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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 27 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: Ready to proceed.

MR ROBERTSON: Chief Commissioner, in terms of the program, I'll continue with Ms Wang shortly, and then with Ms Zhao. The program for next week has not yet been uploaded but is about to happen shortly, but Mr Jonathan Yee will be the first witness next week, and I expect him to take at least about two days. And then the program for the remainder of the week will be uploaded for interested persons shortly.

10 THE COMMISSIONER: Very good.

MR ROBERTSON: One other housekeeping matter. Yesterday I referred to pages 186 to 190 of volume 2 of the public inquiry brief, being emails between Ms Wang and Ms Zhao of 9 April, 2015. I tender that bundle of emails.

THE COMMISSIONER: Yes, pages 186 to 190 as described will be admitted and become Exhibit 300.

20

**#EXH-300 – BUNDLE OF EMAILS BETWEEN MAGGIE WANG
AND JENNY ZHAO ON 9 APRIL 2015**

MR ROBERTSON: May it please the Commission.

THE COMMISSIONER: Ready to proceed with - - -

30

MR ROBERTSON: I'm ready to proceed.

THE COMMISSIONER: I'll just have the – you took an affirmation yesterday, or an oath? I can't recall.

MS WANG: Oath.

THE COMMISSIONER: Well, we'll readminister the oath. Thank you. If you wouldn't mind standing.

THE COMMISSIONER: Thank you, Ms Wang. Just take a seat then. Yes.

MR ROBERTSON: Ms Wang, yesterday we talked about some of the documents that you provided to Ms Sibraa to assist her in responding to the Electoral Commission's enquiries, but I now want to focus on some additional information you provided to her for the purposes of preparing that response. Is it right that Ms Sibraa asked you to provide the name or names of the persons who handed the donations to the Labor Party and Country Labor Party on 9 April, 2015?---You mean, she ask me the name of the person who handed in the, the donation?

That's right, on 9 April, 2015. In other words, she asked you what happened on 9 April, 2015, in relation to the \$100,000 of donations. Do you agree?---I don't remember clearly that she ask that question.

But she at least - - -

20

THE COMMISSIONER: Could we just pause there for a moment? Would you mind moving closer to the microphone?---Okay. Yep.

If you tend to throw your voice towards that, it picks it up much better. Thank you.---Okay.

MR ROBERTSON: But you at least agree that Ms Sibraa asked you for some information concerning the \$100,000 in donations that had been banked on 9 April, 2015.---Certainly possible.

30

Well, it's more than possible. You must have a recollection of a conversation in relation to that issue with Ms Sibraa?---Yeah, I'm trying to recall, if she comes to me for information, she would ask everything relating to that donation. And I would have told her everything I know of.

So let's just help you get your bearings. You remember we discussed yesterday that the notice to produce was received by the Australian Labor Party on 8 December, 2016?---Yeah.

40 And you and I discussed the documents, or at least some of the documents, that you gave to Ms Sibraa to assist her in responding to the Electoral Commission's request, remember that?---Yes, yeah.

And then I think you were saying that you also assisted in providing Ms Sibraa an explanation about events associated with the banking of the \$100,000 on 9 April, 2015. Is that right?---Did I say that yesterday, or is it the question you're asking me now?

Well, what I'm asking you is whether in addition to providing Ms Sibraa with the documents that you and I discussed yesterday - - -?---Yeah. Ah
hmm.

- - - whether you also gave Ms Sibraa some explanation in relation to the same matter, being the \$100,000.---I should have. Like I said, I should have told her everything that I know of this events.

10 And as at December of 2016, what was it that you knew about the banking of the \$100,000 on 9 April, 2015?---Back then, I would know that the donation been received, and also it seems like they were all cash, and they were prepared at the disclosure time and there were forms, declaration form attached to those donations.

At that point in time, did you know who brought in the money on 9 April, 2015?---No. I didn't know at the time.

20 So are you clear in your mind that you didn't tell Ms Sibraa who the name or names of the persons were who handed the money, so handed the \$100,000 to the Labor Party?---No, only thing I knew of was Kenrick Cheah, who was the, looking after this event, handed in the cash to Jenny.

So, as at December, 2015, you at least knew that Kenrick Cheah had handed in the money, is that right?---Yes.

30 And when you say handed in the money, what do you mean by that, simply giving it to the Finance Department, or do you mean something else about handing in the money?---Yes, give the declaration form and the cash to the Finance Department, by Kenrick Cheah.

So at that point in time, did you know where Mr Cheah had got the money from?---No, I didn't.

And do you know whether Mr Cheah brought the money into head office on 9 April, 2015, or might have it been some earlier date?---I didn't know any earlier date. I only knew back then was on that day.

40 How did you know that Mr Cheah had brought the money into the Finance Department on 9 April, 2015?---It was through the communication with Jenny.

So do I take it from that that you didn't have a conversation with Mr Cheah regarding that matter?---I didn't.

You did not?---I did not.

So do I take it, then, that at some point in time between 9 April, 2015 and December of 2016, you had a discussion with Ms Zhao regarding the question of who handed the donations in?---I should have.

You don't have a recollection of that discussion?---I don't remember clearly when or how, but there should be a discussion between me and Jenny.

10 So let's deal with it in parts, then. You'll remember yesterday I showed you an email that Ms Zhao sent to you on 9 April, 2015, when you were working from home to say that Kenrick had brought in \$100,000. Do you remember that?---Yeah, that's part of the communication between me and her.

And is it right that that was the first time you had any knowledge of the \$100,000?---Yes.

You weren't told in advance, "Look, we're expecting a very large amount of money to come in to head office"?---No.

20 You weren't told that there was an event on 12 February, 2015 and there had been pledges, substantial pledges which would be brought in at some later time?---That's 12 March?

12 March, 2015.---Yeah. No, I didn't.

You at least knew before 9 April, 2015 that there was a Chinese Friends of Labor event on 12 March, 2015, is that right?---Yes.

30 And were you given any indication as to how much money was expected to be raised from that event?---No.

From your previous experience as financial controller from 2009, did you have any idea as to how much would be expected to be raised from a Chinese Friends of Labor dinner?---I wouldn't have because every event is different. But I know my knowledge is Chinese Friends of Labor dinner always big. Have lots of people, yeah, attendees.

So Chinese Friends of Labor dinners tend to happen approximately annually, is that right?---Yeah.

40 And a number of Chinese Friends of Labor dinners would have happened in the time that you were financial controller, up until 2015, is that right?---Correct.

And so from that previous experience you would have at least some idea as to how much would be expected to be raised, correct?---I would not say so, because every year is different.

But one of your roles as financial controller was to ensure that disclosures and the like were prepared and submitted, is that right?---Yeah. Yes.

And one of the things that you would do from time to time is issue profit-and-loss statements for particular jobs, is that right?---Correct.

And one of the jobs, as set up in the MYOB system, was the Chinese Friends of Labor dinner for 2015, correct?---Correct.

10 And I take it that there was jobs set up for previous Chinese Friends of Labor dinners, for example, in 2014?---Yes, should be.

And so you must at least have some idea from that exercise how much NSW Labor would expect to raise from an event of that kind, at least from your prior experience in dealing with the accounts.---Yeah. But can, it can vary from, like, 20,000 to I don't know how much. It depends on the scale. And also if there is an election generally there will be more revenue from an event.

20 And so in an election year, revenue of something like \$100,000 would be to be expected, would you agree?---I wouldn't expect \$100,000 but that's pretty big, yeah.

So it's 100,000 - - -?---Like I said, it's hard for me to project those events.

Was \$100,000 more than you would expect to raise by way of revenue in an election year in a Chinese Friends of Labor event?---I'm not sure because I don't have memory for the past year's revenue, but \$100,000 is pretty big.

30 And to be clear, is it the case that you didn't know that \$100,000 in cash, or for that matter tens of thousands of dollars in cash, were expected to be delivered to the Sussex Street office sometime around April of 2015, is that right?---Certainly I wouldn't expect cash up to that amount to be delivered to head office.

So it was at least unusual for that sort of quantity of cash to be received at head office, is that right?---Yes.

40 Has it ever happened since, something like \$100,000 in cash being received?---Not in my recollection.

You and I discussed the 2016 dinner, where it appears there was \$50,000 in cash.---Yep.

And so I assume that you at least now have a recollection of the \$50,000 in cash in 2016, is that right?---No, I don't know that \$50,000.

You still don't recall, despite looking at the emails we looked at yesterday -
- -?---No.

- - - \$50,000 in cash being received in 2016, is that right?---Not before
yesterday.

But you do accept that you have a recollection of knowledge that \$100,000
in cash was delivered on 9 April, 2015.---Yeah.

10 And you knew that on 9 April, 2015 because Ms Zhao told you by email,
correct?---Yes.

But are you saying that before you got that email from Ms Zhao, no one put
you on notice to say there's a large amount of cash that is coming in some
time soon, is that right?---Correct.

And to your knowledge, no one put Ms Zhao on notice to similar effect to
say, "Get ready, there's going to be a lot of counting of cash and banking to
be done," is that right?---Not in that period that I was away.
20

But, well, during any period?---I mean, I wouldn't know if in that period
someone has told her anything about this large amount of cash coming in,
but I would assume, no, in my knowledge she wouldn't be told beforehand.

But Ms Zhao didn't say to you, for example, "Yes, there's \$100,000 in cash
on 9 April but someone told me a couple of weeks ago that that money was
coming in"?---No, that's not likely.

You've got no recollection of a conversation to that effect from Ms Zhao?
30 ---No, no.

Now, did you have any – after 9 April, 2015, email from Ms Zhao that said
that \$100,000 in cash had been brought in by Mr Cheah, did you find out
anything else about the circumstances in which that cash came to be
received by the Finance Department?---No.

So Mr Cheah – I withdraw that. Did Mr Cheah have any direct discussions
with you regarding that matter?---I don't think so.

40 So you don't recall having any discussions with Mr Cheah where you said,
"Well, \$100,000 is a lot of money, where does that come from"?---No, I
didn't, clearly didn't ask that question.

Ms Zhao didn't have any discussion with you concerning that matter?---I
remember Ms Zhao did say lots of cash. I said, "Okay, if there is, like,
declaration forms et cetera, that's fine because the Electoral Commission
didn't say donation has to be non-cash payment."

Do you know whether 9 April, 2015, was the first time that the \$100,000 in cash was physically present at the Sussex Street office?---That was my knowledge. Yeah. That was the first day.

Is that still your understanding?---Not right now.

Why is that no longer your understanding?---Because after reading all the medias and et cetera, I doubt about it.

10 And when you're referring to the media, you refer to the fact that there's reports that Mr Cheah in fact brought the money home at some point. Is that right?---Yeah.

When did you first find out about that matter? In other words, Mr Cheah having the \$100,000 at home?---I don't know exactly when but I think at some point at Electoral Commission's investigation, I heard about this.

20 So did someone within the Labor Party tell you about that first or was it someone external from the Labor Party, such as the Electoral Commission or the media?---It should be in the office, it should be in the office but I really don't remember under what circumstances people brought this topic up or talk around, and who, but I remember I heard people talking about this.

30 THE COMMISSIONER: What sort of things were they saying about it?---I don't remember clearly how people phrase it, but in my memory I did hear, I did remember people mentioned or, or, "I had to bring the cash home and," oh, that must be Mr Cheah. "I have to take the cash home and come back the next day because it's too late," whatever. I heard something like that.

Did that surprise you?---Yeah. Certainly. It's, I was worried, you know, large amount of cash and is really, you know, not safe. What if it got lost before the money reached to the office?

Did Mr Cheah get into trouble about taking \$100,000 home or was it allowed to go through the keeper with no reprimands or no enquiry?---We just, you know, as a finance person I would think, I am concerned more about the safety of the cash rather than anything else.

40 That's what I mean. But wasn't there some investigation internally? How on earth was \$100,000 in cash taken home by an employee?---Yeah. I, yeah, I was - yeah.

Well, you were concerned to hear it?---I was concerned, yeah,

But do you know if anybody enquired into Mr Cheah's actions?---I don't remember, so - - -

Well, suppose you know, is the position that nobody bothered enquiring into how Mr Cheah came to take \$100,000 in cash back home and bring it back the next day?---Yeah, I don't remember anyone asking about that. But I thought, you know, like, after a big event, it always finish up late at night, and the event manager, whoever the staff in charge of the event will usually bring the money back home and then cart it back in the office and given to us. But in this case it's just too big. But the method of treating that probably the same as a smaller amount, in my understanding, so, yep.

10 But nobody in management at Sussex Street thought about perhaps purchasing and installing a safe in which cash could be stored, or have some other arrangement which would secure large amounts of cash overnight? Nobody raised that with you? You never heard anything about that?---No.

So it just continued on.---Yeah.

People taking money home after an event, and bringing it back the next day, is that what you're telling me?---Probably at the time people think, oh, this is maybe just one-off, it's out of ordinary, so, yeah.

20

MR ROBERTSON: But by the sounds of it, it was at least common for, after an event, some money to be taken home to someone's home before it was brought into the Finance Department, is that right?---Yeah, that happens.

So for example, if the event was on a Friday night - - -?---Ah hmm.

- - - by the sounds of it, there was no procedure to have that money securely stored, for example, at head office, during the course of the weekend.

30 Rather it would be brought in at some later time, correct?---That's my understanding.

But was there any explanation from anyone in this case where there was an event on 12 March, 2015, and it wasn't until sometime in April, some number of weeks later - - -?---Yeah.

- - - that the money that was ostensibly connected with the event was not delivered to head office, did anyone give any explanation to you concerning that matter?---Not particularly.

40

When you say not particularly, does that mean there was some explanation, but not a particular one?---I mean, I would think as a normal procedure, like, we, me or Jenny, would ask, oh, the event finish, why we haven't receive any payments? Then we would ask Kenrick Cheah about this, and he'll say, "It's coming, it's coming, oh, we're just too busy, because the election, and we'll bring it in later." That would be the case. But I don't remember how that was carried out, and when, but in between there should be some follow-up on that.

So it's at least a matter of some concern to you as the financial controller at the time, that there is a substantial delay between the event and the banking, would you agree?---Yeah.

At least from your perspective as financial controller, in particular in relation to cash, you want it banked as soon as possible, agree?---Correct.

10 And so it would be, at least at the level of theory, in principle, a concern that there's been a substantial delay between the date of the event and the date on which the cash which is said to be associated with that event finds its way into the Finance Department, is that right?---I mean, at the time, I wouldn't know there were big amount of cash being delayed. I would be more concerned about there, there was a delay on getting the revenue to the office, and we do need the money to run the election, that would be my - - -

And so you would have that view about any amount of cash, you'd want any amount of cash to be brought in as soon as possible, correct?---Yeah.

20 And even more so, if we're not talking about one or \$2,000, and instead we're talking about some \$100,000, correct?---(No Audible Reply)

You were telling us a little while ago that you would have told Ms Sibraa everything you knew about the cash.---Mmm.

And we started talking about some of the things that you knew.---Yeah.

30 Other than what you've told us, what else did you know about the cash and the circumstances in which the cash were brought into at least the Finance Department as at December of 2016?---I would, I would have told her, Jenny told me there were lots of cash coming in for this, for this function, for this event, and I would have told her, you know, the Chinese Friends of Labor dinner always involve cash. People like to pay on the night, by cash. That kind of thing. Yeah.

40 So is it right, then, that before 9 April, 2015, you knew that there was an amount of cash that needed to find its way into the Finance Department but you just didn't know the amount of that cash, is that right?---Any event, any event organised by the party, I would expect more or less some cash coming in for that event, yeah. But there's no way that I would think the cash could be that big.

And is it right that before 9 April, 2015 there hadn't been significant amounts of cash received by the Finance Department, from your knowledge, in relation to the Chinese Friends of Labor event in 2015?---Correct.

So the first significant delivery of cash, there may have been some credit card forms and things of that kind, but the first significant delivery of cash

that was said to be connected with 12 March event was not until 9 March, to your knowledge, is that right?---9 April?

Sorry, 9 April. Thank you for the correction.---Yes.

Did you ask any further questions or engage in any other investigations as to the circumstances in which the \$100,000 find its way to the Finance Department? For example, did you ask Jenny about it after you were back in the office or did you ask Mr Cheah or anyone else?---No.

10

So you at least accept that receiving \$100,000 in cash was an exceedingly unusual thing?---Correct.

It didn't happen, it hadn't happened before that point in time?---It shouldn't have.

And it hasn't happened since.---Shouldn't have either.

20 But despite that, are you saying you didn't ask Mr Cheah as to how it was that some \$100,000 had been received in a single deliver?---I don't remember. I have ask him because now we are investigating this case. People think, oh, this is a huge amount of cash, but my knowledge as a financial controller for the party, I'm dealing with numbers all the time, the party's annual revenue sometimes in an election year can be over 10 million. So in a busy period, I know it's a lot of cash from a particular event. Just I'm focused on, that's a number. If there's a declaration form and we trust the form and it's been processed afterwards, we get on with life and just, you know, move on with our work.

30 But you'd at least accept, wouldn't you, that the cash came to be received in unusual circumstances, including because it's coming after the election, some number of weeks after the event itself, and it's all coming in cash, whereas you would agree, wouldn't you, that in unusual circumstances from an event you might have a mix of payments. You might have some cash, you might have some cheques, you might have some credit cards. Do you agree?---Yeah, there was some other method of payments from this event.

40 But not in and amongst the \$100,000 that was received by the Finance Department on 9 April, 2015, correct?---Yeah, yeah, correct.

Did that not at least lead you to think to yourself, well, this seems all very strange that that would happen?---It does. Like, I, I, I remember at the time I did think, "Oh, this is too big. Why that happen?" But then I checked. Everything has a declaration form, so I just leave it like, left it there. See, if people declare a donation and there's, it's not my job to, to go beyond this.

And is it right, then, that you didn't ask any questions directly of Mr Cheah in relation to that matter?---No, I don't think so.

You asked Ms Zhao as to where the money came from, is that right?---I asked her, oh, I didn't really ask her because I think she emailed me about Kenrick giving her the cash, so - - -

So you're saying other than that email you didn't have any discussions with Ms Zhao in relation to the circumstances in which the \$100,000 came to be delivered to the Finance Department on 9 April, 2015?---Not particularly.

10 Can we go, please, to Exhibit 291. Now, just back to Ms Sibraa. Do you have a recollection of Ms Sibraa coming to speak to you and ask you about questions and information that the Electoral Commission wanted?---I don't remember clearly, but whatever relating to this investigation while I was still working there, she would come and see me if there's any information or any record that we kept in the folder or in the accounting system. I would, you know, just provide whatever available to her.

I'll put on the screen the information that the Electoral Commission required the Australian Labor Party NSW Branch to produce by way of a notice of 6
20 December, 2016. Can you see that on the screen?---Yeah.

Now, is it the case that Ms Sibraa, sometime in December, came and spoke to you about each of the questions that you can see on the page?---Yep.

Yes?---Yes, I can see.

And sorry, are you agreeing that you had a discussion with Ms Sibraa in relation to the questions that are on the screen?---I don't particularly remember seeing this piece of paper, but it's possible that she came and
30 talked to me about it.

What I'm suggesting to you is that after this notice was received sometime during December of 2016, Mr Sibraa came and asked you the questions that you can see on the screen. She may not have shown you the piece of paper but she at least asked you the questions that were on the screen, that are on the screen. Do you agree with that?---Could, most likely, yes.

And in response to question 1, you told her the answer was Mr Cheah, correct?---Yeah, I should have. Yeah.
40

Do you have a recollection of that or are you just saying that if she asked you that question, that's the answer that you would have given?---The second case. If she ask me, I will say so.

And would have you been in a position at that point in time to say anything more about the circumstances in which Mr Cheah handed the donations to the Finance Department on 9 April, 2015?---No. I wouldn't know, other than Mr Cheah.

But that was information you didn't have directly from Mr Cheah, is that right?---Sorry, what's your - - -

You didn't have personal knowledge – I withdraw that. Mr Cheah didn't tell you that he handed in the money on 9 April, 2015. Is that right?---No, he didn't.

It was Jenny who told you that. Is that right?---Yeah.

10

And looking at question 2, do you know the answer to that question? “Please advise as to what form donations were provided on 9 April.”---Yep.

What's the answer to that question?---Cash.

And you knew that answer as at December of 2016, correct?---Yep.

20 What about question number 3? “Please advise if the persons who handed the donations were issued with a formal receipt.” Do you know the answer to that question?---The answer would be Mr Cheah handed in the donation to the ALP. I don't, it's really, well, for Finance Department, we got the donation from Mr Cheah as a staff of the ALP and then he wasn't used to a formal receipt because he wasn't the, the donor to the Finance Department because Finance Department only give the receipts to the donors.

And that's what you would have told Ms Sibraa in December of 2016. Do you agree?---I am not sure how I told her or if she had asked me this question. I don't know.

30 But at least, as you've just explained, you wouldn't give a receipt to Mr Cheah because Mr Cheah is an employee of the Labor Party, correct? ---Correct.

And the people who get the receipts are the donors, not the people who might bring in the money on behalf of the donors. Is that right?---Yeah.

40 Question number 4. Just read that to yourself. What's the answer to question number 4 as you now understand it?---Now I understand it, yes, Mr Cheah who handed in the donation to the ALP provided declaration forms consisting a total of those amount of cash to the Finance Department.

And I take it then that he breakdown that you're now referring to is not like a spreadsheet for example, breaking it down, but rather it's a series of reservation forms that pertain to the money. Is that right?---Yeah. Add up to that amount of money.

And where did you get that information from? Is that information that you found out yourself or did Ms Zhao tell you, or how do you now know the

answer to question number 4?---Because I think by that time the financial records or the disclosure to the Electoral Commission has been prepared. I would have knowledge of that.

Well, at the time that the disclosure to the Electoral Commission was prepared, you would agree that you had more than 20 reservation forms for the \$10,000, sorry for the \$100,000 because you had that additional form for Mr Valentine Yee, correct?---Correct.

- 10 Now, as at 9 April, 2015, do you know whether the Finance Department had 20 forms – by which I mean reservation forms or disclosure forms – or was it more than 20 forms in relation to the \$100,000?---I believe in my knowledge I don't clearly remember what happened. If the invoice got changed to a different person, the first declaration would not count.

Well, I - - ?---Because clearly from yesterday exhibition, the form, the new one with a replacement, like, mark, the form replacement whatever, so which means the first form should not be counted again.

- 20 I'm not asking whether they count at the moment. I'm just asking about the physical bits of paper.---Yeah.

So you accept that at least as at now there are more than 20 reservation forms associated with the \$100,000.---Correct.

But you would say that you wouldn't count the Valentine Yee one, for example, because at least as a matter of the MYOB file and a matter of the disclosures, you only disclosed 20 sets of donations for the \$100,000, not 21.---Yes.

- 30 And that's for the obvious reason that you won't be disclosing \$105,000, for example, of donations, when in point of fact there was \$100,000 in donations, correct?---Correct.

But what I'm trying to understand is that at least as at 9 April, 2015, were there 20 forms, 20 reservation forms pertaining to the \$100,000? Or was it the situation that we now have where there is at least 21, including the Valentine Yee form that you and I discussed yesterday?---Yep.

- 40 What was the position as at 9 April, 2015?---9 April I believe there should be only one form. I don't know because I didn't check on the day. Now I know that I was working on that day from home. But that also confirmed my original position. I wasn't handling the cash and doing the checking, agree the cheque, ah, cash amount with the declaration form.

Well, do you have any knowledge of the Steve Tong form that you and I discussed yesterday being received at some later time whilst you were back

in the office?---I guess so, but I don't remember clearly how, exactly what, who give me that form.

So your best assessment on what you and I have discussed so far is that the Steve Tong form that you and I discussed was not in the Finance Department's office on 9 April, 2015, is that right?---I believe so, yeah.

Because if it was there at that point in time, that would be something for either you or Ms Zhao to query immediately, correct?---Yeah.

10

Because one of you would say, well, hang on, how can there be 21 forms, or perhaps 22 forms, times \$5,000? You don't need an accountant to know that that adds up to 105 or \$110,000 rather than \$100,000, correct?---Yeah, correct.

And so you infer from that, that the Steve Tong form that you and I discussed yesterday must have been received by the Finance Department after 9 April, 2015, correct?---Yes.

20

Do you have any recollection as to how that Steve Tong form then came to be in the Finance Department?---No, I don't remember.

Who would be responsible within the Labor Party, or perhaps elsewhere, for providing an additional form like that?---In this case must be Mr Cheah.

So is it right that the only person that you would take direction from to say, "Get rid of the Valentine Yee invoice and replace it with Steve Tong," the only one that you'd take direction from in relation to that matter would be Mr Cheah, is that right?---Yeah.

30

What about the organisers of the event themselves? So the event itself, the principal organisers were Mr Ernest Wong and Mr Jonathan Yee. If one of them rang you up and said, "No, get rid of the Valentine Yee form and replace it with Steve Tong," would you take that direction?---Well, for Finance Department, usually we just (not transcribable) Mr Cheah in this event, but that's possible. But we don't know who, what Mr Wong or Mr Yee position was for this particular event. Jenny and I, we wouldn't have knowledge.

40

And that's really my point.---Yeah.

THE COMMISSIONER: Well, you haven't answered the question yet. I'm just waiting for you to do that. Perhaps we could put the question again, and just concentrate very hard on the question, if you wouldn't mind, and answering that question.

MR ROBERTSON: If someone other than Mr Cheah gave you a direction or a suggestion that says, for example, "Get rid of the Valentine Yee invoice

and form. Don't count that one, and instead replace it a Steve Tong invoice and reservation form," would you take that instruction from someone like Mr Wong or Mr Yee?---Oh, for Mr Wong probably, yes.

So if Mr Wong called you up and said, "Here are some changes that should be made to the donations," you would take those instructions and implement them, is that right?---I would.

10 And would you tell anyone before you'd do that, or would that just be left as something dealt with in the Finance Department?---I think only the Finance Department, if it comes from Mr Wong.

And do I take it from what you've just said that you have a recollection that on at least one occasion – not necessarily in the 2015 event, but on at least one occasion – Mr Wong, Mr Ernest Wong gave you a direction of that kind, in other words, to say, "Change it from, change the position from A, and instead change it to B"?---No, I, I don't remember if that happened, if that's, that happened, but if, let's make an assumption, if he did, like, send an email request to me, or communicate with Finance Department, we
20 would do it.

And that's the position as at 2015 and 2016, is that right?---Yeah.

At that point in time, Mr Wong didn't work at head office within the Sussex Street office, is that right?---Correct.

He was then a member of parliament, correct?---Yeah.

30 So why is it that you would take a direction from someone who doesn't even work at the Sussex Street office?---Because our knowledge is he was working as Mr Cheah's position before he was a MLC, and he was working in the party office for about two years, and we just trust him, or he's in the position, he's even, you know, my understanding of and my Finance Department understanding of his position is kind of like Kenrick Cheah, even for, since like there's need to report to him. So there's no reason for us not to trust him.

40 So are you saying that, at least in relation to Chinese Friends of Labor events - - -?---Yeah.

- - - you in effect reported to Mr Ernest Wong?---I don't report to him in any way.

But you would take his instructions on matters such as donations, is that right?---Donations relating to the event that, the Chinese community events, yeah.

Who within the Sussex Street office authorised you to take instructions from Ernest Wong when he was no longer employed at the Sussex Street office and was instead employed, instead was a member of the Legislative Council?---No, no-one, but no-one told me not to, either.

Well, did you have any discussions in relation to that question with any of the assistant general secretaries or the general secretaries - - -?---Oh, we - - -

10 - - - general secretaries that you worked under?---I mean, we are speculating if this happened. I'm not sure if that does happen.

No, no, I'm not, I'm asking you in the abstract at the moment, and then we'll go to the specific.---Sure.

As I understand your evidence, you are saying that if Mr Wong, Mr Ernest Wong gave you an instruction in 2015 or 2016 concerning a Chinese Friends of Labor event, you would follow that instruction. Is that right? ---Yeah, I would.

20 And you are not suggesting that anyone within the Sussex Street office authorised you to take instructions from Mr Wong in relation to that, to matters of that kind, is that right?---Not, no.

30 So I still don't understand why it is you would take instructions concerning matters of finance and donations from someone who doesn't even work at the Sussex Street office. Can you explain that to me, please?---I, I think I have explained that. He was working as Kenrick Cheah's position in the past, organising the events for the party, and he was an MLC of the, you know, like, representing Labor Party, and even though he's not a formal employee of the party office, but as the past history and his role for fundraising events, and his, you know, position at the parliament, there's no reason for me to, to not to trust him.

But it's more than just trust, it's following a particular direction. It's not just a suggestion. By the sounds of it, if Mr Wong gave you an instruction in 2015 or 2016, you would trust that instruction and you would follow it, is that right?---Yes.

40 Now, focusing specifically on the change from Mr Valentine Yee to Mr Steve Tong that you and I discussed yesterday, do you have any recollection as to whether Mr Wong had any involvement in that matter?---I, I don't know.

You've got no recollection of Mr Wong having any involvement in that change of forms, is that right?---I don't remember.

What about Mr Cheah?---It, like I said before, it only could come from Mr Cheah in, it should come from him, a request from him.

Well, why couldn't it have come from, a request from Mr Wong?---It could, yeah.

10 So is it right to say that the change that you and I discussed yesterday – the deletion of the invoice to Mr Valentine Yee and the issue of a new invoice with the same invoice number and date to Mr Tong – could not have happened on your watch, could not have happened when you're financial controller unless either Mr Cheah or Mr Wong had directed that that occurred, is that right?---Correct, yeah.

And you'd accept, wouldn't you, that the replacement invoice that uses the same number, that was a backdated invoice in the sense that that invoice would have had to have been issued after 9 April, 2015, not on 9 April, 2015, correct?---Correct.

20 And we know that for a few reasons, one of which is that the first invoice, the invoice to Valentine Yee, was not deleted until a few weeks after the first invoice was issued to Valentine Yee, correct?---Yep.

You and I discussed that by reference to the audit trail, correct?---Correct.

And is it the case that another reason we know that is that, based on what you and I have discussed, the reservation form for Mr Steve Tong couldn't have been in the Finance Department's office on 9 April, 2015? It would have had to have been received at some later time, is that right?---Logically, yes. But I said I didn't know what form are, were presented on 9 April.

30 But the inference that you draw from the matters that you and I have discussed is that that form couldn't have been in the Finance Department's office as at 9 April, 2015, do you agree?---It could more likely to be after that date.

Looking back on the screen, and now to question number 5, can you just read that one to yourself? What's the answer to question 5?---That would be Jenny.

40 And when did you first find out that that was the answer?---Because I know that there was an email now from Jenny to me. Yeah, so that was the date.

So you found out that Jenny banked the money on 9 April, 2015, is that right?---Correct.

And you found that out by email, correct?---Yep.

And if Ms Sibraa asked you that question, that's exactly the answer that you would have given, correct?---Yeah.

Now, yesterday you volunteered a suggestion about what I'll call replacement invoices, where after a record has been made in the MYOB file, someone might say, "Well, I need an invoice for my disclosure forms or I might need it for my records. Can one be copied and issued to me?" Do you remember the discussion we had about that?---Yeah.

10 And can I just understand, as a matter of procedure in 2015 to 2017, how would requests of that kind be dealt with? Would it be a matter of simply going to the folder that looks like the one in my hand and photocopying it and sending it to the donor, or would the replacement invoice or copy invoice be produced in some other fashion?---More likely to be my email. Just generate out of the MYOB and then email it to whoever ask for.

So just to deal with that in stages, is it right that at least between 2015 and 2017, when an invoice was issued out of the MYOB file, a copy would be printed and put in a folder that looks like the one that I've got in my hands, correct?---Yeah.

20 Would a copy for NSW Labor also be stored electronically or was the whole record of the actual invoice as issued a hard copy in the folder like the one that I am now holding in my hand?---A hard copy, I believe a hard copy been printed and filed away and that's it, and then the soft copy is in the system. We won't save a PDF anywhere.

And so the data used to make the hard copy invoice will be in the MYOB file, correct?---Correct.

30 But the output invoice as a PDF or otherwise wasn't, as a matter of practice, stored electronically. Is that right?---Correct.

And then in terms of replacement invoices or when people ask for a copy of their invoice because they say they've forgotten it or whatever, are you saying it wouldn't be copied form the hard copy file, it would instead be reissued again out of the MYOB file. Is that right?---I would say just print the same invoice out of the system then photocopying the hard copy in the folder.

40 So you go into one of the windows that you and I discussed yesterday and you print the invoice or save it as a PDF in the same way as one would do when initially issuing the invoices within short order of them first being created. Is that right?---Yeah, yeah.

Can you go please to volume 2, public inquiry brief, page 319. If that can just be queued up ready to go. And before we bring that up, just to clarify one thing. Do you have any recollection if anyone asking for invoices in either 2016 or 2017 in relation to the \$100,000 that you and I have been discussing both today and yesterday?---It's quite likely.

So do you have any particular recollection or are you just saying I can't recall one way or the other but it seems pretty likely?---I can't recall one or the other.

Why does it seem likely?---Because that, that happens a lot, yeah. Not only for this event, for any other, like, during the year, people make donations more or less, small or big, they always ask copies and copies and copies of invoices.

10 But here we're only talking about 10 donors, correct? You know the \$100,000 was recorded, when it was recorded on 9 April, it was recorded as 10 people times \$5,000 times two parties, correct?---Yeah.

And you're saying that even though there's only 10, it's likely that there would have been a request for replacements. Is that what you're saying? ---Yeah.

20 You probably do have a recollection, even if it's a vague one, that you were asked for additional copies in 2016 or 2017. Is that right?---Could be, yep.

So you don't have a specific recollection, you can't remember who, but sitting there now you think you probably were asked for invoices in relation to this particular bit of money we're talking about. Is that right?---Yep.

Can we go to volume 2, page 319, please. Do you see there an email from Mr Cheah to you and copied to Mr Yee asking for some urgent assistance. Do you see that there?---Yep.

30 And does that refresh your memory that on at least one occasion, you were asked for receipts well after the event of March of 2015 but in relation to that event?---Yep.

And do you now have a specific recollection of the circumstances in which this email came to be sent?---I, well, now I look back, I do know. Probably the Electoral Commission was investigating this case and they need a copy. It's been for about, you know, like, since the money been deposit, it's about two years later, people probably didn't keep the paperwork for that long, so that's why - - -

40 Are you quite sure that the receipts were even issued in April of 2015? ---Yeah.

They seem to have been printed and on the hard copy files.---Yeah.

But are you saying you're very sure that they were actually sent to the donors?---I'm pretty sure, 100 per cent sure.

You're 100 per cent sure that that happened?---Yeah, I am because - - -

Well, can I help you this way.---Yeah.

10 Quite a number of the donors, the putative donors, including those who said that they were never donors at all and deny making any donations in connection with the Chinese Friends of Labor event in 2015, they have said in the very seat that you're sitting on oath or affirmation that they didn't receive tax invoices in 2015.---Then I, I want to tell you the procedure. At end of the financial year, so that would be 2015, the procedure is we prepare the declaration to the Electoral Commission, and any donors making over \$1,000 for that year to the party will be sent a receipt and a letter, thank you letter, and also like a notification, please do your donor returns, things like that, to the donor. So I wouldn't think they were missed, particularly they are over \$1,000, they're consider major donors, so that's why I'm pretty sure they should have received the receipt, unless they provided wrong address or whatever, you know.

20 Now, let's just unpack that. You're drawing attention to the fact that as a matter of procedure in 2015 after the end of the financial year when the Labor Party's disclosures have been finalised, one of the things that would be done as a matter of procedure was to send a letter to each of the persons who have been recorded as donating more than \$1,000 to remind them that, on the state level, to remind them that they have an obligation to put in their own disclosure forms. Correct?---Yeah.

30 Now, I think you said a moment ago that at the same time you would also provide receipts, but that's not right, is it, you would only provide the reminder forms. Is that right?---I remember it could be both, or a receipt or a - I don't - - -

Well, I suggest to you that you've got that mixed up and that at least the right procedure is that once a donation has been recorded in MYOB, the invoice or receipt gets sent to the donor promptly. Do you agree with that? ---Yeah.

And that's the only time they get a receipt unless they make a request for a replacement. Do you agree?---I remember we do send a copy of the receipt, or I'm not 100 per cent sure now that you asked, yeah.

40 Well, what I suggest to you is that you've got that mixed up. The receipt gets issued once at about the time that the MYOB file is updated to record the donation, and that what happens after the end of the financial year is simply a reminder letter that might refer to the receipt number - - -?---It could be.

- - - but doesn't attach a copy of the receipt. Do you agree?---It could be. I thought was, there was a receipt also attached, there could be not. Like you said, it could be mentioned about a receipt number, yeah.

But in any event, I'm not concerned about those reminder letters at the moment, what I'm concerned about is April 2015 for people like the individuals and companies that you can see on the screen. What I want to suggest to you is that although the procedure was to provide invoices or receipts within short order of the records being made in MYOB, so say April of 2015, the receipts were not provided to those donors at or around that time. Do you agree?---The receipt being produced - - -

- 10 The tax invoice.---Yeah, the tax invoice being issued in the system and being sent to the donors at the time, as soon as been - - -

I'm suggesting to you that on 9 April 2015, tax invoices were printed and put in a folder that looked something like the one that I'm holding up, but that copy was not sent to the donor. Do you agree?---No, I don't.

In relation to \$100,000 that we're talking about?---I, I, I, I don't agree. The usual procedure will be a copy being either emailed or posted to the donor.

- 20 Yes. I'm suggesting to you that that is the usual procedure, but that procedure was not followed on this occasion, do you agree?---I don't agree, because I don't know if they were sent or not.

Well, hang on, hang on, hang on. You said to me - - -?---Yeah.

- - - about five minutes ago, that you were 100 per cent sure that the receipts were sent in about April of 2015. Do you remember that answer?---Oh, because, when I say 100 per cent sure, because I think when I sent the letter at end of the financial year, there were copy of receipt being sent as well.

- 30 Or, okay, I'll put it this way - - -

Oh, let's take a step back, let's take it a step back. I'm not worried about reminders, additional copies, anything like that at the moment. Put that out of your mind. You agree, I think, that the procedure in 2015 - - -?---Ah hmm. Yep.

- - - was you record donations, you print out a copy of the tax invoice and put it in a folder that looks like this.---Ah hmm.

- 40 And you send to the donor, not to anyone else, to the donor, you send a copy of that tax invoice, either by email or by post or in some other way, do I have that right as a matter of procedure?---Yeah, yeah, yeah. That's right.

Now, are you 100 per cent sure that that procedure was followed in relation to the \$100,000 that you and I are talking about?---Oh, my understanding, yes.

And that's an understanding based on what?---Oh, the trust that I, I have on Jenny.

I'm sorry?

THE COMMISSIONER: Sorry, I can't – what did you say?---The trust that I have on Jenny.

10 The trust you have?---Yeah. She would follow that procedure.

So whose function was it to supervise that procedure you were referring to, that is to say - - -?---Me.

That is to say, sending the tax invoices or receipts to donors, who - - -?---I, it's Jenny's job to do that.

Jenny's job.---Yeah. And is me to manage her. And I trust her, because we've been working together for so, so long.

20 Well, now, what we're dealing with here - - -?---Yeah.

If various witnesses who have given evidence, who were said to be donors, but who have come here as Counsel Assisting has said, on their oath or affirmation have said they didn't make any donations at all, and they didn't receive any tax invoices or receipts within a short time of 12 March.---Yeah.

30 We have therefore got a situation, if they are to be believed, we're searching for the explanation as to how that could have come about, who would have played a role in relation to such failure in practice, you understand?---Ah
hmm.

You understand?---Yes, I do understand.

Now, on the basis that there is evidence that they did not receive tax invoices within the expected short period of the fundraising event, we need to know the explanation for that, do you understand?---Okay. Yep.

40 All right. That's the context in which these questions are now being put to you, so that you can assist this Commission make such factual findings as are necessary.---Ah hmm.

All right?---Okay.

MR ROBERTSON: So is it right to say that the reason you are, I think you said, 100 per cent sure that the invoices that were issued on 9 April, 2015 were issued to the donors, was your trust in Ms Zhao, is that right?---Yeah. Yeah.

But you're aware, aren't you, that on at least one occasion, if not more, that procedure was not followed by Ms Zhao, correct?---I don't remember.

Well, you're at least aware that on at least one occasion Ms Zhao sent the receipts not to the donors, but sent them to Ernest Wong's office, correct? ---Yeah. But we trust, probably Jenny trusts that that receipt should be forwarded to the donor.

10 No, no, we spent a bit of time on this yesterday, Ms Wang.---Yeah.

We spent quite a bit of time on this yesterday.---Okay.

I understood your evidence from yesterday to be – but tell me if it's wrong, that the procedure is that at least at the time of the first issue of the invoice, and provided that you've got contact details, you send it to the donor and not to someone else, correct?---Correct.

That's the procedure. Do you at least agree with that?---Yeah, yeah, I do.

20 And do you agree that that procedure was not always followed whilst you were financial controller?---Yeah, unfortunately, yeah.

So you can't be 100 per cent sure that there wasn't another lacking procedure in April of 2015, correct?---Yep.

Now, is it right that in relation to the April 2015 tax invoices, that was Jenny Zhao's job to take care of?---Yes.

30 Did you have any discussions with her as to whether she should send them to the donors or proceed in some other fashion?---I probably didn't talk to her particularly in that case because I thought she should have the knowledge of that.

You would at least agree, though, wouldn't you, that if the correct procedure was followed – send the invoices out to the donors – there would be a tax invoice that was sent to Valentine Yee that was later cancelled, correct? ---Correct.

40 And at least so far as you know and so far as you've seen by looking at the hard copy documents, there was no negative invoice or credit note issued in relation to that one, correct?---Correct.

But are you saying that you had no involvement at all in the issue or non-issue of tax invoices or receipts in April of 2015 concerning the Chinese Friends of Labor event of March of 2015, is that what you're saying?---I didn't physically do the, create the invoice or credit note or cancel the invoice myself.

No, that was Ms Zhao's job, correct?---Yeah.

But did you have any involvement at all – for example, give any directions to Ms Zhao – in relation to that matter?---I should have. I could have.

Could have given what direction? What, a direction to not - - -?---If she ask me, yeah, if she ask me anything relating to generating those receipts or invoice or anything not sure of, if she ask me, I would give her direction.

10 Well, do you have any recollection of giving her any direction in relation to the particular donations that we're now talking about?---No, I don't recall clearly.

Do you have any recollection of Ms Zhao speaking to you about this issue at all? The issue being whether invoices or receipts should be issued to donors or others in relation to the Chinese Friends of Labor event in 2015, that happening in about April of 2015?---I don't remember clearly.

20 Even though what seems to have happened, based on what you and I discussed yesterday, is that there was a switcheroo between Mr Valentine Yee and Mr Steve Tong. Correct?---Yep.

You'd at least accept that that would be a very unusual thing to do, to change a name and address to a new name and address with the same invoice number and a backdated invoice. That's an unusual thing to do, correct?---Correct.

30 It's something that you wouldn't do without Mr Cheah or Mr Wong giving you a direction to do it, correct?---Firstly, change one person to another, we wouldn't do without request from Mr Cheah.

What about Mr Wong? Would you take a direction from Mr Wong?
---Yeah, yeah.

So the switcheroo that I referred to, you wouldn't do without instructions from Mr Cheah or Mr Wong in relation to a Chinese Friends of Labor event, is that right?---Correct.

40 So you're accepting it's an unusual thing to do, and it's so unusual that you wouldn't make the decision yourself within the Finance Department. It would be someone external who would have to give that direction, is that right?---Correct.

But despite all of that unusualness, are you saying you've got no recollection of that happening at all? No recollection of any involvement in any direction or any discussions with Mr Cheah, Mr Wong, Ms Zhao or anyone else regarding what I've just labelled the switcheroo?---I don't have any memory of that.

No recollection at all, is that right?---No.

THE COMMISSIONER: Do you have any memory of anyone directing you about the sending of receipts or tax invoices to donors shortly after the fundraiser? Or not doing that, not sending them in the mail or at all?---No, that's very rare, not sending them.

10 It would be rare, yes. But do you recall whether Mr Wong, Mr Cheah or anyone else spoke to you about, "On this occasion don't worry about sending tax invoices or receipts to the donors"?---Certainly not before yesterday, I don't recall exactly, but that happened, yep.

You don't recall that happening, do you say?---I, I don't remember that had happened prior to seeing the, the email from yesterday.

MR ROBERTSON: So sitting there now, that's the only occasion on which you can recall Mr Cheah giving a direction to depart from the usual practice and send tax invoices to somewhere or someone other than the donor. Is
20 that right?---Correct.

Going back to the document on the screen, having had your memory refreshed with that email from a couple of years ago, do you recall whether you took any steps in response to that email?---I would have asked Jenny or do it myself, just email him the, the invoice.

When you say email him, who are you referring to?---Jonathan Yee.

30 And you're referring to Jonathan because that's the request that Mr Cheah had made. Is that right?---Correct.

And would have you also have emailed a copy to the donors themselves if you had their email addresses?---I could have. I would have, yeah.

40 So by the sounds of it, although the normal practice is to send tax invoices directly to the donors, if some request is being made by Mr Cheah for replacement invoices to go to a particular location, you would follow that request or instruction. Is that right?---Yeah. Depends on who they are. If Mr Cheah copied this email to that person, I would trust Mr Cheah, that person somehow is, you know, I should reply attach to that person.

But do you have any recollection as to whether you sent the requested email receipts at all?---I, I should have.

And do you recall whether you send the email receipts just to Jonathan or did you also send them to the supposed donors themselves?---I don't remember but I could have if their address, email addresses in the system. I'm not sure.

You could have, but why would have you in circumstances where Mr Cheah is asking you to send them not to the donors but to Jonathan Yee?---He didn't say, "Don't send to the donors," on the email.

No, that would be something that you would add, but why would you add it when the request was to just send it to Mr Yee and you've told us that you follow instructions from Mr Cheah concerning matters of this kind?---I mean, I'm not sure if I have copied the donors but there is a possibility that I
10 emailed the donors as well because looks like the donor was missing receipts. So - - -

But is it right to say you don't have any specific recollection as to the circumstances in which Mr Cheah sent this email to you on 1 March, 2017?
---Correct.

I tender the email on the screen, being an email from Mr Cheah to Ms Wang, 1 March, 2017, 11.38am.

20 THE COMMISSIONER: Yes. The email from Mr Cheah to Ms Wang, 1 March, 2017, will become Exhibit 301.

**#EXH-301 – EMAIL FROM CHEAH TO WANG COPIED TO J YEE
ON 1 MARCH 2017 AT 11:38AM REGARDING URGENT REQUEST
FOR RECEIPTS**

30 THE COMMISSIONER: That email we've just seen, it's entitled urgent. Do you know why it was urgent that the tax invoices in respect of five people and entities was required?---I would think back then the Electoral Commission was investigating the case.

You think it was caught up with the fancy that as at May 2017, the Electoral Commission were actively involved in investigating the matter?---Yes.

It had something to do with that?---Yeah.

40 MR ROBERTSON: Is that something you now recall you knew as at 1 March, 2017, or is it something that you're now inferring as you're sitting there in the witness box?---I think it's, it's more like now I have a clear recollection of what happened at the time, because in December '16 the party office receive a letter from the Electoral Commission requesting the information about this, and this is after that from Kenrick. So sitting in the witness box now, I would think that was the case.

THE COMMISSIONER: Looking at that email, it doesn't say, "We've mislaid or lost the receipts or tax invoices," does it?---No.

It doesn't say that.---It doesn't say.

10 It's rather unusual, though, isn't it? At the one time a request is not by one person to say, "Look, I've mislaid my tax invoice. Would you send me another one?" but this is said to be an urgent request on behalf of three people and two entities. That is, May Ho Yee, Valentine Yee, Jonathan Yee, and the two entities are Emperor's Garden and Harbourside Duty Free. It's a bit odd, isn't it, for a request of that kind. They've then all lost their – if it's the case – they've all lost their, mislaid their invoices. I mean, it does look a bit strange, doesn't it?---It does.

20 So it's consistent, isn't it, with the fact that they're saying, "Look, we're being investigated by the, we're part of the investigation. We need to have evidence about these donations. Send us tax receipts." You know, I know it's a matter of inference, but it's not likely, is it? I withdraw that. Assuming it's not likely that they all have lost their receipts, there's got to be an explanation as to why at this particular time when the Electoral Commission are investigating the matter that they're now calling for it. It's a bit unusual.---Yeah, it is.

As at May, as at March 2017, two years later.---Yep, it is.

You don't know the explanation as to why Mr Cheah sent the email headed "Urgent receipts"? "Hi, Maggie. Need some urgent assistance, please." You don't know why he was making that request, that urgent request? But you think it has something to do possibly with the Electoral Commission inquiry ongoing at that time?---Yeah.

30 But you don't know of any other reason?---No.

MR ROBERTSON: Can we go, please, to Exhibit 249, page 31. So do you know, do you have a recollection of complying with that request? In other words, sending to Mr Yee copies of receipts for the 2015 event? Do you have a recollection of doing that?---No, I don't remember clearly but I could have.

40 Well, not just "could have". You would have if Mr Cheah had made that request, is that right?---Yes.

If we can have Exhibit 249, page 31 on the screen. What I'm now showing you is a copy of an invoice as was sent on behalf of May Ho Yee, who's the first of those on the email we saw a moment ago, to the Electoral Commission. Do you see that on the screen?---Ah hmm.

Now, would you agree with me that the document that's on the screen is not an identical copy to the one that was printed and put into a folder that looks like this for May Ho Yee in 2015?---Really?

Not an identical copy. Let me help you this way. I'll give you back the white folder that you and I were discussing before, and I've opened it up to the May Ho Yee invoice. I'll just put that in the witness box. If you just have a look at the one on the screen, if you look at the bottom left-hand corner of the one on the screen first, please.---Yeah.

10 Can you see that in the third paragraph that's not in bold, "I have not breached," do you see how it says, "I have not breached the donation cap for the year 2016/2017"? I'm asking about the one on the screen at the moment.---Oh, okay.

Do you see that refers to 2016/2017?---Yep.

20 Why is this invoice referring to 2016/2017, when it's an invoice dated 9 April, 2015?---Okay. I think the time when printing this invoice and lodge the Electoral, lodge the donation return with the Electoral Commission, the time is past 1 July, 2016, which is the financial year – it's, it's in the current financial year when this piece of hard copy was done and printed. And then, the donation cap got increased every year. So if people not careful, and print the current year invoice template, it will show different donation cap amount down there.

So what we know from that, don't we, is that the version at least that Ms May Ho Yee provided to the Electoral Commission was not simply a photocopy of the one that was in your file, correct?---Yeah. Correct.

30 And what it looks like is that someone, probably you, because the request was made of you - - -?---Yep.

- - - went into the MYOB file, found invoice number 4-0-9-1-8 - - -?---Ah
hmm.

- - - and then generated from MYOB a new invoice with those same details, correct?---It's not generated a new invoice. It's just print that copy of the invoice in the current format.

Yes, it's not changing the underlying data in MYOB.---Yeah.

40 But it is going down and pressing the print button that you and I discussed yesterday.---Yep.

So as to generate a new hard copy invoice.---Yep.

But picking up the data from the original hard copy, from the original data in the MYOB file, is that right?---Correct.

And I think you're drawing attention to the fact that by the time we get to March of 2017, there would be a new invoice template - - -?---Ah hmm.

- - - that talks about the financial year ended, well, the financial year of 2016/2017.---Yeah.

And that's why we see the reference to 2016/2017 on this document, is that right?---Correct.

- 10 But other than a formatting issue of that kind, which comes from the template, if all you're doing is printing out a new invoice in relation to the existing data, you would agree with me, wouldn't you, that the invoice number will be the same, correct?---Yeah.

And the narrative under the word Description, that narrative will be the same, correct?---Yep. Correct.

Some of the formatting material might be a little bit different.---Yep.

- 20 The stamp of declaration in the bottom left-hand corner might be a little different, correct?---Yep.

But the core data that's sitting in the MYOB file, invoice number, date, amount, and narrative will be the same if you proceed in that fashion, correct?---Ah hmm. Correct.

- 30 And so at least this particular invoice is consistent with the procedure that you discussed with me earlier, namely that if someone wants a replacement receipt, the practice was not to do a photocopy from the hard copy file, but was to issue a new one out of the MYOB file, is that right?---Yeah. Yep.

But that would be done without changing any of the underlying data in the MYOB file, correct?---Correct.

In fact, you probably couldn't easily change that data, because by the time we get to March of 2017, one would hope that you had closed that financial year well ago, correct?---Yeah.

- 40 And you know that once you close a financial year, you can no longer, in an MYOB file, change the data from that financial year, correct?---Yeah.

Can we then please go to volume 3A, page 280? I'll just ask you to give the white folder back to the associate, please, Ms Wang.---Okay.

I'm now going to show you another request for invoices.---Yep.

This time going from Mr Yee to Mr Wong in September of 2016, do you see that on the screen?---Yep.

And you see there that Mr Wong is saying that certain of people who he describes as his friends have confirmed they didn't receive any invoice from NSW Labor. Do you see that there?---Ah hmm.

And Mr Yee – I withdraw that. Mr Wong asked Mr Yee, “Please reissue invoices.” Do you see that there?---Yes.

10 Now, do you have any recollection of Mr Wong or Mr Yee wanting reissued invoices for those individuals in or about September of 2016?---I don't remember.

Do you have any recollection of Mr Wong saying to you or perhaps coming to see you and saying, we need invoices or receipts for these individuals? ---I don't remember.

You and I have discussed an email from Mr Cheah asking for invoices in March of 2017.---Yeah.

20 But focussing on Mr Wong, do you have any recollection of Mr Wong speaking to you or communicating with you to say I need invoices in connection with the Chinese Friends of Labor event?---I don't remember clearly, no.

You don't remember at all or you do have a recollection but it's not a clear recollection?---I don't remember at all.

30 Don't have any recollection of Mr Wong saying I need reissued invoices in connection with either the 2015 Chinese Friends of Labor event, or for that matter any other Chinese Friends of Labor event. Is that right?---Correct.

Correct?---Yeah, correct.

And can we just turn to the next page, please, of that bundle. Do you see now Mr Wong seems to email back Mr Yee and says, “I will go to head office to retrieve tomorrow morning.” Do you see that there?---Yeah.

40 Now, if he was going to retrieve invoices from anywhere I assume he'd be retrieving them from the Finance Department. Correct?---Correct.

Do you have any recollection of Mr Wong ever coming to see you and saying, I want to retrieve or issue or copy some invoices?---I really don't remember.

After Mr Wong finished up as an employee at the Sussex Street office, do you remember ever seeing him in the Sussex Street office?---He could have been to the office but I don't remember clearly when and in what occasion.

You must remember seeing Mr Wong from time to time?---Yeah.

Not necessarily to do with this issue, but you must have remembered seeing him from time to time at the Sussex Street office. Correct?---Yes.

Now, whilst Mr Cheah was the community development director I assume you had fairly regular dealings with Mr Cheah. Is that right?---Yeah.

10 You would talk about or you'd need to deal with each other to do with matters of fundraising and things of that kind?---Yeah.

And we've seen a few examples of those communications.---Yeah.

Would you regard Mr Cheah as a friend?---No.

At least obviously a work colleague?---Yeah.

20 And a fairly close work colleague at least, wouldn't you, because you would have regular dealings with him. Is that right?---Yeah.

And what about Mr Wong? Presumably Mr Wong was working at head office, you had regular dealings with him in the same way as you have later had regular dealings with Mr Cheah. Is that right?---Yeah.

But would you regard Mr Wong as a friend?---No.

But you would regard him as a pretty close work colleague, at least at the time that he worked at the Sussex Street office?---Not as close as Mr Cheah.

30 Not as close as Mr Cheah but a relatively close work colleague?---Yeah.

And it's right to say, isn't it, that even after Mr Wong got elected to parliament you would still have dealings with him on a fairly regular basis, although not as regular when he was working at the Sussex Street office. Is that right?---Yeah.

Sometimes that would be by email?---Correct.

40 Sometimes that would be indirectly with his office by email?---Yeah.

And sometimes it would be in person at the Sussex Street office. Correct?---Correct.

And sometimes it might be by telephone. Is that right?---Yeah.

But are you saying you don't have a recollection of Mr Wong coming to you to retrieve invoices on say 26 September, 2016?---No, I don't remember.

You don't have any recollection of Jenny or anyone else associated with the Finance Department saying Mr Wong came in yesterday and I have retrieved for him a series of invoices, anything like that?---No, I don't remember.

No recollection of anything to do with the issue that I'm now seeing on the screen, that I'm now showing you on the screen. Is that right?---Yeah.

10 Now, can we go please to Exhibit 287. And while that's happening, I tender the pages marked 280 and 281 of volume 3 A of the public inquiry brief, being an email exchange between Mr Jonathan Yee and Mr Ernest Wong on 25 September, 2016.

THE COMMISSIONER: Yes. The email chain from Mr Yee to Mr Wong, 25 September, 2016, 3.03pm, and Mr Wong's email of the same date to Mr Yee at 19.31 hours, will be together admitted as one exhibit and become Exhibit 302.

20

#EXH-302 – EMAIL EXCHANGE BETWEEN JONATHAN YEE AND ERNEST WONG ON 25 SEP 2016 REGARDING REISSUE OF INVOICES

MR ROBERTSON: Now, Ms Wang, I'm now going to show you a version of an invoice that Ms Tam either sent in to the Electoral Commission or was sent on her behalf. We've got that, Exhibit 287, page 27. And you remember Ms Tam was the first of the persons who Mr Wong wanted
30 reissued invoices for, sorry, Mr Yee wanted reissued invoices for. Now, again, in the bottom left-hand corner, we've got the 2016/2017 stamp. Do you see that there?---Yep.

But would you agree that here there's another couple of differences. In particular, the narrative now specifically refers to Country Labor, Chinese launch. Do you see that there?---Ah hmm.

But if you then look at the top left-hand corner, it says, Australian Labor Party NSW and not Country Labor. Do you see that?---Yep.

40

And then if you look in the bottom left-hand corner, it's one issued to Country Labor, correct?---Correct.

Now that I've drawn that to your attention, would you agree that this document couldn't have simply been generated from the MYOB file in the same way that the May Ho Yee one was generated, that you and I discussed a moment ago?---Yep.

Because as you agreed with me a little while ago, if you simply do it in that fashion, the core data, invoice number, date, amount, narrative description, will be the same as the invoice when first issued, correct?---Correct but, again, this is a template issued. The data would not get changed.

No, no, no, no, no, no, no. No, no. This isn't a template issue because not only has the template changed, but the core data including the narrative has changed. Do you agree?---The core data?

10 Yes. Have a look at the description. In the invoices that you and I discussed yesterday, none of the descriptions referred to Country Labor, did they?---I am not, I don't know the, I don't remember this invoice.

Let's do it this way. Can we have the side by side version, please, operator. And can we have on one side of the screen Exhibit 287 at page 27 and on another side of the screen can we please have Exhibit 152, page 29. Now, Ms Wang, what I am showing you is that on the left-hand side of the page is the document that I was just showing you a moment ago. On the right-hand side of the page is the copy of the invoice from the hard copy folder I
20 showed you.

THE COMMISSIONER: I'll interrupt. Is your screen flashing on and off or is it - - ?---It's, it's okay now. Yeah, is it.

It is?---Yeah. It is.

Can we do anything about that? We had this problem yesterday and in past days.

30 MR ROBERTSON: Yes. We did try again. Is it - - -

THE COMMISSIONER: We're going to take a break at some stage.

MR ROBERTSON: Perhaps if it's a convenient time now, we might see of that can be fixed.

THE COMMISSIONER: Very good. We'll take the morning tea adjournment and see if we can fix up that technical problem. I'll adjourn.

40

SHORT ADJOURNMENT

[11.40am]

MR ROBERTSON: Commissioner, I'm hoping that that flickering has now stopped. It's a stopgap measure but hopefully that will assist.

THE COMMISSIONER: All right. We'll go back to where we were then.

MR ROBERTSON: Can we have the side-by-side back on the screen, please. Now, Ms Wang, I've swapped the sides of the page so they're chronological and on the left-hand side we now have the invoice in the form in which it appears in the folder that looks something like the one that I've got in my hands and it was replaced with the while folder. On the right-hand side is the one as it was received by the Electoral Commission. Do you first agree with me that the narrative description is different as between the two invoices?---Yeah.

10 Do you also agree with me that the letterhead is different in that one says Country Labor and one says Australian Labor Party NSW?---Yep.

Would you also agree with me that in the bottom left-hand corner there's a difference as well in that one refers to an account called Country Labor state campaign and one is ALP NSW Country Labor state campaign. Do you see that there?---Yeah.

Now, you'd at least agree with me, wouldn't you, that it would not be possible to simply print out the invoice in the right-hand side of the screen
20 in 2016 without at least changing the underlying MYOB data. Do you agree with that?---Yep.

Now, do you have any recollection of the circumstances in which the invoice on the right-hand side was issued or amended or came into existence?---I, I don't remember when and how. It could be when reproducing the duplicate invoice, the second copy of the invoice, either me or Jenny realised that the money being banked to the bank account was Country Labor but somehow the invoice or the invoice content doesn't reflect that. And the second copy is simply trying to correct that to match
30 where the money went to.

Well, I suggest to you that it can't be that explanation because you have an inconsistency on the face of the document on the right-hand side. You have a letterhead, Australian Labor Party NSW and you have an account detail in the bottom left-hand corner of Country Labor. Do you see that there?
---Correct. So somehow - - -

So I suggest to you that in light of that, the explanation that you just proffered can't be the correct one. Do you agree?---The differences that that
40 letter had, that could be a template issue like what we said. If you see, like, a wrong template, even though you don't change the content, the data, it come up differently, the invoice. But if the bank account stays the same, and that's where the money really went to, that was the truth, then the content of the invoice can be modified later on in order to correct the wrong description put in initially.

So let's just unpack that. So the letterhead in the top left-hand corner, so at the moment I'm referring to the white text Labor against a red background

and where it says either Australian Labor Party NSW or Country Labor, is that something that's printed out when the invoice is printed or is that something that's already on a piece of paper and then the remaining text is printed?---It's not on the existing piece of paper. It's in the system, in the MYOB system as an invoice template set up.

So the material in the top left-hand corner is part of the MYOB template. Is that right?---Correct.

10 And you're not suggesting, are you, that there was ever a template in the system that had Australian Labor Party NSW in the top left-hand corner but Country Labor in the bottom left-hand corner? That would be a directly inconsistent and absurd template, correct?---I, I don't remember. If so, there must be something wrong when creating the template but this looks not normal.

Who was responsible for creating MYOB templates within NSW Labor and Country Labor when you were financial controller?---I can do it and same as Jenny.

20

Well, but in terms of the templates – I withdraw that. It would be right to say, wouldn't it, that at least on a yearly basis the MYOB templates would be reviewed for invoices. Is that right?---Updated for the cap amount for the state donations.

30 Precisely. So one of the amendments that we can see in the template by reference to the documents that you and I have already discussed is that it seems that in 2015 there wasn't a stamp that says, "I make the following declarations," but that was then changed during the course of some other financial year. Correct?---I don't remember, there could be, but somehow this template on the left-hand side doesn't seem to be the correct one. If you know the system, MYOB system, invoice template has, there's a long list of different invoice template and some of, some of them may be not really current or valid, yeah.

But all I'm suggesting to you is that the MYOB templates get assessed from time to time and amended as appropriate. Correct?---Correct, or new template being created.

40 Or new template being created where it's necessary or appropriate for a new template to be created. Correct?---Yeah.

And we can see even from this comparison that there was a change between the templates used in the financial year ended 30 June, 2015 as compared with at some later date, such as in 2016/2017. Correct?---Yeah.

But you're not suggesting, are you, that there was ever a template that had Australian Labor Party NSW in the top left-hand corner, but Country Labor

in the bottom left-hand corner. That would be an absurd template to create. Correct?---Unless it was a mistake.

Yes. But you wouldn't have made a mistake like that, correct?---I wouldn't like, logically make that mistake, but that - - -

You're a financial controller of considerable experience. Correct?---Yeah.

10 You'd regard yourself as good at your job?---Well, I'm not the best but I work hard.

You knew that as at least 2015 the Australian Labor Party NSW and Country Labor were considered to be separate parties for the purposes of state electoral law. Correct?---Correct.

And you knew at least as at 2015 that it would be absurd to have a template that has Australian Labor Party NSW in one corner and bank account details for Country Labor in another corner. Correct?---Correct.

20 Now, I think you agree, don't you, that the invoice on the right-hand side that appears to have been produced sometime in 2016 couldn't be created by simply going into MYOB and printing it out by reference to the same data that existed as at 9 April, 2015. Do you agree with that?---Yes, I do.

And the reason for that is that part of the core data that we can see on the right-hand side is different to that on the left-hand side in that the one on the right-hand side says, "Country Labor Chinese Launch," whereas the one on the left says, "NSW Labor Chinese Launch." Do you see that?---Yeah, yeah.

30 And so one possibility, I'm going to suggest to you that this is an unlikely possibility, but let's just get the possibilities down, one possibility is that the data in the MYOB file was changed between the issue of the invoice on the left and the issue on the invoice on the right. Do you agree?---Yeah.

But would you also agree that that's an unlikely explanation, at least if you assume that the invoice on the right-hand side was issued after the end of the close of the financial year ended 30 June, 2015. Do you agree with that? ---Unlikely but I'm not certain on that.

40 Well, let me just take that in stages. Do you agree that one of the exercises that is performed after the end of a financial year is to close the accounts for that financial year. Correct?---Yeah.

And there's an option in the MYOB file, by recollection it's in the file menu, that says, "Close this financial year." Correct?---Yeah. By closing the financial year you can't change the amount but if some clerical or typing error you can certainly change it and closing means you still can access the

information. And also, I, I don't know your knowledge on MYOB, you can still show up to the three years information on the same year file, on the same file.

So, but one thing you can't do, you can view the information, but one thing you can't do after the end of a close of a financial year is change the data, correct?---Change of the financial year date doesn't means on the day of the 30 June.

10 No, no, no, no.---Yeah.

I'm not suggesting that at all. Let's do it in stages. Do you agree that when you close a financial year – which doesn't happen on 1 July, it happens at some time later – when you close a financial year, that has the effect of locking down the data for that financial year. Do you agree?---Yeah. Yep.

You couldn't, after the end of, after the close of a financial year, you couldn't change the invoice on the left-hand side, the data for the invoice on the left-hand side, to say, no, it wasn't \$5,000, it was four and a half
20 thousand dollars, for example. Correct?---You can't change the number.

You can't change that data.---Mmm.

That's part of what happens when you close a financial year, correct?
---That's right.

You also can't change the narrative description as it appears in the MYOB file after the end of the close of a financial year, correct?---Yes, you can.

30 You can change it, you're saying you can change that data?---Yeah.

Well, what reason would there be to change the data from the invoice after it was issued in 2015, and instead change it in September of 2015?---It, like I said earlier, it could be the, the descriptive, that spelling was, the spelling was wrong, and in this case, I can see if the money had been banked into Country Labor, the description didn't reflect the truth. So it was simply change the wording, and I won't change the amount and everything else. So you can change it.

40 And so why would that then be on a letterhead that says Australian Labor Party NSW?---So like I said also earlier, when, after correcting the, the, the, the word, someone picked a wrong template.

So are you saying that you think you may have, to use your words, corrected the narrative?---Yeah.

So why did you correct the narrative on Teresa Tay's invoice, but not on May Ho Yee's invoice that I showed you this morning?---Like, I think it is

because the bank account where the money went into has to match the description on the content of the invoice.

Let's go back to May Ho Yee's invoice. I'm going to suggest to you that the explanation that you are now giving can't possibly be true, and indeed is absurd. Exhibit 249, page 31, is the first of the replacement invoices that you and I discussed a little bit earlier this morning. So here is the issue, is the invoice that you and I discussed for May Ho Yee.---Yeah.

10 And we can see a change in the bottom left-hand corner to 2016/2017, but I think you agree with me that that just looks like a new template from the 2016/2017 year, correct?---Yeah.

But there's no change at all to the invoice details, correct?---Ah hmm.

By which I mean the description of the invoice. Do you agree?---Yep.

Now, we should just go in, just to make this point good, in the same exhibit number, 249. And if we go to page 32 of that same exhibit, PDF page 32 of
20 that same exhibit, I'm now showing you the one with Country Labor in the bottom left-hand corner. Do you see that there?---(No Audible Reply)

But the narrative hasn't been changed. It still says NSW Labor Chinese launch. Do you see that?---Yep.

So why would you change it on one and not on the other? In other words, change it on the Tam one but not on the May Ho Yee one?---There is a mix-up of the template.

30 No, no.---I know, it's, I don't know.

It can't be the template, can it, because the template doesn't give you the data for the description. Do you agree?---Agree but this template is exactly the same as the one and the previous person paid the second template.

Let's go back to the side by side.---If you bring the - - -

So you're saying that if we now go into the MYOB file for 2014/2015 there will be a change to the narrative – I withdraw that – the narrative will appear
40 for this invoice like the one on the right-hand side and not like the one on the left-hand side. Is that what you're saying?---No. I am saying is, this template on the right-hand side now and the Teresa Tay looks exactly the same as the previous one. If you go back to the other one - - -

No, what I'm asking you to focus on at the moment is the description, okay?---Yeah, description, yes.

Now, the description, that comes from the description that's in the MYOB file. Do you agree?---Yep.

And do you agree that the description on the invoice on the left-hand side is different to the description on the right-hand side?---Correct.

And you agree that the data for that description comes not from the template, it comes from the MYOB data. Do you agree?---Yep.

10 Now, what I'm suggesting to you is that the data did not in fact change on the MYOB file between the invoice on the left and the invoice on the right. Do you agree?---Sorry? The data wasn't changed, it was changed.

It was not changed. So you're saying you have a recollection of changing that data. Is that right?---No, I don't remember that changing it but the fact is it has been changed.

20 Now, you proffered another explanation, I think, when you and I were discussing it a little while ago, that one possibility is that an invoice is issued from the MYOB system and so you've already pressed the print button or the save to a document button but you then might correct some things on that document before it's sent out. Is that right? Is that a possibility?---Yeah, that is possible.

So, for example, you could produce a PDF but you then might edit that PDF? Is that right?---No, I, I don't think so.

That's not something that you have done before. Is that Right?---No.

30 And so your best explanation of what's happened here was a change to the narrative between April of 2015 and when the invoice on the right-hand side was issued in about, it seems, September of 2016. Is that right?---Could be.

Well, that's the, as financial controller, you're identifying that as the most plausible explanation for what appears to be a change in the narrative description as between these two invoices. Is that what you're saying? ---Yep.

40 And so I take it then that because we now have an invoice that is different in a number of respects to the one that was originally issued, that one gets printed out and put on a physical file like the first one. Is that right?---Yep.

So are you saying that somewhere in Country Labor's files or NSW Labor files, we should see an identical copy of what we can see on the right-hand side?---Yep.

And where would that be? Would it be in a folder that looks something like the one that I'm holding up?---Yep.

And would it be in the folder between 40001 and 41000, given that that the tax invoice number is in that range?---Yeah.

10 Well, let me hand you the contents of that folder back. Can you just identify for me where we see an invoice that looks like the one on the right-hand side of the screen? Because at least for my part I can't find it. I can find one that looks like the one on the left of the screen, but not the one like on the right of the screen.---Correct, yeah. The one in the folder match the one on the left.

Well, didn't you just say to me a minute ago that the one on the right-hand side would be copied and be in the files of Country Labor?---No, no. I, I'm lost here. So what was your question, previous question? You are saying, you keep asking me if information, the description on the second copy got changed and I confirmed that that has to be the case.

20 So let's deal with this, let's do it - - ?---Changed from NSW Labor to Country Labor.

Let's do it in stages. So would you agree that the invoice that's on the left-hand side of the screen matches the one that you have in hard copy in the witness box?---Yes.

Would you agree that the one that you have hard copy in the witness box does not match the one on the right-hand side of the screen?---Correct.

30 Now, I thought you said to me a minute ago, but I may have got it wrong, that in circumstances where the data has been changed between the one on the left and the one on the right, the one on the left saying NSW Labor in the description, the one on the right saying Country Labor, you would have printed out a copy of the one on the right-hand screen and put it on the file. Is that right or not right?---It should.

But would you agree that it doesn't appear to be in the place of the file you would expect it to be?---Yes.

40 Are you quite sure that it was you or someone within the Finance Department who made the changes between the invoice on the left or on the right, or is it possible that someone else did that?---I believe it should be Finance Department.

But is it right that you have no explanation as to why the description seems to have been changed on Ms Tay's invoice but does not seem to have been changed on May Ho Yee's invoice?---We haven't come, you didn't listen to, you didn't let me explain the other, May Ho Yee's invoice. My focus on this, your question was why we get it changed, spelling error, that's the only explanation I can provide at this stage.

All right. Well, let's go back to May Ho Yee then.---Yeah.

Exhibit 249. And we're looking here at the Country Labor one, if you look at the bank account details in the bottom left-hand corner. Do you see that there?---Yeah.

And this is the invoice that was received by someone sending it for or on behalf of Ms May Ho Yee.---Ah hmm.

10

Now, this is not identical to the one in the hard copy folder that you've got in front of you and you know that because in part the one on the screen refers to 2016/2017, but you're welcome to check that for yourself.---Yeah. Okay. So let's look, if you can bring this one with, with 9-2 - - -

Exhibit 152 at page 21, please.---Yeah, 9-2-2. The one on the right, with May Ho Yee's second copy of the invoice, if you somehow can print, put them on one screen, you will see the templates of these two - - -

20 Just pause for a moment and I'll try and help you this way. Can we go please to Exhibit, can we have Exhibit 152, page 43.---Yeah.

And what I'll just ask you to do, with your hard copy version, Ms Wang, if you can find the May Ho Yee Country Labor tax invoice, which you'll find these aren't paginated, but it's the 43rd page of the bundle that you've got in front of you.---Yeah.

You've got that in front of you?---Yeah, I, I do.

30 And then, operator, if we can just have Exhibit 249 at page 31. Exhibit 249 page, Exhibit 241, page 32 I should have said, I'm sorry. Page 32, Exhibit 249. So, Ms Wang, on the screen, if you just focus on the description, at the moment all I'm focussing on is the description.---Yeah.

Would you agree with me that the description of the one that's on the screen, which is the one that appears to have been issued in 2017, or at least printed in 2017 - - -?---Ah hmm. Yeah.

40 - - - is the same as the one that you have in the hard copy in the witness box. Do you agree with that?---Is not quite. The, the bank account name is different - - -

No, no. I'm just focusing at the moment on the words under the heading Description.---The content, yes, yes, yes. Yes, yes.

So do you agree with me that the description between those two invoices is exactly the same?---Correct.

And you agree with me that the source of that data for the word Description comes from the MYOB data, rather than from the MYOB template, correct?
---Ah hmm. Yep.

And so do you agree with me that there doesn't seem to be any change to the data for May Ho Yee's invoice, 4-0-9-2-8, between when it was first printed in April of 2015, and when it appears to be printed in 2017, correct?
---Yep. Ah hmm. Yep.

10 What I'm trying to understand is why would you change the data in relation to Ms Tam's invoice as we've seen, the description change - - -?---Ah hmm.

- - - but not in relation to May Ho Yee's?---I don't know why didn't May Ho Yee's invoice got changed. I don't know.

Can we go please to Exhibit 149, volume 1A, page 27? You can just give that folder back to the associate, Ms Wang. While that's happening, you and I talked about Mr Ernest Wong a moment ago, a little while ago. But when's the last time you've had any communications with Mr Wong?---I've
20 been thinking about that since the private hearing here. I think I did briefly met him after I left the Labor Party. I think is in July, 2017.

What was the circumstances in which that meeting came about?---I think Ernest, Mr Wong phoned, either phoned me or text me, seeing he want to meet me. And because I was, my office, my, the company I worked for back then was in the North Shore, I didn't have to come to the city, which I, I don't, I didn't do regularly, coming to the city for anything. But it happened, at the time he was contacting me, I happened to have a training in the city, so I say, "Oh, I happen to come to the city for a training, for a
30 whole-day training. I can probably see you at lunchbreak," which we - - -

And did you in - - -?---Yeah, we did. He came to me, at the lobby of, you know, the building, and so we - - -

So which building?---I don't know the name of the building. Somewhere in Margaret Street, because the training I had was Sage, Sage software training. Yeah. So at the lunchbreak I came down and I had a cup of coffee with him. It was quite short.

40 And doing the best you can, what did Mr Wong say to you on that occasion?
---I, I was, I had been thinking how and what he said to me, but I can't remember clearly what he said. But he give me the impression that he, he's under pressure from the Electoral Commission on this donation thing. And he kind of like, give me an impression saying, you know, you have to be careful of what you're saying. And yeah.

So I'll just ask you to pause and think as best you can what words he used, because it's quite important, and I appreciate it was some time ago.---Yeah.

Before we get to the detail of the words, though, just to be clear, Mr Wong did say some things to you regarding the investigation that was then on foot at the Electoral Commission, is that right?---He didn't really mention using

- - -

THE COMMISSIONER: So what I – just before we go on.---Ah hmm.

10 It is preferable for a witness to recount as close as possible, memory permits, the words used rather than summarising it. So, if you said, “Ernest Wong said,” inverted commas, as it were, and then you can say what he said. I said, I asked him the question, or something like that. I said to him, dot, dot, dot. Now, I know it's difficult to reconstruct precisely the words used but that's the formulation which will probably take us to as close a version as you can give. Can you do that please?---Yeah. I will try my best but I can't say he said something when I am not sure if that what he said exactly.

20 Well, in that case you say he said words to the effect.---Oh, okay. He said words to the effect that this, this investigation is going on, I need to be careful of what I say and I said words to the effect to him is, “I can only tell what I know of.” And then we talk about, like, “How is your work?” and everything, it's pretty general. I didn't think too much about it. So, yeah, it was quite brief.

MR ROBERTSON: Now, the call or the text from Mr Wong, was that out of the blue or were you in regular contact with Mr Wong?---It was out of blue.

30 And so this was after you had already left as financial controller for NSW Labor, is that right?---Correct.

You finished up, I think in June of 2017. Is that right?---Yeah.

Did you resign from that position or were you made redundant or ?---Yeah. I, I resigned.

40 And so then Mr Wong makes contact with you, I think you said by the telephone or by text. Is that right?---Yeah.

How did he have your details to be able to call you or text you?---Because we do have, like, when working at the Labor Party, everyone's mobile phone are published in the office to contact after working hours.

But Mr Wong wasn't working in Sussex Street in the last few years before you finished working.---But I think he has been using the same number for all these years.

So are you saying that Mr Wong had your telephone number for some time. Is that right?---Yeah.

And you've kept the same mobile telephone number. Is that right?---Yeah.

And is it right you can't remember whether it was a call or a text that he first said - - -?---I can't remember clearly.

10 Just pardon me for a moment. And in that phone call or text message did Mr Wong indicate why he wanted to see you?---No.

But you agreed to meet him?---Yeah. I, back then, you know, I didn't think too much about it and I, I said I happen to come to the city, yeah, so - - -

And can you remember where it was you actually met him?---I only remember Margaret Street but I don't remember the number of the street.

THE COMMISSIONER: You say this meeting took place in 2018?---'17.

20 What month?---July.

MR ROBERTSON: Now, during July you were given a notice to attend before the Electoral Commission to answer some questions. Is that right? ---Yep.

30 Can you remember whether it was before or after you spoke to the Electoral Commission?---Oh, I was trying to, I've been trying so hard to think the time, if I, when I met Mr Wong and when I had that interview with the Electoral Commission. It happened to be I met the Electoral Commission in the same address that I met Mr Wong but I am not a hundred per cent - - -

Near the same building, perhaps?---Yeah, yeah. Clearly I met Ms Wong, Mr Wong at lunchtime and I had an interview with the Electoral Commission when the training finished, which is in the afternoon. So I am just thinking it could be the same day because I didn't come to the city that often back then.

40 So it's possible that on the same day, you're not sure, but it's possible that on the same day you had the training, the meeting with the Electoral Commission and the coffee with Mr Wong. Is that right?---Yep.

Other than what you've told us, can you remember anything else about the conversation that you had with Mr Wong?---That's it.

THE COMMISSIONER: Well, could I just go back over that. At the moment you've only given a version which is one line, about six words, according to my note. There would have been more said obviously, and I appreciate the difficulty recalling precisely what was said, but this was a

meeting which he called for in effect out of the blue, as you agreed, and it was clear that he was concerned about the Electoral Commission inquiries into donations. That seemed to be the matter that he was wanting to meet about.---Yeah.

10 Right. So you/he come from whatever distances to meet to talk about that matter, the Electoral Commission investigations into donations, being the donations the subject of the present inquiry no doubt. So he obviously would have said more than what you've said, so I want you to just do you best, please, and give us what was the message. He had obviously set up this meeting for a reason, you agreed to do it, he must have had something in mind. What was the message, the purpose of this conversation he was having with you, as you recall it?---Yeah. Back then I really didn't think what's really this investigation was about, really back then, otherwise I probably wouldn't even bother to see him. Anyhow, I - - -

20 Let's move on to what I asked you to deal with, please.---Yeah, yeah. So basically what I said earlier to the, he said the word to the effect of like, you have to be careful of what you're saying. That's basically the major message he was trying to pass on, and now I think about, I think he said something like, "In the Chinese community, receiving cash is common, people use cash a lot, because they have this, you know, pocket money or whatever," yeah, I think that's something else that I can think of.

MR ROBERTSON: Did you say pocket money or packet money?---Pocket, like lucky whatever, you know the Chinese tradition that - - -

You're referring to lucky packets, are you?---Yeah.

30 THE COMMISSIONER: So what was the context in which that point arose, with Chinese community it's common to use cash? That must have, that's got a context to it, we haven't got the context yet. Doing the best you can, why was he mentioning this at all in the context?---He didn't mention any context to me.

I mean he - - -?---He was assuming that I know like, what the investigation is about, but I did have, like, from December helping Julie collecting all the preparations - - -

40 Just pause, just pause, just pause.---Yeah, we kind of all in the big background of this.

Okay.---Yeah.

So I've asked you to relate in effect what his message was. He had a purpose in setting up this meeting, he just didn't do it for no reason, he obviously had something in mind. You would agree with that?---Yeah.

Right.---But to me back then tell you the truth is, yeah it is out of blue, but it's not really, it doesn't make sense if someone else I never met with wanting to meet me, I wouldn't say yes, he was working in the office - - -

No, no, please don't make speeches. This is a question and answer format we have here, so if you'd just stay with me please on the question. I asked you a moment ago to tell us in effect what the message was, why he was coming to talk to you, as you could see from what he was saying, you could gather what the whole reason for meeting up was. He had something on his mind from what you've said, it had something to do with the Electoral Commission investigations, right?---Yeah.

It had something to do with donations, right?---Ah hmm.

And in that context he's talking about cash being commonly used in the Chinese community. Doing the best you can, would you just put together what he said so that we can understand the message. At the moment we've got bits, two bits that you've done your best to recall. Now, doing the best you can, using those bits as you understood it, what was the message he was delivering to you? Just try and put it together now if you would. I'm not asking you to guess, I'm asking you to do your best to reconstruct what was the evident purpose of him asking for this meeting by what he was saying to you.---Yeah.

Could you do that, please? Just confine yourself to that.---Okay. I, I can only tell the fact or the truth what happened, but I don't - - -

Yes, that's exactly what I'm asking for.---Yeah. I, I don't assume his purpose, because I, I'm not him, I wasn't in his mind. I don't know. So the fact - - -

Stop, stop there. Let's start again. I'm not asking you to say what was in his mind, because we really don't know what is in other people's mind, except sometimes their actions give us a pretty good idea of what they had in mind.---Mmm.

I'm not asking you to do that. I'm not asking you to speculate or guess. But you were there, you do recall certain things he said.---Yep.

And to give some meaning to what you understood he was saying may or may not tell us what was in his mind. We're not so much concerned with what is in his mind. We're just concerned with what he was saying. So could you just please try and reconstruct, without guessing, without making it up, trying to get the essence of what he was saying to you as you understood it and to the extent to which you recall it?---Okay. So this is my best and my last, my final recollection for the meeting that I had with Mr Wong, and he said, I, oh, to the effect that I need to be careful of what I say to the Electoral Commission about this investigation. Cash payment is

common, common for Chinese community dinner, because that's the tradition, the Chinese tradition, using cash, and people don't like using credit card. That's it.

Okay, thank you. Yes, Mr Robertson.

10 MR ROBERTSON: But there must be a context in which he's talking about cash payments, lucky packets, and tradition. That seems to be a different topic to, you need to be careful about what I say.---No, he didn't say anything else.

But I'm just trying to understand the context in which he's raising the question of lucky packets and cash payments.---Oh, like I said earlier, both him and, and I, and I know the background of this investigation. He would assume that I know the Electoral Commission is questioning about this cash donation.

20 But why is he telling you anything about that matter?---Because I believe he knew that I was one of them being interviewed by the Electoral Commission.

Did you tell him that?---No.

Do you have any idea how he would have known that?---I don't know.

Is it clear that it was him that contacted you first, or is it possible that you would have made contact with him?---No. Like has to be him.

30 So it was definitely him?---Yep.

And before that contact by phone or text, when was the last time you'd had any contact with Mr Ernest Wong?---That's the only one.

No, but before July, 2017 - - -?---Yep.

40 I think you agreed with me that it was out of the blue, from which I take it that you hadn't had any recent communications with Mr Wong around July, 2017, other than the one you've told us about, is that right?---Yeah, but - yes, it is out of blue. But I left the Labor Party after being there for eight years, and I do have a good, I mean, reputation there, and lots of the staff or even the wider community or the MPs, they, they like me. So I thought that was the reason, part of the reason he contact me wanting to catch up. So I didn't really think too much of else.

But what I'm just trying to understand is before July of 2017 - - -?---Yep.

- - - when was the last time before then that you had any contact with Mr Ernest Wong?---I don't remember. Anything like has to do with finances or

for his office or his, the Chinese community activities, it could be, you know, any time before that. I don't know. I don't, I don't recall.

And is July, 2017, the occasion that you've told us about, is that the last time you've had any contact with Mr Ernest Wong?---Yes.

10 What about Mr Kenrick Cheah? When's the last time you've had contact with him?---I don't, I don't remember. After I left the Labor Party, I think, oh, a, a, a year ago, he was trying to organise a, a, a social event, and he text, he contact me through the social media, WeChat or something.

Have you had any contact with Mr Cheah since you left that touches on the investigation of either the Electoral Commission or this Commission?---No.

Did you tell the Electoral Commission about the meeting that you had with Mr Wong?---No.

20 And prior to today, have you told this Commission about the meeting with Mr Wong?---No.

Putting aside lawyers, have you told anyone else about the meeting with Mr Wong?---No.

Why didn't you tell the Electoral Commission about it?---Because they didn't ask me.

Well, why didn't you tell this Commission about it?---Because you, you ask me about it.

30 No, no. Why didn't you tell the Commission about this before today?---I wasn't asked about this.

THE COMMISSIONER: But wasn't it apparent that whatever Mr Wong said, and I've heard now what you say he said, that it is well open to the interpretation that he was trying in some way to influence you in what you might say in the Electoral Commission investigation?---He could probably have that intention.

40 But would you not, would you draw that as a reasonable inference from what he said, having set up this meeting out of the blue and then has said to you words to the effect, "You have to be careful what you are saying to the Electoral Commission about this investigation. In the Chinese community it's common to use cash et cetera from red packets and it's a Chinese tradition." What he was saying related to two matters. One was the donations that were under investigation and, two, what evidence might be provided to the Electoral Commission.---Yep.

And in saying that, when you walked away from that meeting, say to yourself, "That was all a bit odd, this meeting out of the blue, Mr Wong talking about these two matters to me. Was he trying to influence me in what I might say to the Electoral Commission?" Did that occur to you? Did you draw that as a reasonable inference?---Yep.

Right. Did that disturb you a bit or worry you that this may not be good?
---It didn't really because I thought I am not working there and I am not involved with anything. I was just there being an accountant, doing my day-to-day job. You know like - - -

Sure, I understand that point, but from the point of view of what he said, you knew that a statutory authority, the Electoral Commission, was carrying out an inquiry or investigation and, from your experience at the head office, you knew you wouldn't mess with the Electoral Commission in it doing its work, correct?---Yeah.

Is that you agree?---I do.

20 And indeed insofar as you had to supply information on enquiry from the Electoral Office when you were working at Sussex Street, you would have done your very best to give them whatever information they wanted?
---Correct.

Right. See, didn't it concern you that perhaps Mr Wong was trying to influence you in relation to the Electoral Commission investigation into the donations matter, yes?---Yep.

30 Well, no doubt that would concern you, wouldn't it, knowing, as you do, the important work of the Electoral Commission?---It, like I said earlier, yeah but then was a what does this have to do with me? I wouldn't, like, let it bother me too much. I probably take, like, 10 seconds thought on what is going on. That, you know, has nothing to do with me, so - - -

It had nothing to do with you, but it had everything to do with you as a citizen vis-à-vis a statutory body such as the Electoral Commission not being messed with. Correct?---Correct.

40 Right. Well, it may not have affected you personally but it was still a matter of concern, wasn't it?---Yeah, it is but what should I do then?

Well, that's the question. If you felt you were being got at in some way by Mr Wong as to what you might tell the Electoral Commission, from what you've said I gather that did concern you somewhat?---No, like I said, it didn't really concern me that much.

Really?---Yeah, it's because I didn't know like, there's anything that I was doing was wrong or back then I didn't even know, you know, there's anything wrong with the donation either, so - - -

But nobody's suggesting it had anything to do with you doing anything wrong.---No.

10 But if somebody was trying to influence you in what you might tell the Electoral Commission, it would be clear, wouldn't it, that that person was trying to do something wrong?---No, I even didn't know what he was doing was wrong.

No, just stay with my question. It would have been apparent to you that if he was trying to influence you in what you might say to the Electoral Commission, he would be doing something that was distinctly wrong, if he was.---No, I wouldn't think, I didn't have the knowledge that what he was doing was wrong in the sense in this investigation, it was just like probably alert me not to, you know, be doing something, but I told him that I can, I only tell the truth, I tell what I know of and what I - - -

20

But I thought you'd agreed with me you understood from what he was saying he was really trying too - - -?---But now I look back, yes, he was, but back then - - -

Are you saying now it's apparent that he was trying to influence?---Yeah, but back then I really didn't think that seriously.

30 Are you saying - - -?---Telling me let's catch up and then get on my life and I'm busy and not working in that office and this whole investigation really is not part of my life back then.

40 Are you saying this in order to try and provide some justification for not having reported him to the Electoral Commission or to this Commission? ---So far I even don't know I have an obligation to report to the Electoral Commission on communication with any of the staff like in the Labor Party or anything, you know, I don't know to what degree, what information, what detail should I voluntarily tell the Electoral Commission or tell here. Like I was interviewed, I was summoned for an interview by the Electoral Commission and I was sitting there answering their questions and that's it, so I didn't know what should I do, you know.

You were interviewed by the Electoral Commission sometime after you had met with Mr Wong on the occasion you've been talking about?---Yeah, likely to be the same day, one lunchtime.

Might have been the same day even?---Could be.

Well, didn't that provide the perfect opportunity for you when you were talking face-to-face with an investigator from the Electoral Commission to say, by the way, I've got a bit of news for you, I've just come away from speaking to Mr Wong and this is what he said to me?---No, I didn't have knowledge or I didn't know I should have done that because it back then appeared to me what he was telling me is just a general, like, not serious thing for me to raise to that level of alert.

10 MR ROBERTSON: Are you aware of any other information that you haven't told this Commission or the Electoral Commission that may assist in this investigation?---No.

Nothing in addition at all?---Nothing what I can think of.

Is that reason why you didn't tell the Electoral Commission or this Commission about your meeting with Mr Wong until about 15 minutes ago that you're doing your best to distance yourself from what happened in connection with the \$100,000 in cash donations?---No.

20 Haven't you made every attempt, both in the Electoral Commission and before this Commission to say you've got no recollection and very limited involvement in relation to the matters that this Commission has been investigating and the Electoral Commission has been investigating. Do you agree?---The interview with the Electoral Commission I was telling everything I know of and I was telling the truth, whatever I know of, and in this investigation with this Commission I was doing the same thing, I am doing the same.

30 After your interview with the Electoral Commission, you signed a statement, is that right?---Yep.

Can we go please to Exhibit 149, volume 1A, page 27. Is this the first page of the statement that you referred to a moment ago?---Yep.

Is that statement true and correct to the best of your knowledge and belief as at today's date?---Yep. I'm looking at the - - -

40 And if we turn the page.---Only on the effect that I returned to work on 14 April means I returned to the office on 14 April, and in here, I was actually working on 9 April from home. I think that's the only differences.

But that's an important difference, I suggest to you, and I suggest that what you're attempting to do in paragraph 7 is distance yourself from an exercise that raised, and properly raised, considerable suspicion. Do you agree?---No, I don't agree.

You at least accept, don't you, that you knew you were working on 9 April, 2015, correct?---No, I didn't know back then.

Well - - -?---That's why, after sending this document, I was, like, totally shocked when I saw the email between Jenny and I saying I was working on that day, because clearly I thought I didn't work on 9 April. But the thing is, why we're paying so much attention on this timing, it's just, I'm still in the position that I didn't handle that cash on 9 April.

No, but you knew about it - - -?---Yeah, I knew about it, true.

10 But you knew about it on the very day that it was received, would you agree?---Yeah, I do, I knew about it.

And what I suggest to you that what you were doing with this statement was to seek to conceal that very matter.---No, I didn't intentionally doing that.

What you were seeking to do is to suggest that the handling, receiving, and processing of the \$100,000 in cash had nothing whatsoever to do with you. Do you agree?---On that day, on 9 April, counting the cash, checking the donation form, had nothing to do with me.

20

But you were involved in the exercises that happened on 9 April, 2015, do you agree?---Involved to, to what degree? I saw the email - - -

To the degree of telling Ms Zhao what to do in relation to that money. Correct?---Clearly remember Ms Zhao send me the email saying, "I've deposit those cash as instructed."

30 As instructed by you, correct?---No, by, on the email, I didn't say, I deposited already, then she send me the email, by, instructed by maybe, I don't know, but let's look at the email, I don't - - -

She asked on 9 April, 2015 - - -?---Yeah.

- - - for your advice about what to do with the \$100,000, correct?---(No Audible Reply)

And you asked - - -?---I'm trying to remember.

40 And you asked, was it all in cash, if not, wait for me, I'll come back and deal with it tomorrow. Correct?---Yep, yep, yep, true.

So you were intimately involved in what took place on 9 April, 2015. Correct?---Correct. Unless, in that sense, yes.

And fair enough too, because you were the financial controller at that time, correct?---Yep.

And I suggest here that what you're attempting to do in paragraph 7 and paragraph 8 is conceal your intimate involvement in what occurred on 9 April, 2015. Do you agree?---No. My intention here was trying to say I didn't count and check the donation forms as I usually do because I wasn't in the office on that day,

But you'd at least agree with me that that is not what paragraph 7 and 8 of that statement say. Do you agree?---No. The question asked by the Electoral Commission was who counted and checked the cash, I think.

10

You at least agree with me that paragraph 7 and 8 do not say what you said in answer to the question before last. Do you agree?---Yeah. I do agree.

Can we go please to page 1494 of the transcript of 9 July, 2019. Ms Wang, you participated in a compulsory examination before this Commission on 9 July, 2019. Correct?---Yep.

20

Chief Commissioner, I did seek a variation to the 112 direction yesterday so I don't think I need to do that now but I thought I should just draw that to attention.

THE COMMISSIONER: Yes, thank you.

MR ROBERTSON: Ms Wang, I'm going to put a page of the transcript on the screen of that occasion. Page 1494. Can you direct your attention to the top of the page. You said, "I was on leave at that time when the cash got handed into Jenny." Do you see that there?---Yep.

30

And that was wrong. Do you agree? You were in fact working when the cash got handed in to Jenny. Do you agree?---I wasn't in the office.

You were not on leave at the time when the cash got handed in to Jenny. Do you agree?---I do.

40

If you can then look a little bit further down to line 20 or thereabouts. At line 2 you refer to a leave form. Where do you get that leave form given that you were finished as financial controller in June of 2017 and you were being asked about this in July of 2019?---I think I asked Jenny to email that to me.

Were you paid for 9 April, 2015?---I was working, yeah. I think even though, even when I am on leave, I get paid.

But was that counted as a leave day or a working day?---I'm not sure.

Well, didn't you ask for the leave form in order to check that very matter? ---I just checked, I didn't check the pay or, I just checked exactly when the leave period was to confirm my memory.

What I'm suggesting is that both before the Electoral Commission and before this Commission in the private hearing, you were deliberately seeking to distance yourself from your intimate involvement of what happened on 9 April, 2015. Do you agree?---No, I don't. I didn't do that deliberately.

10 And the reason you did that is that you knew that there was significant cause for suspicion as to what occurred in connection with the \$100,000 that was banked on that date. Do you agree?---No.

That's the examination, Chief Commissioner.

THE COMMISSIONER: Where are we up to, Mr Robertson, does that complete the examination?

MR ROBERTSON: That completes the examination.

20 THE COMMISSIONER: Yes, thank you. Are there any applications to cross-examine the witness? There were none made today. Then, Ms Wang, that completes your examination for today. Should the summons remain on foot?

MS LINDEMAN: Chief Commissioner, may I please take some instructions over the luncheon adjournment?

THE COMMISSIONER: Yes.

30 MS LINDEMAN: There may be a possibility that I wish to examine.

THE COMMISSIONER: We'll do that and if there's any matters you want to raise when we resume at 5 past 2.00 we'll deal with them then.

MS LINDEMAN: That sounds good. Thank you, Commissioner.

THE COMMISSIONER: Yes, thank you.

40 Very well, we'll take the luncheon adjournment and when we resume, Ms Wang, we'll determine if there's any further requirement for you to give evidence. Thank you. I'll adjourn.

LUNCHEON ADJOURNMENT

[1.05pm]