is investigating a matter of considerable import and concern?---Yes.

Did she volunteer to you whether she had any information that may be relevant to the questions that the Electoral Commission were asking?---No.

Did you ask her whether she had any information that would be relevant to the questions?---I don't – no, no.

20

Was it at least clear to you from the discussion, though, that Ms Murnain had not only just realised that there was a document that had been provided by the Electoral Commission and notices to produce, but that she'd read those notices to produce? In other words, was it apparent to you from what she said to you that she knew what the Electoral Commission was looking for?---Yes.

And she knew the nature of the allegations or concerns or suspicions that the Electoral Commission were investigating, is that right?---I, I assume. I assume she'd read the document and I assume she knew, yes.

30

But are you saying that although you had at least one discussion with her between receiving the notices to produce and responding to them, she didn't proffer any information that might be relevant to the Electoral Commission's investigation, either generally or the particular requests for information that she was making?---No.

Do you recall how many conversations you would have had with Ms Murnain regarding the notices to produce between receiving them and putting in the response?---I'm pretty sure it was just that one.

40

And do you recall where that happened? Was that in her office or somewhere else?---Again, only, based on best recollection, it was in her office.

And I think you said it was likely to be in the following week, by which I assume you mean the week beginning 12 December, 2016, is that right? ---Yes.

So one substantive conversation regarding the matter, is that right?---Yes.

Can we now have document 7. So Ms Butler says, “No, the cover letters are fine.” And then let’s go to document 8, please. And you see Mr Robertson compliment you on your drafting. Do you see that there?---Yes.

10 Now, if we then go to volume 2, page 314. And while that’s happening, I tender the bundle of documents that were on the screen, to which I’ve been referring to as documents 1, 2, 3, et cetera, in relation to the examination of Ms Sibraa.

THE COMMISSIONER: In relation to - - -

MR ROBERTSON: In relation to the examination of Ms Sibraa. It’s an omnibus bundle of a series of documents concerning the production of the response to the Electoral Commission.

20 THE COMMISSIONER: The email bundle, including emails between Ms Butler and Ms Sibraa on 19 December, 2016 in respect of the draft responses to the Electoral Commission inquiries will together be admitted as one exhibit and become Exhibit 291.

**#EXH-291 – INDEXED TENDER BUNDLE - JULIE SIBRAA -
CORRESPONDENCE WITH HOLDING REDLICH REGARDING
NSWEC NOTICES**

30 MR ROBERTSON: Ms Sibraa, you said a little while ago in response to one of the Chief Commissioner’s questions that you were instructed to seek legal advice in relation to responses to the Electoral Commission. Did I have that right?---Yes. Instructed the, yep, I mean, I guess I was told - - -

Directed, told, recommended.---Yes, directed, told, suggested, recommended.

Who gave that direction or instruction?---I imagine it would have been the general secretary.

40 So Ms Murnain, is that right?---Yes.

Was there any detail as to that instruction? In other words, the kinds of legal advice that should be sought on communications of that kind? Or was it a more generic instruction or direction saying, “Before anything goes to the Electoral Commission, it needs to be signed off or at least the subject of some advice by the legal firm”?---Correct.

Now, the next step in the process seems to be this email, where you then forward the draft documents that have been okay'd by Ian and Sarah to Ms Murnain, to Ms Wang and to Mr Garcia. Do you see that there?---Yes.

And so in terms of the communications that you had with Ms Murnain regarding the notice to produce and response, we've seen that Ms Murnain gets the notices to produce on 8 December, 2016. There's one discussion of any substance that you've referred to and then she's provided these documents on 19 December, 2016. Is that right?---Yes.

10

And other than what I've just summarised, is it right that at least to your knowledge Ms Murnain didn't have any involvement in the responses to the Electoral Commission's notices to produce other than obviously enough signing the final document?---No, that's correct. I think I did all the work and put it all together, yes.

I tender the email from Ms Sibraa to Ms Murnain, Mr Garcia and Ms Wang of 19 December, 2016, 5.27pm being pages 314 to 315 of volume 2 of the public inquiry brief.

20

THE COMMISSIONER: The email from Ms Sibraa to Ms Murnain and to Ms Maggie Wang, 19 December, 2016 together with attachments in relation to the Electoral Commission notice to produce be admitted as one exhibit. Become Exhibit 292.

#EXH-292 – EMAIL FROM JULIE SIBRAA TO KAILA MURNAIN AND MAGGIE WANG AND OTHERS ON 19 DECEMBER 2016 AT 5:27PM

30

MR ROBERTSON: Why did you send this email to Ms Wang as well as Ms Murnain?---I was just wondering that. I'm sure it was just so that she was aware of how this, how this had progressed given that she would have been my first port of call for information. So it was just in the interest of keeping people in the loop.

Was part of it to give her a last chance if she wanted to make any comments on the draft that at that point had been prepared and okayed but not yet sent?---I wouldn't have expected that, no. I think it was more for her information.

40

And in point of fact there was no suggestions from Ms Murnain, Mr Garcia, Ms Wang or anyone else as to changes that might be made to the documents that are attached to the email that are on the screen. Is that right?---That's correct.

The version that ultimately went was the same version that you prepared in draft that was okayed by Ian and Sarah and that was circulated by way of this email. Is that right?---I believe so, yeah.

And can we go, please, to page 316 of volume 2. Ms Murnain then responds to you to say, "I'm in tomorrow," which seems to be a reference to 20 December, 2016, "and Wednesday so can sign and scan in then." Do you see that there?---Yes.

10 And so is it consistent with your recollection that Ms Murnain in fact signed it on that tomorrow date being 12 December, 2016?---Yes, because the office was - - -

I may have just said 12th. I meant 20th (not transcribable) I apologise.---The office was actually closed that week which is, which explains why we were talking about who was in and who wasn't because the office was closed. So I, I wasn't in the Monday or Tuesday. I don't - - -

20 It was presumably closed in the lead up to Christmas. Is that right?
---Exactly.

Chief Commissioner, I tender the email on the screen being an email from Ms Murnain to Ms Sibraa, 19 December, 2016, 5.52pm, pages 316 to 317 of volume 2 of the public inquiry brief.

THE COMMISSIONER: The email from Ms Murnain to Ms Sibraa, 19 December, 2018 [sic] with attachments in relation to the notice to produce from the Electoral Commission will be admitted. Become exhibit 293.

30 **#EXH-293 – EMAIL FROM KAILA MURNAIN TO JULIE SIBRAA
COPIED TO OTHERS ON 19 DECEMBER 2016 AT 5:52**

40 MR ROBERTSON: And I won't go to it but in the previous omnibus bundle that I tendered, document number 10, it's ultimately signed and copied to solicitors. But I will go, please, to document CLP 4 and 5, please. And it's right to say, isn't it, that the responses that were provided on behalf of both the Australian Labor Party NSW Branch on the one hand and the Country Labor were in substance the same but dealing with the two different political parties. Is that right?---Correct.

And we'll just bring up the Country Labor Party response. So you ultimately emailed it to Mr Smithers of the Electoral Commission. Is that right?---Yes.

If we then just turn the page, please, that's the letter that Ms Murnain signed. It's dated 19 December, 2016, but it would appear to have been signed on 20 December, 2016, is that right?---Yes.

Remember the 19th is a Monday.---Yes. Yes.

But the 19 December date was the date on the draft that you'd prepared on the Friday, is that right?---Yes.

10 If we then turn the page. Ultimately you didn't provide the questions and answers in the table form that you and I have already discussed, Exhibit 289. You copied that onto a document of the kind that we can see on the screen, is that right?---Yes.

And then turn the page again, please. Turn the page again, please. There's the deposit slip. That was obtained from the Finance Department, is that right?---Yes.

Scanned in and then called attachment 1, correct?---Yes.

20

Next page. Transaction history, again obtained from the Finance Department, correct?---That, I could have got that myself by going, by accessing it online, but I don't recall exactly.

Sorry, my mistake. My mistake. I remember you said yesterday that you actually had access to the online banking, maybe that you've got that yourself, is that right?---Yes, possibly, yep.

30

Turn the page. And if we just keep flicking through the pages, you've then attached – and I won't get you to count this this time – but you've then attached 10 pairs of Country Labor tax invoices and invitation forms in the next part of the response, including from Dr Liao, and I think that's then the end of the document. I tender the document on the screen, which is marked as CLP 4 and CLP 5, being the responses sent to the Electoral Commission on 20 December, 2016, on behalf of the Country Labor Party.

THE COMMISSIONER: Yes, the documents, CLP 4 and 5, sent to the Electoral Commission, 20 September, 2016.

40

MR ROBERTSON: And I won't take the witness - - -

THE COMMISSIONER: Sorry, will become Exhibit 294. 294, yes. Thank you, Exhibit 294.

**#EXH-294 – RESPONSES SENT TO NSWEC ON 20 DECEMBER
2016 ON BEHALF OF THE CLP**

MR ROBERTSON: And I won't take the witness to it, but I will tender the response on behalf of the Australian Labor Party New South Wales Branch, marked ALP 4 and ALP 5, being the response sent on behalf of that party to the Electoral Commission on 20 December, 2016.

THE COMMISSIONER: Yes, the response in respect of the ALP, 25 September, 2016, numbers 4 and 5, Exhibit 295.

10

**#EXH-295 – RESPONSES SENT TO NSWEC ON 20 DECEMBER
2016 ON BEHALF OF NSW ALP**

MR ROBERTSON: Following that response being given to the Electoral Commission, what other involvement, if any, did you have in relation to the Electoral Commission's investigation as to the concerns that you and I discussed yesterday?---The concerns?

20 So as in the suspicion communicated by Mr Smithers that there may have been what I've described as straw donors and there may well have been a scheme to circumvent electoral law.---So after Christmas, in the new year, I remember it was the first day the office was opened. The general secretary called me to say, "We need to get a donations policy together. We need to tighten all of this up." And I began working on that, on that policy, and so it, and then that went on for a period, over a period of months, I think. And then there was a subsequent notice to produce from the commission some time later that I also responded to, so - - -

30 And that particular one concerned some smaller donations, is that right?
---Yes, it did.

Did Ms Murnain ever say anything to you to the effect that she had some suspicions or concerns as to what had taken place at the 2015 Chinese Friends of Labor event?---She did express, I think there was another occasion she did express concern about it in the context of talking about how we needed to come up with a new, a new policy and tighten everything up. She was concerned about it, yes.

40 And what were the particular concerns that she identified?---She was concerned that she, well, it was sort of she didn't, she was concerned also about anything else that might be, have happened, and so I was trawling to look for anything else that might have been irregular during her time or, particularly during her time. She was, she was concerned about that she may not know about everything, and so it was a discussion along those lines. Obviously, we, we both said this happened not in, under, you know, not in her time, so to speak, and that obviously we had to do it a lot better. So she was definitely concerned, and she expressed those concerns, but I

would have been – she was very diligent, I would say. That was my experience. So I would have been surprised if she hadn't been concerned. So it didn't come as any shock to me that she was a little worried about it.

But did she say or imply that she thought that the suspicions that Mr Smithers communicated may well be true?---Not really, no.

10 THE COMMISSIONER: Did he, in discussions with you discuss Mr Ernest Wong as being an active fundraiser in any respect?---Oh, there, no, I didn't have a conversation with her about him being an active fundraiser.

Did you know, after you commenced at ALP head office, that Mr Ernest Wong was known for being a bit of a rainmaker, in terms of fundraising for the ALP?---I, yeah, I understood that to be the case, yes.

20 Did Ms Murnain ever express any reservations to you about him and his fundraising activities?---She expressed concern about, at one point she expressed concern about him personally. She said she, she thought he was having some sort of mental health issues. She said that, she definitely said that to me once, but that was just a one-off thing, and I never heard anything else. And, and another point she, she expressed concern about Chinese Friends of Labor and that they weren't well governed. And that's, that led to a review of Friends of Labor groups broadly, a, a sort of, a broad review.

30 In relation to the first of those two matters, the conversation in which the mental health issues were referred to, was that in a particular context of any matters affecting or concerning the ALP?---No. It was quite, it was a rather spontaneous kind of remark. I think, it's possible she'd been on the phone, and I walked into her office and she just said something as a result, but it was a, it was a sort of a one-off conversation, she seemed concerned.

At the time she mentioned concerns about the way in which Chinese Friends of Labor were operating or existing, were you aware that Mr Wong was associated with that group?---Yes.

And what sort of concerns did she express that she had about that group?---I think it was that she – we didn't have enough oversight of what they were doing.

40 Yes. Do you recall any other discussion about that matter with her?---Not specific, not specifically no.

All right, thank you.

MR ROBERTSON: So to be clear, is it the case that at no time did Ms Murnain say to you that she had some information that may be relevant to the Electoral Commission's enquiries?---Not that I recall.

In relation to the Electoral Commission enquiries, did Ms Murnain seek to withdraw herself, disqualify herself or recuse herself from being involved in those responses, or was she involved in them, albeit getting you to do the legwork as governance director?---She, it's not my recollection that she actively recused herself. But I, but for whatever reason, I did not involve her in the preparation of the response.

So it was principally your role to prepare the responses in any event, is that right?---Yes. Yes.

10

And you said to us yesterday that one of the reasons for the governance director role is really as a matter of administrative convenience, so that the elected party officials are spending their time doing things like winning elections, rather than focusing on paperwork of the kind that a governance director might do, is that right?---Exactly.

And consistent with that, you did the legwork in terms of responses to the Electoral Commission and dealing with the Electoral Commission's investigations. Is that right?---Yes.

20

But Ms Murnain didn't say to you something like "I'm going to leave that all to you. I don't want to be involved in the investigation at all." Is that fair?---Not that I recall. I mean, she, she often recused herself from various things unrelated to this so it was something she did in various scenarios but I don't actually remember in this context her saying that she would recuse herself.

30

The discussions that we were talking about a moment ago, as I understand what you're saying, they weren't specific about this particular event, they were more general concerns about matters such as donations policies and the like. Is that right?---Yes, just I felt that she, this had alerted her to maybe she didn't know, there may be things that she didn't know and that we needed to have a look through and see if there was anything that we should be concerned about that's of any nature so - - -

And so at least in general terms what were those concerns, what were those general concerns?---Just I suppose, I think it was like cash donations, large cash donations, things like that.

40

Is that the extent of it?---I think so, yes.

Because one of the things that you were tasked with doing is preparing some written policies regarding matters such as donations. Is that right?---Yes.

And what were the concerns that led to the desire for policies of that nature, was it just the cash donations issue or there were other issues as well that informed that exercise?---Well, I'm, I had a, I had a huge to do list in terms of my job. That would have been one of the things that would have been

certainly on that to do list but I, I definitely think that the matter that, the notices to produce issue from the Electoral Commission certainly prompted that to be done as a matter of urgency and it was very much at the general secretary's urging that that be done as a high priority at that time.

10 But I'm just trying to understand why it was a high priority, what the particular concerns were that led to that being such a high priority.---Well, clearly large amounts of cash arriving at the party just, I mean, as I said yesterday just the whole, even with the most benign view of it, it was incredibly shoddy kind of practice and process and that all had to be, had to be cleaned up.

So at least as at the start of your time as governance director there was a view that I think at least you held and perhaps also the general secretary that it would be desirable that there be some more detailed written policies concerning matters such as donations. Is that right?---Yes. I mean, that was very much part of my job but as I said, the general secretary was very much urging us to get that done as a matter of priority in 2017.

20 And indeed that was one of the reasons the governance director role came to exist was with a view of coming up with some more detailed and tightened up policies in relation to donations and other issues. Is that right?---Yes.

Now, you're aware that as part of its investigation the Electoral Commission conducted some interviews with staff of the Sussex Street office.---Yes.

30 Did you have any involvement in logistical or other arrangements in relation to those interviews?---Getting the, I got the two, I think it was two people, I got them, made sure they had legal representation.

And is one of those two people Mr Kenrick Cheah?---Yes.

Can we go, please, to volume 5 and to page 59, public inquiry brief. Page 59. And the other individual you referred to a minute ago, I take it, was Ms Zhao, is that right?---Yes.

Now, if we go back, please, a page. This is the folder that you and I discussed yesterday.---Yes.

40 And this is your handwriting in the top right-hand corner, correct?---Yes.

And if we then turn to the next page, please. That's the summons issued by this Commission to give evidence to Mr Cheah. So we're now talking about this Commission in the folder.---Okay.

And if we then just go another couple of pages. Then the next document is the notice to produce information that you and I discuss later. Back a page, please. At least in the version that the Commission obtained from the

Sussex Street, there was only two documents in that folder. One was the summons to give evidence before this Commission and one was the notice to produce information and documents that was, that you and I discussed yesterday. Is it your recollection that that was the only two documents in that folder? Or would there have been more documents in that folder while you were governance director?---I honestly don't remember what would have been in that folder. I mean, obviously the copies of the notice to produce would have been in there.

10 But that folder was your own file as to documents you were keeping in connection with the investigation, is that right?---Most, most of the documents I kept were on the drive, so - - -

But is it the case that, is it likely that there was only two documents in that folder? Or is it possible that there were more than two documents in that folder?---I can't, I can't recall. I would have had the original copies, I would have thought, of the notices to produce. As to whether I had anything else, I can't recall, because I knew that I had the scanned copies of what we provided the Commission. So I honestly can't recall.

20

I tender the, what appears to be a manila folder with handwriting from Ms Sibraa, "NSW EC Inquiry, Chinese Friends of Labor", and the contents thereof, being pages 58 through to 63 of volume 5 of the public inquiry brief.

THE COMMISSIONER: Yes, the manila folder of the ALP in respect of Chinese Friends of Labor, together with its contents, will become together Exhibit 296.

30

#EXH-296 – MANILA FOLDER WITH HANDWRITING 'NSWEC INQUIRY CHINESE FRIENDS OF LABOR' AND CONTENTS THEREOF BEING PAGES 58-63 OF VOL 5

MR ROBERTSON: And can we go, please, to Exhibit 271. So Mr Cheah was one of the people that the Electoral Commission interviewed, correct? ---Yes.

40 And you arranged through Holding Redlich for someone to accompany Mr Cheah to that interview, is that right?---Yes. Yes.

And we'll just bring up on the screen the emails that effected that. If we can go to the next page, please, Operator. You'll see there, Ms Sibraa, the email from Mr Smithers to Mr Cheah which attaches the notice requiring him to attend for the interview. And do you see further up the page you then forward that to Mr Robertson and Ms Butler?---Yes.

If we turn back a page, please. You'll see there Mr Robertson suggests that it would be desirable for Kenrick to be accompanied by a lawyer, and he says, "I think there would be merit in him," being Mr Cheah, "being accompanied by a lawyer so that in particular we have a clear idea of the direction of the commission's investigation." Do you see that there?---Yes.

And you then respond to say, "I agree that would be advisable." You see that?---Yes.

10 Now, following Mr Cheah's interview, did you have any further discussions with Mr Robertson or Ms Butler regarding the direction of the commission's investigation?---Do you mean - - -

I mean after the interview with Mr Cheah.---I don't recall, I recall I did speak to Ms Butler after, and I think it was a very general conversation about, well, how, how did it go.

20 Did she give you a rundown, at least in general terms, of what Mr Cheah had told the Electoral Commission?---I honestly don't recall, but I think my takeaway was that it was nothing other than what we already had provided the commission. So, but to be honest, I don't really recall the conversation very well with Sarah, but - - -

Do you remember whether you were sent a copy of the transcript of the interview of Mr Cheah?---I think I was.

Did you read it?---I don't think I did.

30 Have you ever read it?---I don't think so.

Have you ever discussed what Mr Cheah said to the Electoral Commission with Mr Cheah or with anyone else?---No. Once again, I believe I said to Mr Cheah how did it go and he said it went okay and then that was it because I had concerns about, obviously there's an investigation underway. I had concerns about what I was supposed to know or, so that is, that's the predominant reason I didn't read the transcript was because I wasn't sure I was even supposed to have it. So I was very cautious about making too many inquiries because as the investigation was clearly continuing.

40 So are you saying you're best, you don't think you read Mr Cheah's interview transcript?---I, I'm pretty sure I didn't.

Are you aware that Mr Cheah told the Electoral Commission that Mr Huang went to collect money from individuals and gave it to the former general secretary, which would appear to be a reference to Mr Clements, where after the money was then given to Mr Cheah. Do you know that Mr Cheah said that to the Electoral Commission?---Well, I'm aware now through this inquiry.

And when did you first become aware of that matter?---That he'd said that?

That he'd said that to the Electoral Commission.---As a result of this inquiry.

So it's something that you became aware of, was it during the period of time you were governance director or some period of time after that?---What do you mean?

10

I'm just trying to pinpoint when you first heard, when you first found out that Mr Cheah had told the Electoral Commission that the money was at least first brought into head office by Mr Huang rather than by someone else?---The first time I heard that he'd told the Electoral Commission that was when I read the transcript or the media report in this inquiry.

And so that was after you were no longer the at least full-time governance director of NSW Labor. Is that right?---Yes. So it's a week ago.

20

And were you quite sure in your mind that Mr Cheah didn't tell you of that matter either when you discussed the Electoral Commission's notices to produce with him in December of 2016 or at any other time while you were governance director?---So not when, not when I was answering questions for the commission. There was one conversation prior, when he'd been, I think he'd been offered an indemnity and he told me and at that point he, when I asked him a question about what was going on he, he mentioned that he had, he maybe had gotten the money from Mr Clements. At that point I just said, "Well, you have to just tell the truth."

30

So just to be clear in terms of timing. You're quite clear in your mind that during the discussion you had with Mr Cheah in December of 2016 he didn't mention the name Mr Huang. Is that right?-----No.

And are you quite clear in your mind that he didn't mention Mr Clements in connection with the issue of the money coming in?---At that time, no.

And the first mention by Mr Cheah of Mr Clements was around the time that he was offered in effect an indemnity if he was to give further information. Is that right?---Yes.

40

And did he ever utter to you the words Mr Huang or Huang Xiangmo or Xiangmo Huang or words to similar effect?---We, his name may have come up once but not in the context of this. In the context of fundraising, Chinese Friends of Labor but not in context of this.

At any time while you were governance director, did anyone give you any information which might lead someone to suspect that there were what I've described as fake donors?---Give me any - - -

So did anyone say, “Well, we’re concerned about X, Y, Z,” or “It looks like the CLP forms are photocopies of the ALP forms,” or “We’re concerned as to whether these forms are what they look to be”? Did anyone have any discussions of that kind or give you any information of that kind whilst you were governance director?---The first time, the, the, it was either Mr Baragry or Mr Smithers came into the office one day – I can’t remember when, sometime mid-2017 – and at that point they, I can’t remember why they were there, to collect something, and at that point they told me they had
10 been interviewing the donors that were on the forms and that they said at that point that they had concerns. So it was the Electoral Commission themselves that raised that with me.

And what about people within the Sussex Street office? Was there anyone who said, well, there’s some information that’s come forward or that we are concerned about and we think there may be an issue here?---Not that I recall, no.

If you had found out while you were governance director that the money
20 may well have been brought in by Mr Huang and may well have been given to Mr Clements, who may well have given it to Mr Cheah, would have you taken any particular steps concerning that matter? And if so, what steps would have you taken?---Well, I would have had to raise it with the general secretary and suggest that there be some sort of meeting with the senior leadership of the party.

And you would have at least, if that happened after 20 December, 2016, would at least have to reflect on whether further information needed to be given to the Electoral Commission, would you agree?---Could you say that
30 again?

Well, the response to the Electoral Commission said that Mr Cheah was the person who brought in the money, correct?---Ah hmm.

And you would at least have to reflect on whether some further information would need to go to the Electoral Commission to qualify or further explain that response, would you agree?---It was a, at what point, though, are we – at any point?

40 All I’m suggesting to you is that if the response to the Electoral Commission of 20 December, 2016 had already gone in at the time that you found out about - - -?---Right, yes.

- - - what Mr Cheah said about Mr Huang Xiangmo and Mr Clements, that would at least require some further communications with the Electoral Commission, would you agree?---Yes.

But are you saying your first port of call would be to raise the matter urgently with the senior leadership of the party, is that right?---Probably.

And when you say the senior leadership, I take it in the first instance you mean the general secretary?---Yes, but the party officers in particular. It goes beyond that. Yes.

10 THE COMMISSIONER: You said there was an occasion – I thought you said anyway – there was a discussion with Mr Cheah in which he mentioned Huang Xiangmo. What context or occasion did that conversation take place?---Probably I think the issue had come up around there were the, there was the two kind of big Chinese donors. It was a discussion about who these people were. I had no real knowledge of this whole, this issue, and I think Kenrick was explaining that there was, there was Mr Chou I think his name is, and then there's Mr Huang, and that the kind of, and it was a conversation about them just as character, as, as personalities, and it was a broad discussion around that sort of issue, because I had no understanding.

20 Did the discussion go to whom Mr Huang had donated funds in the past? ---Well, the discussion was that they had both been donors and both had donated to all parties, and they'd both been big political donors, but they were, they were not in any way connected. It was a conversation along those lines. It was - - -

Was the discussion that he had been a donor to the ALP federally and state?---I, I don't, I don't think we were, I don't think it was talking about that specifically, no.

30 Was there concern being expressed about these two large donors, or what was the point of the discussion?---Well, I think it was that there'd been media kind of attention and I was sort of saying, well, well, who are, oh, you know, who are these people? Like, mmm.

And when did that discussion take place?---Oh, I, I, I couldn't - - -

Did it follow some expose in the media or something, or - - -?---I'm trying to think, I - - -

40 You can't recall.---I can't.

Just one other matter. The correspondence with Holding Redlich about whether Mr Cheah should be represented at the interview included the statement in that by Holding Redlich, Mr Robertson, that he thought it would be in effect desirable that he be legally represented. And in particular, it would provide the benefit or advantage of knowing where the Electoral Commission's inquiry was going, or words to that effect. Do you recall?---Yes.

So, the Cheah interview takes place. Ms Butler gives you this, some report, as you've discussed. But what about the point that Mr Robertson had raised, about whether the interview gave some idea of the direction the Electoral Commission would take, that being one of the specific reasons given by Mr Robertson for him being legally represented? So, my question is, well, what was the natural follow-up then? What discussions took place with ALP as to what direction the Electoral Commission were or was likely now to take in the light of the Cheah interview?---There were, as I said, I had a brief conversation with Ms Butler, a probably even briefer
10 conversation with Mr Cheah, neither of them, neither of them indicated that there was any great issue that deviated significantly from the information we'd already provided, that, so, there were just so – and as I said, I was wary about what I was supposed to be talking about or not. So I left, so that was it, I left it, at that point.

I see. You've come to realise, of course, the Cheah interview was quite revealing about some matters - - -?---As I've - - -

- - - which would be regarded as disturbing.---As I've found out, yes.
20 All right.

MR ROBERTSON: And to be clear, you don't have a recollection of reading that transcript whilst you were governance director, correct?---No.

And you have no recollection of anyone telling you about the substance of what Mr Cheah said during that interview, is that right?---No.

That's the examination. As I've already indicated, I would briefly need to recall Ms Sibraa next week for the purposes of cross-examination by anyone with leave to do so.
30

THE COMMISSIONER: Yes.

MR ROBERTSON: I'll make contact in the meantime with those who have indicated to me that they may seek leave, because the examination may, and so any cross-examination may wax or wane, conceivably, in light of the material that's come out this morning.

40 THE COMMISSIONER: Yes. Have you - - -

MR ROBERTSON: I should just indicate though, if there's anyone else who is present who may seek leave to cross-examine the witness, that might sensibly be raised now.

THE COMMISSIONER: Yes. You've completed your examination today?

MR ROBERTSON: I've completed my examination, yes.

THE COMMISSIONER: Yes, thank you. Yes, does anyone wish to make application to cross-examine Ms Sibraa? There's no response to that? Well, then - - -

MR ROBERTSON: There are two counsel who have indicated to me separately. So I'm just, I'm assuming that that question applies to people other than those two.

10 THE COMMISSIONER: Yes, yes. Well, no responses here today. But Ms Sibraa, it sounds likely that we will have to get you back at some point. We'll try and arrange it to fit in as best we can to your schedule, as well as our own. But so that completes your examination today. You're free to go, thank you for returning today.---Thank you.

I'll take the morning tea adjournment.

20 **THE WITNESS STOOD DOWN** **[11.34am]**

SHORT ADJOURNMENT **[11.34am]**

THE COMMISSIONER: Yes.

MR ROBERTSON: I call Maggie Wang.

30 THE COMMISSIONER: Thank you. Just take a seat there for the moment, thanks, Ms Wang. Now, would you just state your full name.

MS WANG: Maggie Zhang Wang.

THE COMMISSIONER: Thank you. Is there any application in respect of - - -

40 MS LINDEMAN: Thank you, Chief Commissioner. Ms Wang has instructed me to make an application under section 38 of the ICAC Act. She has had sections 37 and 38 explained.

THE COMMISSIONER: Thank you. Very well. Ms Wang, do you take an oath or an affirmation?

MS WANG: Oath.

THE COMMISSIONER: Oath. Thank you. I'll just have that administered. If you wouldn't mind standing.

THE COMMISSIONER: Just take a seat. Ms Wang, I understand that you have been informed of the provisions of section 38 of the ICAC Act and you wish that application to be made.---Yes.

Declaration to be made.---Yes.

10 You understand that whether or not a declaration is made you're still required to answer all questions truthfully?---Yes, I do.

Produce any documents that may be required?---Yes, I do.

Thank you. It is important to understand that the effect of a section 38 declaration is that it prevents your evidence being used in future proceedings against you except for one exception and the exception is that the protection does not prevent your evidence from being used against you in the event of any prosecution for an offence under the ICAC Act which
20 would include giving false or misleading evidence for which there is prescribed a term of imprisonment. I simply mention that as I do with all witnesses so that they fully understand the effect of section 38.---Yes, I do.

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness, Ms Wang, all documents and things that may be produced by her during the course of her evidence at this public inquiry are to be regarded as having been given or produced on objection. Accordingly there is no need for the witness to make objection in respect of any particular answer given or document or
30 thing produced.

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

THE COMMISSIONER: Thank you, Mr Robertson.

MR ROBERTSON: Ms Wang, you were the Financial Controller for NSW Labor from 2009 to June of 2017. Is that right?---Correct.

And in that role who did you report to?---In the office I report to the general secretary.

And so that was Ms Murnain in more recent years. Correct?---Correct.

Before her was Mr Clements. Correct?---Yes.

Before him Mr Dastyari. Correct?---Yes.

10

And before him Mr Thistlethwaite. Is that right?---Correct?

Who reported to you in your role as financial controller?---Jenny Zhao and occasionally there are temporary staff as well but the period, the 12-month period before I left the Labor Party, there was a part-time staff called Susanna I think.

And in relation to the temporary staff do I take it they assisted with basic bookkeeping type functions. Is that right?---Correct.

20

But you were ultimately responsible for what went on within the Finance Department, whether that be actually performed by you or by Ms Zhao or by one of those temporary staff, is that right?---Correct.

Was Kenrick Cheah employed at head office when you were there?---Yeah.

And what was his role, as you understood it, when he was at head office? ---My understanding was he was the community relations director. His, I mean, the connection between his role and my role back then was only when he hand in fundraising money to Finance Department, yeah.

30

So as part of Mr Cheah's role, he had roles in fundraising, is that right? ---Correct.

And you had at least some dealings with him in that he may need to speak to you regarding fundraising matters, is that right?---Correct.

And one of the things he might do is hand you either cash or perhaps cheques or perhaps credit card forms in relation to fundraising events, is that right?---Yep.

40

And is it right that as community relations director Mr Cheah had a close relationship with Chinese Friends of Labor?---Well, I would think so.

So one of his functions as community relations director was to act as a liaison with that organisation, is that right?---Yep.

And you know Chinese Friends of Labor to be a Labor Action Committee, is that right?---I'm not sure what is Action Committee, but it's part of Labor Party's party units.

And so at least part of Mr Cheah's role was to liaise with party units of the kind that you've just identified, is that right?---My understanding was, yes.

What about Ernest Wong? Do you know who Ernest Wong is?---Yeah.

10 And in fact he worked at the party office for a period of time when you were working at the party office, is that right?---Correct.

And what role did he have when he worked at the party office?---He was actually doing the same thing to me as what Kenrick Cheah did back then.

And so I think Mr Wong actually performed, actually had the title of community relations director when he was at head office, is that right?---I don't know the title of him back then.

20 But at the very least - - ?---It wasn't a formal title.

But at very least he was performing the same kinds of functions as what Mr Cheah ultimately did, is that right?---My understanding, partially, maybe, yes.

And then Mr Wong ultimately became a member of the Legislative Council, is that right?---I believe so because, yeah.

30 After he left head office, this is Mr Wong, did you have any dealings with Mr Ernest Wong?---Not really.

Does that mean you did have some dealings but they were less common than when he was employed?---Correct.

So you had at least some dealings but it wasn't regular, is that right?---Not regular and not direct, maybe.

40 Well, did you have at least some direct dealings with Ernest Wong during the time that you were financial controller and during the time that Mr Wong was a member of the Legislative Council?---Yes.

Do you know who Winnie Huang is?---I don't know him personally.

It's a she. It's a she.---Oh, sorry.

Huang, H-u-a-n-g. You don't know that female individual?---No, I don't know her.

So you have no recollection of any contact with that particular individual?
---During my, when I work there, maybe there was some communications,
like, I don't know, but could be.

Well, do you know who Winnie Huang is?---I, at the time I didn't know, but
now I do.

And who is that person?---She works for Ernest Wong.

10 She worked for Ernest Wong when Ernest Wong was a member of the
Legislative Council, is that what you mean?---Yeah, I believe so, yeah.

And do you have any recollection of any dealings with her whilst you were
financial controller at NSW Labor?---I don't remember clearly when and
how, but if she worked for Ernest Wong, part of my role was looking after,
you know, finances. If any part of my job relating to the MLCs, then I
would have communication with her.

20 But why would you have cause to have contact as financial controller with
either Ernest Wong or Ernest Wong's office?---Because as the financial
controller I do look after, like, MLC or any MPs levies paid to the party
office. So - - -

Is that the only reason why you would have any contact with Ernest Wong
or Ernest Wong's office?---That would be the direct communication
between me and all the MPs' offices or MLCs' offices. But of course, if
Ernest Wong still look after fundraising for the Chinese community, there
could be chances that I communicate with him or his office.

30 So you're saying that you may have had some communications with Ernest
Wong or his office in connection with fundraising matters?---Yep.

And a couple of times you've distinguished between contact directly and
indirectly. What did you mean, why did you draw that distinction?---If
directly, I mean, I would send emails or phone calls to Ernest Wong.
Indirectly, could be to his office.

Just through his office, or through someone else within NSW Labor?---Oh,
more likely to be in his office, to his office.

40 Are you a member of the Australian Labor Party?---No.

Have you ever been a member of the Australian Labor Party?---No.

Would you regard yourself as Australian Labor Party supporter?
---Supporter in what way? I am not sure. Mmm.

Well, as a supporter of the ideals and objectives of the Australian Labor Party in general terms.---No, I don't think so.

One of your roles as financial controller was to be ultimately responsible for the processing of donations and other contributions and the issuing of receipts, would you agree?---Yep.

10 And I want to ask you some questions about the procedures that were in place as at the financial year end of 30 June, 2015. And so at the moment I'm talking about the procedures in general, and then I'll come and ask you some more specific questions. In relation to that financial year, is it right to say that NSW Labor and Country Labor maintained a single MYOB file to keep their books? In other words, there was a single MYOB file that was maintained, not a separate MYOB file for the Australian Labor Party NSW Branch and a separate file for Country Labor, is that right?---I believe there were two separate MYOB files for the party.

That's what I'm suggesting to you.---Yep.

20 There was one single file, and that single file was used both for Australian Labor Party NSW Branch matters and for Country Labor matters, is that right?---Yep.

And I take it that you had administrator access to that file?---Correct.

Did anyone else have administrator access to that file?---I don't remember clearly, but I think all the users of that accounting system have full access.

30 So who had access to that file? Plainly enough, you. Presumably Ms Zhao as well, correct?---Correct.

Who else had access to that file in the yearend of 30 June, 2015?---I think the party agent back then had a full access, and also the temporary staff.

40 And in terms of the temporary staff, were they set up to have limited user access, or were they given the same administrator access that you would have as financial controller?---I think one of them do have the same level of access as me, and the rest may not have access to payroll, but have all the rest.

And when you say one of them, are you saying that there was some temporary users established in the system? Or are you talking about there's a - - -?---Part-time.

- - - that there's a user was set up for each individual person?---Yeah, one user for each staff, and the one had full access as I mentioned earlier was the part-time staff.

So are you saying that there were a series of user accounts, each of which had a particular person's name associated with them, is that what you're saying?---I believe so.

Were there any more general accounts that could be used by multiple different people?---Could be, but shouldn't, but could.

10 Well, who was responsible for setting up user accounts of that kind? Was that your role as financial controller, or was it someone else?---Well, there, yes, that was my responsibility.

And so did you set up any generic accounts that could be used by multiple different people?---I don't have a clear recollection. There could be a finance, general finance user.

Is it right that some of the temporary staff you referred to a moment ago would have access to the MYOB file?---Yeah.

20 And one of the reasons why they might have access to it is to record donations to either NSW Labor or Country Labor, is that right?---Correct.

And when those temporary staff would access the MYOB file, what username would they use? Would they use a username that was specific to that individual or would they use a more generic account that might be shared as between a few individuals?---Their own name, their own individual name.

30 So every user account has a particular name associated with it, is that right? ---Yes.

And that's how the temporary staff would use the MYOB file, is that right? ---Correct.

Now, just so we can understand how this works tangibly, can we have the MYOB sample document on the screen, please. I'm just going to put a document up on the screen that's in front of you, Ms Wang.---Sure.

40 Now, here are a few windows with which I suspect you are intimately familiar, do you agree?---Yep.

And this is a series of windows that one may see when one is using an MYOB file, do you agree?---Ah hmm.

And if you just focus on the one in the top left-hand corner at the moment, do you see that's the sales part of the command centre within MYOB? ---Yep.

And is it right that that's the particular part of MYOB that would be used to record the making of donations or the making of other contributions to NSW Labor or Country Labor?---Yeah.

And is it right, then, that if someone wanted to donate an amount of money and you or someone under your supervision was going to record it in the MYOB file, the first thing that they would do is click the "enter sales" button in the window on the top left-hand side of the screen?---Yep.

10 And if one clicks that, one then gets the window on the top right of the screen, correct?---Yep.

And the first thing that one does is one puts in, in the customer field, the name of the particular individual who is donating the money or otherwise making a contribution, correct?---Yep.

And if that person's already in the system, their address details will come underneath it, near where it says "shipped to", is that right?---Correct.

20 So if it's someone who's already made a contribution in the past, there's a little bit less work to do, correct?---(No Audible Reply)

Sorry, you need to answer out aloud.---Yes.

But if it's a new person, you might need to add in some additional details, correct?---Correct.

30 And then if you look in the top right-hand corner of that window, there's an invoice, it says "invoice" and then a colon. Do you see that there? Towards the top right-hand side of the sales window.---Yep.

And in that field, when you open up a window, an invoice number will be automatically generated, is that right?---Correct.

But you can overwrite it in order to put a particular invoice number, is that right?---Yep.

40 But ordinarily one would simply adopt the automatic invoice number that comes up that MYOB issues. Is that right?---Yep.

Then the date, obviously enough, is the date. Underneath the word "description", that's where one would put a narrative as to the particular thing that is being either sold to someone, or you might note that it's a donation in connection with a particular event, is that right?---Yep.

And to save time, what one might do is click the "save as recurring" button towards the bottom of the window, is that right?---Yep.

So if one has 10 different donations to process, one might save that as recurring and then press the “use recurring” button to save some time, is that right?---Yes.

And then next column, we’ve got the “description” column, then we’ve got the “account” column. So that’s the income account to which a particular sales will be recorded against, is that right?---Correct.

10 And so, for example, there’s an account for donations, is that right?---Yes.

And the amount, obviously enough, is the amount that you’re recording, correct?---Yep.

And the next one is a job. So is it right that you or someone under your supervision would set up jobs in MYOB for particular events? For example, there might be a job for a Chinese Friends of Labor event.---Correct.

20 And the reason you’d do that is to allow reports to be issued in relation to a particular job or event, so one could see, for example, how much money would be made from a particular event, is that right?---Yes.

And so would I be right to say that that’s, filling out this window, so the window in the top right-hand corner of what’s on the screen, was the first step that would be taken in relation to recording a donation or other contribution, at least as at the financial year ended 30 June, 2015?---Correct.

And once all of that’s done you hit record. Correct?---Yes.

30 And that would then show in the MYOB system that an amount is owing to the Australian Labor Party. Correct?---Yes.

But you then need to separately record the receipt of payments. Is that right?---Yes.

And the way that you do that is you click the receive payments button in the top left-hand corner. Correct?---(No Audible Reply)

40 In the sales part of the command centre.---We have to go back a step. Where is it?

So if you look at the top left-hand corner. I’m back to the sales part of the command centre.---Yeah. Okay.

And to record the receipt of payments you click the “receive payments” button. Is that right?---Yes.

And that will open the window we can see in the bottom left-hand corner. Correct?---Ah hmm.

And one would then identify the particular customer who has paid the money. Is that right?---Yes.

And that, for example, would be the donor who had pledged to pay and had paid a particular amount of money. Is that right?---Yeah.

And at least as a matter of practice - - -?---My screen, sorry, my screen just on and off all the time.

10

I'm sorry about that.

THE COMMISSIONER: Yes, it's happening to mine as well. I don't know why. This problem has occurred before.

MR ROBERTSON: Yes. I've reported that to those who at least should be capable of fixing it.

20

THE COMMISSIONER: We might see if somebody can attend and help us on that.

MR ROBERTSON: I suspect it will be difficult to do mid-session but we'll make that request and see if we can - - -

THE COMMISSIONER: Yes.

MR ROBERTSON: Can I suggest that we continue on but if, Ms Wang, it gets too distracting or it turns completely off please let me know.---Okay.

30

Looking at the window in the bottom left-hand corner, do you see how there's a radio button that says "group with undeposited funds"?---Yeah.

And was it the case that at least as a matter of practice in the financial year ended 30 June, 2015 payments were all recorded as being grouped with undeposited funds and then they later became recorded as banked by recording a banking payment?---Yeah.

40

And so if there's a particular donor they get put in the window in the bottom left-hand corner, it's recorded and that's all grouped with the undeposited funds. Is that right?---Yes.

At least at this point in the exercise you filled out the "enter sales" window in the top right-hand corner and the "received payments" window in the bottom left-hand corner. You have money being received by the Australian Labor Party in the broad sense of the word but you haven't yet told MYOB whether that money is for the benefit of the Australian Labor Party NSW Branch, for example, or Country Labor or for that matter, the federal account of Australian Labor Party. Is that right?---Yeah.

The allocation of that between one of those three manifestations of the Labor Party happens at a later stage of the process. Is that right?---Well, because Country Labor and NSW Labor has different MYOB files. My understanding - - -

10 Different what, I'm sorry?---Different accounting records. So if the invoice being issued under ALP I would assume that the group and deposit funds will go to ALP's federal or state campaign account anyway, so there shouldn't be a case that the group fund sitting in one party and deposit into another party's bank account.

But at least at this point in time in the process within the MYOB file am I right in saying that if you put in an invoice in the top right-hand corner and you put in a payment in the bottom left-hand corner that's grouped with undeposited funds, in the data within MYOB the data doesn't identify that particular sum of money as being ALP NSW - - -?---Deposit to which account, yeah.

20 - - - or federal account or Country Labor. Is that right?---Correct.

But are you drawing attention to the fact that in the top right-hand corner one thing that one can do is print an invoice by pressing the "print" button. Is that right?---Yeah.

30 And at what stage of the process would that invoice be printed, would it be printed at step 1 when the invoice is – I withdraw that. Is that at step 1, where the sale is entered in the top right-hand window, or is it only after the payments are done in the bottom left-hand corner, or is it at some other time?---I believe – because Jenny does, generally does all of this – I believe the correct procedure would be, if the payment, if, when generating the sales invoices, the payment has been received at that time, the invoice should be print out after the payment been applied to that particular invoice. So at the bottom of the invoice, there won't be any outstanding amount showing. Otherwise, it would be print once the invoice been created in the system.

40 Oh, we might just pause briefly. Can you just pardon me for a moment, Chief Commissioner? So just to be clear about that, is it right that at least as at the financial yearend of 30 June, 2015, if one was to press the "print" button that you can see in the window in the top right-hand corner, you would have options to print a NSW Labor invoice, a Country Labor invoice, or perhaps a federal invoice, is that right?---Correct.

And so at least at the level of theory, this would be the wrong thing to do, but at least at the level of theory, by pressing that button, you could print a Country Labor invoice, even if the money was destined for NSW Labor, is that right? It'd be the wrong thing to do, but it's something that you could do using this file, is that right?---No, this file is under the title of ALP NSW.

If any invoice print out, out of here, the invoice title will be ALP NSW Branch Invoice.

So are you, well, how does one then produce a Country Labor invoice then? ---It should be produced out of Country Labor's MYOB file. But, saying that, you could print one invoice under Country Labor in the ALP file in the years that we haven't, ALP hasn't separate ALP and Country Labor's financial record.

10 Yes, so at the moment I'm focusing on the position in the financial year end of 30 June, 2015.---Ah hmm.

Do you understand?---I do, but - - -

And I think you said to us before that there was a single MYOB file that dealt with both NSW Labor and Country Labor, is that right?---I don't recall clearly when the separate MYOB file been set up for Country Labor. I don't know if that was for this year or after.

20 So you at least accept that at a particular point in time, there was a single MYOB file for NSW Labor and Country Labor, correct?---Yes.

Now, during that period of time, when there was a single file, how would one produce an invoice that was headed Country Labor rather than Australian Labor Party NSW Branch?---They will have to select, in the invoice template, there are Country Labor tax invoice template there.

30 And so is it right to say that at that point time when there was a single file, there were multiple templates for invoices, there was a template for Australian Labor Party NSW Branch, there was a template for Country Labor, correct?---Correct.

And to get to those templates, one of the ways to get to it would be to press the "print" button that you can see in the top right-hand corner, which will give you a dropdown box and will identify the templates that are available, is that right?---Yes.

40 And at least at the time where there was a single file, there would be at least two templates, probably more, but at least two of them, one for Australian Labor Party NSW and one for Country Labor, is that right?---Correct.

But I think you've agreed with me that at least at this point of the process, where you've put in the sale, and you've perhaps put in the payments - - -? ---Ah hmm.

- - - there's nothing in the data, the MYOB data, that yet allocates a particular sum of money to go to NSW Labor as opposed to Country Labor, have I got that right?---Before you print the invoice, yes, you can't see that.

But if you print the invoice under Country Labor, that'll tell you the money will deposit into Country Labor's bank account.

Well - - -?---That's by theory, yes.

Well, not at this point of the process though, I suggest. If all you've done is you've put in the sale in the top right-hand corner, and you've recorded it as have been paid with the undeposited funds, you could then issue an invoice, couldn't you, that says that it's been paid in full, do you agree?---Yep.

10

But at that point in time, I think you accept that there's nothing in the MYOB file that says that that particular sum of money has gone to NSW Labor as opposed to Country Labor, do you agree?---Correct. Yep.

The allocation, at least when there was a single file, comes at a later point, when the undeposited funds become deposited funds, is that right?---Yep.

If we can then move to the next page. So in terms of changing undeposited funds into deposited funds, is it right to say that one would click the "banking" button in the control centre that you can see in the top left-hand corner?---Yep.

20

And then one would click the "prepare bank deposit" button.---Ah hmm.

And that would open the window that we can see on the right-hand side of the page, correct?---Yes.

30

Then you'd have to choose, wouldn't you, which account to deposit a particular sum of money into, is that right?---Yep.

And so just where it says "deposit to account", one account that you can deposit it into is the ALP New South Wales state campaign, correct?---Ah hmm.

But at the point in time in which there were multiple accounts, you could click the little arrow thing and instead say this is going to Country Labor, is that right?---Yes.

40

And so that's how one would prepare a bank deposit. They would say we are now going to pay \$20,000 into the ALP New South Wales bank account, or perhaps we're going to pay that amount into the Country Labor bank account, is that right?---Yes.

If we just go back to the preceding page. Now, if one had done the first step in this process, the top right-hand corner process, and created a new invoice or a new sale, but had not done the second step, the "receive payments" step in the bottom left-hand corner, it would be possible, I take it, to issue an

invoice that says you owe, say, \$1,000 and you haven't paid the \$1,000, correct?---Yes.

If you've done both steps, the invoice will say, or the invoice or receipt will say you owe the \$1,000 but you've paid \$1,000, balance due \$0, correct?
---(No Audible Reply)

But just focusing on the first example - - -

10 THE COMMISSIONER: You just have to respond so it's recorded.
---Okay.

That was a yes?---Yes.

MR ROBERTSON: Just focusing on the first example, where the sales has been recorded, but it hasn't been recorded as being paid, if one later wanted to say, right, we're not expecting this money anymore, the correct approach would be to write off that invoice rather than to simply delete it, would you agree?---Yes.

20

And the way that one writes off that invoice is in effect create a second invoice, which is a negative amount for the amount that you're seeking to write off, is that right?---Correct. We call that credit note.

And then the correct approach is to issue a credit note to confirm that the writing off had occurred, is that right?---Yes. So the credit note, the negative amount will apply to the positive amount.

30 And they will ultimately cancel each out to zero.---Yes.

And so from the perspective of the MYOB file, no amount is owing and no amount is to be paid, is that right?---Yes.

And can we just look at an example of that. If we can go to Exhibit 152, page 49. While that's being brought up, I tender the two-page document on the screen, being a series of sample MYOB windows.

40 THE COMMISSIONER: Yes, the sample MYOB windows will be admitted and marked as Exhibit 297.

#EXH-297 – MYOB SAMPLE WINDOWS

MR ROBERTSON: Now, you'll see here, Ms Wang, you're asking at the top of the page to write off a particular invoice and you're telling Ms Zhao to do that. Do you see that there?---Yeah.

If we just turn to the next page so we can get the context to this, and go to – in fact, if you just look further down the screen you’ll see that you write to Kenrick, which seems to be a reference to Kenrick Cheah, “Please get back to me one way or another so I know what to do for my end-of-year accounts.” Do you see that there?---Yep.

And you’ll see that Mr Cheah says that you’ll have to write that particular one off. See that?---Yep.

10 Do you remember what the circumstances were in which you were asked to write that particular one off?---By the look of the date of the email, it’s past the year end. I think this is the normal process I would do at the end of the financial year to prepare for the financial audit. The auditors usually test any outstanding debt of the party. If any debt are not going to be received, we have to do (not transcribable) for that provision. So before that I usually go through the outstanding debtors list and check with, in this case it’s Kenrick, to verify if that amount is going to be received by the party or not, otherwise we have to write it off before we send the file to the auditors.

20 And so why is it that you would contact Kenrick in relation to that matter? ---Because this must be part of his fundraising events.

So if we just go back to the preceding page, numbered page 48, so is this an example of one of the write-off invoices or credit notes you were referring to a moment ago?---Yeah.

And you’d agree that that’s the correct way to write off an invoice?---Yep.

30 One doesn’t simply delete the invoice. One issues either a tax invoice in the negative amount or a credit note to like effect, is that right?---Yeah.

And so do we take it from that that there must have been a Sydney Today invoice with an invoice number 40919 for the sum of \$5,000 that is then being written off?---Yeah.

That’s written off by creating a new invoice in the amount of negative \$5,000, correct?---Yeah.

40 And we can see that by looking at the bottom right-hand corner that that results in a balance due of \$0.---Correct.

Do you have any recollection as to why the Sydney Today invoice was one that Mr Cheah wanted you to write off?---I don’t know the reason. Like I said earlier, I was performing this outstanding debtor checking. If, if not going to be received by the party, and confirmed by the responsible staff of the party, I simply write off according to their instruction.

And you've just referred to responsible staff of the party. In relation to this particular one, the responsible staff in the party was Mr Cheah, is that right?---Correct.

10 And why was it Mr Cheah who was the responsible person as distinct from someone else?---Like I said, the, this one must relate to a fundraising event that he was organising of. From, as we, we look at the system before, the job code tells me what event or what kind of, why we raised the invoice initially. So from there, I would know who was the responsible person in the party office.

So can I help you this way? The invoice 40919 was an invoice concerned with the Chinese Friends of Labor event in 2015. And do we take it from what I've just said to you and what you've just said to me that Mr Cheah was the person responsible for that particular event, at least from your perspective?---Yes.

20 And so does it follow from that that if you had any questions as to matters concerning funds associated with that particular event, your first port of call would be Mr Cheah, is that right?---Yes.

And is that because Mr Cheah has a general responsibility for events associated with Chinese Friends of Labor?---Correct.

That's part of his role as the community relations director.---Yes.

Is he the only person that you would contact in relation to matters of that kind?---Yep.

30 You wouldn't contact people who aren't at head office but who may be associated with Chinese Friends of Labor?---He would be my first point of contact.

And he might be your first point of contact, but he might direct you to some other person, is that right?---No, I, I would just face him if he's around.

40 Now, in terms of the step of the process we talked about before where funds are allocated to either the Australian Labor Party bank account NSW Branch or the Country Labor bank account, how does the person who is processing it in MYOB know which of those accounts the amount is to be allocated to?---On the declaration form there has to be some instructions from, like in this case Kenrick Cheah would indicate which party the funds would be deposited to.

So can we look at that tangibly. Can we go, please, to page 24 of the current exhibit. Page 24, please, of Exhibit 152 being the exhibit that's on the page, and in fact we might actually go instead, I'm sorry, we'll go to page 28 instead. It may be a better example. Just flick back one page first.

Now, what I'm showing you now, Ms Wang, is an electronic copy of invoices and reservation forms that have come out of the physical files with the Australian Labor Party at Sussex Street. And if you have a look at the particular document on the page, do you see that that's an invoice that was issued from Country Labor to a Ms Siu?---Ah hmm.

10 And so do we take it from that that in relation to this particular invoice there was a sale that was issued in favour of Ms Siu for \$5,000. There was then a recording of a payment from Ms Siu of \$5,000 and then as part of a depositing exercise that \$5,000, perhaps in addition to others, was recorded as being banked in the Country Labor bank account. Is that how that works?---Yes.

Now, we'll just turn the page. I'll show you the reservation form that is stapled in the hard copy file to this invoice. We just go to the next page, please. And you'll see there that it's described as an "Invitation Chinese Friends of Labor presents", and the next line is very difficult to read so I'll read it out, "NSW Labor Chinese launch". Do you see that there?---Yeah.

20 And if you look in the bottom right-hand corner do you see that it says in small writing "ALP NSW Branch" and then has an ABN?---Correct.

So can you just explain how does it come to pass that this reservation form which at least on my reading doesn't mention Country Labor anywhere gets recorded as being a payment associated with NSW Labor Party – sorry, I withdraw that. It gets recorded with respect to Country Labor as distinct from the Australian Labor Party NSW Branch?---Yeah, it didn't show any Country Labor on it. I agree.

30 But why then would an invoice headed up Country Labor be issued in relation to this particular payment?---I would think, because I didn't, you know, I wasn't around at the time but I would think to deposit into Country Labor account and issue a tax invoice under Country Labor was an instruction by the, by Mr Cheah.

40 Just to be clear about that. Is it right that the Finance Department – I withdraw that. Where it's not clear on the face of a reservation form or disclosure form the particular account in which money should be deposited, is that a decision that someone within the Finance Department would make or is it a decision that someone else would make or is it something that would be the subject of communications with the donor or would it be dealt with in some other fashion?---It's not the decision of the Finance Department that's for sure.

So taking all of that in stages. Is it right that at least as a matter of practice in the financial year ended 30 June, 2015 the Finance Department wouldn't process a payment without there being a disclosure form like the one we can see on the right-hand side of the screen. Is that right?---Yes.

And was that an invariable practice or was it something that happened that way sometimes and didn't happen that way other times?---For fundraising events, we will need, Finance Department do require a booking form with a declaration, similar to what is showing on the screen now, in order to produce the tax invoice.

10 So to be clear about that, is it the case that in the time that you were financial controller, there were no occasions in which money was recorded in the MYOB file as being banked, but without there being accompanying or associated disclosure forms like the one we can see on the right-hand side?---I wouldn't think so, because the party's fund comes from different sources. For example, like a membership income, a small amount of membership income, we wouldn't need a declaration form such as what is showing now.

Let's focus on donations or contributions in connection with events.---Okay.

20 So I'm talking about either donations or potentially some money to pay for a seat or a table at an event.---Ah hmm.

In your time as financial controller, whether in 2015 or a subsequent time or even an earlier time, was there ever any recording of donations of that kind without having associated with it a disclosure form of the kind we can see on the right-hand side of the page?---Like I said, most of the time, yes, we do have these kind of form, but sometimes, for example, like raffle income or even auction we do have form as well. Like, a small amount of raffle income generated out of a particular event, there would be a formal declaration form like this, but there, there was a list of names of the raffle payers to support the amount of money collected.

30 So there'd be occasions in which there'd be smaller amounts of money, such as those associated with raffles, where, what, the MYOB file might not show each of the individuals who donated the raffle money? Is that what you're saying?---No, your question was if there a form always come with money being received. My answer was, for raffle money collected out of events, there may be no formal form like this, but there always being name of person who paid \$10 or \$5 given to Finance Department in order to produce a proper tax invoice.

40 In your time as financial controller, was it always the case that money would not be banked without at least an indication as to the source of that money?---I would say most of the time, yes, there's always, like, supporting documents.

Not all the time?---Well, any donations, even online donations, if you want to know who paid and how much, there are always, like, some kind of

support. Even though in MYOB we deposit the lump sum amount, there's always a way to check out who paid and how much.

So is it always the case that when money is being banked, you've known who the donors were in relation to that money?---Yeah, there should be.

Well, not just about "should be". There certainly should be. But in your time as financial controller, was it always the case that money would only be banked if you knew who the source of that money was?---I believe so,
10 yes.

So is it right that there's no occasions on which you can occur where money had been banked by the Australian Labor Party, but you've found out at some later time who the donors were in relation to that money?---Sorry, can you repeat the question again?

Has there ever been a situation that you can recall where you might have been given some amount of money, say in cash, that arose from a particular event and it's been banked and it's been recorded in MYOB, but not until
20 some later time were you told who the supposed donors of that money was or were?---I can't recall any of those occasions occurred at the time.

Well, does that mean something of that nature may have occurred before?
---No, I, I don't remember.

Would you at least agree that it would be inconsistent with the practices in place as at 2015 and 2016 for the Finance Department to take delivery of a sum of money, say tens of thousands of dollars, let's call it \$40,000, bank it, and record it as being banked, but not knowing who the donors are in
30 relation to that money, at least accept that would be contrary to the practices in place in 2015 and 2016, is that right?---Sorry, can you rephrase the question?

Yes.---So you're saying - - -

Oh, let me try and put it a slightly different way. At least as a matter of practice in 2015 and 2016, was it a matter of practice to say, "We're not going to bank donations that have supposedly come from an event unless we know who the donors of those donations are"?---Correct.
40

So at least as a matter of practice, it was clear that that would be a wrong thing to do, to simply take cash from an event and bank it without some information as to who the donors were, is that right?---Correct. We always have to know who they are before we even process.

And to your knowledge, was there any situation in which money had been received by the Finance Department, and banked, but in circumstances where you hadn't been told, where the Finance Department hadn't been told

who the donors, donor or donors were?---I don't remember that, mmm, ever happened during my time there.

Are you saying it's possible that it did happen, and you don't just now recall, or are you saying - - -?---No.

- - - that that wouldn't happen on your watch?---That wouldn't happen.

10 That wouldn't happen on your watch?---That wouldn't.

And it would be quite wrong to take an approach of that kind, is that right?
--Exactly.

And one of the reasons that it's quite wrong is that you knew that at least as at 2015 there were a class of persons called prohibited donors under New South Wales electoral law, correct?---Sorry? The - - -

20 You knew that at least as at 2015 property developers, for example, were not entitled to donate to state election campaigns in this state, correct?
---Correct. I do have that knowledge.

And you also knew that there were requirements in electoral law to have an idea as to who the donors actually are, correct?---Not only that, as a normal accounting practice, like what you see in the system, and if you produce an invoice, you have to have the name of that payer first. So I wouldn't be able to proceed without the details.

30 Well, you could at least to the level of theory record it by reference to a generic name like "Cash Receipts" or something of that kind, you'd at least accept that.---But that - - -

You could at the level of theory.---We do have external audit, you know, and the party is, we have all level of, I mean, my role report to the Finance Committee, you got lots of, you know, level of management over finance controls, so I wouldn't do that anyway, so, yeah.

So it's something that you could do, but you'd agree that it would be quite wrong, at least as a matter of accounting practice, to do?---Correct.

40 Can we go, please, to document number 4? And while that's coming up, just to be clear, you don't recall ever doing anything of that kind, in other words, banking money or recording it as being received without knowing who the donors were at that time, is that right?---Yep.

Document 4, please. Now these are email chains, so we'll have to start from the bottom and work our way up. If you start at about four-tenths of the way down the page, do you see an email from you to Ernest Wong?---(No Audible Reply)

Do you see that, Ms Wang?---Yep.

Now, here you're saying, aren't you, that you still, as at May of 2016, haven't received the name of 10 donors for \$50,000 in donations. Do you see that there?---Yep.

10 So on at least one occasion you've adopted a practice inconsistent with what you told me a moment ago was the correct practice, correct?---Yep.

So do you at least accept, having seen this email, that in relation to what you described as the Chinese dinner in April of 2016, you banked money or had it banked in circumstances where you didn't know who the donors were. ---Correct.

And you'd agree with me that that was quite wrong to do, correct?---It was wrong.

20 Why did you do it, then?---I didn't do it.

Well, who did it, then?---I was on leave at the time when the money was banked, so I think Jenny did it.

Well, I'm talking about 2016 at the moment, not 2015. So are you saying you were on leave when money associated with the 2016 event was banked, are you? I'm not talking about - - -?---Sorry?

- - - 2015, I'm talking about 2016.---Okay.

30 So now that I've pointed that out, is it still your evidence that you were on leave when the \$50,000 in donations referred to in your May 2016 email were banked?---Oh, sorry. I don't know which event that was relating to.

Well, read your email. The last Chinese dinner held in April, which must be April of 2016. Do you agree?---Yep.

40 So do you at least agree that in 2016 some \$50,000 in donations were banked in circumstances where you didn't know who the donors were? Do you agree with that or not?---Yeah, I do agree.

And you can't blame Jenny with respect to that matter because you weren't on leave at the time that that money was banked in 2016, do you agree?---I do agree. But I'd like to know the circumstances for this. Was that for federal donation or was that for state donation?

Are you saying that there would be a different answer depending on whether it was state or federal?---Correct.

But I thought you said to me a moment ago, in fact when I drew your attention to state electoral law you quite properly corrected me and said, well, yes, that's one aspect of it, but in any event as a matter of proper accounting practice you wouldn't record something as banked without knowing who the source of the money was. Is that right?---Look, let me think about what happened at that time. So for me if I did this, there has to be a reason behind it.

10 And what was that reason in 2016?---I don't know. I'm trying to remember.

Well, you'd at least have to accept, wouldn't you, that absent some special reason, be it federal, state or anything else, it would be wrong to record amounts as being received in connection with an event without knowing who the donors were. Would you agree with that? It would at least be wrong as a matter of proper accounting practice.---Yes, I agree.

20 And it would be inconsistent with the procedures that you explained earlier, because as I understood your evidence – tell me if I've got it wrong – at least as a matter of practice money wasn't to be banked by way of donations unless one knew who the donors were, do you agree?---Yes, I do.

And on at least one occasion, you'd have to accept, in 2016 that a wrong approach was taken. In other words, money was banked in circumstances where you didn't know who the donors were.---I'm not trying to find excuses for myself, but in this case a 50K donation, I don't know where that fall, state or federal, or there has to be some reason behind it, or are there any form or some kind of – I don't know. If, I, I would like to see the accounting record for this to confirm my understanding. Yeah.

30 Well, you at least accept, don't you, that as at 16 May, 2016 you didn't know who the name of the 10 donors were for the \$50,000 in donations for the Chinese dinner held in April of 2016. Accept that?---From this email, yes, I do.

40 And absent some - - -?---But saying that, saying that if you can show me the accounting record at the time that I entered in accounting record for this 50K donation and without a proper name, names of the donors or it's just I received the money but I haven't processed in accounting record. I'm chasing for the details of that. I'm not sure, you know.

But what would be an acceptable reason for having received \$50,000 in donations from 10 donors but not knowing who those donors were?---Well, the money could be held with finance, not been processed, like waiting for the details in order to enter into the accounting system. That could be reason.

So do you recall having \$50,000 in cash sitting in the Finance Department between April and May of 2016?---How do you know that 50K is cash? I don't know. I wouldn't keep \$50,000 cash in the Finance Department.

And if you had you would remember that. Correct?---Yeah.

Did you have a safe available to you in 2015 and 2016?---We don't have a safe. There wasn't any safe in the office.

10 And so would it be right that at least as a matter of practice if there was any cash it would be banked promptly. Is that right?---I believe so.

But if you assume that the \$50,000 that's referred to in your email here is cash, you would then also assume that as at the time of your email of 16 May, 2016 it had been banked. Correct?---Correct.

And you don't have a recollection of \$50,000 sitting somewhere in the Sussex Street office around April and around May. Correct?---Yeah.

20 Can we go two pages along, please.

THE COMMISSIONER: Just before you do, is that a convenient time to take a break?

MR ROBERTSON: I might just finish this particular document which will take about five minutes or so.

THE COMMISSIONER: Very well.

30 MR ROBERTSON: If that's convenient to the Commission.

THE COMMISSIONER: Yes, it is.

MR ROBERTSON: If we then move one further page on, please, operator, to page, if we move to page 5 of this document, please. The same document on the screen, document 4. Now, again I'm sorry, Ms Wang, we're going to have to move up the page because that's an email chain. So here you send another email. We're now in June. "Hi, Kenrick, I'm still waiting on the donors from the last Chinese dinner." See that there?---Ah hmm.

40 "You have to fix the record for it a.s.a.p. otherwise we can't report to the AEC correctly." Do you see that there?---Yeah.

So we're referring to a federal donation here in 2016. Do you see that? ---Correct. Yes.

But would you agree that you appear to be concerned in June of 2016 because there has been a substantial delay between the event it seems of

April 2016 and yet a couple of months later you still don't know who the donors are for the \$50,000, agree?---Yeah.

And that's because it's inconsistent with the practice you've explained before namely, when one has money one wants to know where it's come from, whether that's for federal, state or anything else. Correct?---No, I would say for state everyone knows the rule and the compliance requirement for state donations but for federal probably, you know, people are more relaxed on that.

10

Well, that's - - -?---That's my understanding.

Well, that's not with respect what you said to me before. When I first asked you about it I was asking you about state elections and you quite fairly corrected me and said no, no, it was a matter of accounting practice even if it's federal. You don't want to be receiving money unless you know where it's come from. Correct?---Yeah, correct.

20

And so it would at least be wrong as a matter of accounting practice, don't you agree, for \$50,000 to be received, but for you to have no idea for a number of months who the donors actually were, do you agree?---I mean, it wouldn't be the best accounting practice. But I wouldn't say it, it was wrong.

Now let's go back to the, go back, so towards the top of the page, "Hi Maggie, I'll talk to him again today, I'll talk to him though." Let's go up another page. Approaching the yearend, et cetera. So do we take it from that that at least by yearend you want to finalise these matters?---Yes.

30

Because whilst federal and state laws are different - - -?---Yeah.

- - - there's still disclosure requirements on a federal level, correct?
---Correct, and also for the year-end financial audit.

40

So are you saying on a federal level, it's fine to accept \$50,000 in, say, April, and for there to be, for you to have to wait months until you know who the donors are said to be in respect of that money, is that what you're saying?---I mean, my understanding is, at the time of when we report to the Federal Electoral Commission, as long as we provide the details of the donors, that would be good, that will be a good compliance.

So it's fine, say, to get \$50,000 on 1 July, 2016, say, and have no idea who the donors were in relation to that money until almost a year later, on 30 June, 2017, is that what you're saying?---I wouldn't do that assumption, because I was performing my duty, I've been chasing, from this email, you can see I've been chasing the responsible person for the details.

And so you at least accept that as a matter of proper practice, that when receiving money, be it for federal, state, local, or anything else - - -?---Yeah.

- - - you should know who the donors of the money is at that time - - -?
---Correct.

- - - and not days, weeks, or months later, correct?---Correct.

10 Commissioner, I tender the document on the screen, being what I've described as document 4, being a series of email chains.

THE WITNESS: Um - - -

THE COMMISSIONER: Yes, those documents as so identified will become Exhibit 298.

20 **#EXH-298 – INDEXED TENDER BUNDLE - MAGGIE WANG –
EMAILS REGARDING IDENTITY OF THE DONORS OF \$50,000
CASH RECEIVED IN CONNECTION WITH CHINESE DINNER IN
2016**

MR ROBERTSON: Is that now a convenient time, Chief Commissioner?

THE WITNESS: And by reading the emails, sorry, I think at that time, Kenrick had some, his father died, passed away, I think, at the time. So there was some personal issues of the delay.

30 MR ROBERTSON: We'll come back to the detail of that after lunch.
---Okay.

THE COMMISSIONER: Yes, very well. We're going to take the luncheon adjournment. We will resume at about 10 past 2.00. So if you'd be back here by then?---Okay.

Thank you. I'll adjourn.

40 **LUNCHEON ADJOURNMENT** **[1.07pm]**