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27/09/2019

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pp 01752-01800

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

Reference: Operation E18/0093

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 27 SEPTEMBER, 2019

AT 2.00PM

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

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

MR ROBERTSON: Chief Commissioner, can I deal with two housekeeping matters arising from the morning, and my learned friend, Ms Lindeman, has indicated that she doesn't wish to re-examine Ms Wang. In my submission Ms Wang should not be formally released yet from her summons for the public inquiry, I hope not to have to recall her, but at least for the time being it would be sensible to keep that on foot.

THE COMMISSIONER: Yes.

10

THE WITNESS STOOD DOWN

[2.08pm]

MR ROBERTSON: Also I referred during the course of the examination to the compulsory examination of Ms Wang on 9 July, 2019, and I referred in particular to page 1494 of the compulsory examination transcript. In my submission you should make a direction varying the existing section 112 direction made under the Independent Commission Against Corruption Act on 9 July, 2019, insofar as it would otherwise prevent publication of page 1494 of the transcript of the compulsory examination on that date.

20

THE COMMISSIONER: 1494?

MR ROBERTSON: 1494.

THE COMMISSIONER: Yes, very well. In respect of the direction made under section 112 of the Independent Commission Against Corruption Act on 9 July, 2019, in respect of the examination of Ms Maggie Wang, I vary the direction so as to permit reference to page 1494 of the compulsory examination.

30

VARIATION OF SUPPRESSION ORDER: IN RESPECT OF THE DIRECTION MADE UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT ON 9 JULY, 2019, IN RESPECT OF THE EXAMINATION OF MS MAGGIE WANG, I VARY THE DIRECTION SO AS TO PERMIT REFERENCE TO PAGE 1494 OF THE COMPULSORY EXAMINATION.

40

MR ROBERTSON: May it please the Commission. That direction having been varied I tender page 1494 of the transcript of the compulsory examination of Ms Wang of 9 July, 2019.

THE COMMISSIONER: Yes, that will become, where are we up to, Exhibit 303. Thank you. Yes, that will become Exhibit 303.

**#EXH-303 – PAGE 1494 FROM THE CE TRANSCRIPT OF
MAGGIE WANG ON 9 JULY 2019**

MR ROBERTSON: May it please the Commission. That's the only housekeeping matters. I call Yi Jing Zhao.

10 THE COMMISSIONER: Yes, thank you. Just come forward, thank you, Ms Zhao.

MR ROBERTSON: Now, I understand that Ms Zhao will principally listen to and answer questions in English, but we have made a translator available in the event that there's any difficulty with that exercise.

THE COMMISSIONER: Thank you. We'll have the interpreter - - -

20 <GARMAN (JOANNA) LUM, sworn [2.10pm]

THE COMMISSIONER: Thank you. You might, once again for the record, Madam Interpreter just - - -

THE INTERPRETER: Garman Lum, G-a-r-m-a-n L-u-m, Mandarin interpreter.

THE COMMISSIONER: Yes, Mr Seymour.

30 MR SEYMOUR: If it please, Chief Commissioner, my name is Seymour. I seek leave to appear on behalf of Ms Zhao and I seek a declaration under section 38.

THE COMMISSIONER: Yes. I grant leave. You've explained the provisions of section 38 to the witness, 37 and 38?

40 MR SEYMOUR: I have. And if it assists the Commission, she has indicated that she will take any directions from the Commission in English, it wouldn't need to be interpreted.

THE COMMISSIONER: I see. Thank you. Would you state your full name, please.

MS ZHAO: Yi Jing Zhao.

THE COMMISSIONER: Thank you. Do you take an oath or an affirmation?

MS ZHAO: Affirmation, yeah.

THE COMMISSIONER: Ms Zhao, I understand that the provisions of the Independent Commission Against Corruption Act, in particular section 38 and the effect of the declaration, has been explained to you?---Yes.

10 You understand you must answer all questions truthfully and the provisions of section 38 operate so that the evidence you give today can't be used on a future occasion in other proceedings. There is one exception and that is that it does not prevent your evidence from being used in a prosecution for an offence under the Independent Commission Against Corruption Act, including an offence of giving false or misleading evidence, for which there is a penalty of imprisonment for a specified number of years. You understand?---Yes.

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

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

THE COMMISSIONER: Yes, thank you, Mr Robertson.

40 MR ROBERTSON: Ms Zhao, what is your current job title?---Financial officer.

And that's at NSW Labor, is that right?---That's right, yeah.

How long have you had that role for?---I have been there more than 10 years.

Who do you report to in that role?---I report to financial controller, before it's Maggie Wang and then later Maggie Wang, and anyway, it's the financial controller.

And is it right that in 2015 to at least 2017, you were reporting to Maggie Wang?---That's right.

And Maggie Wang is no longer working at NSW Labor. Is that right?
---That's right.

10

She finished in June of 2017?---2017, yes.

And you still report to the new financial controller. Is that right?---That's right, yes.

Who reports to you, if anyone, in your role as finance officer?---Sometimes we have casual staff.

20

So sometimes you have temporary staff that assist you in your role. Is that right?---You have.

But they are subject to your supervision when that occurs. Is that right?
---Normally it's the financial controller the financial controller will supervisor that one. If she is not there or if she ask me to do something, I will.

So it would either be subject to your supervision or Ms Wang's supervision. Is that right?---That, that, that right, yeah.

30

Those temporary staff in the Finance Department. Is that right?---Yeah, yeah, yeah, yeah.

And in the time that you have been working in the Finance Department, there's only ever been two full-time employees. Is that right? The financial controller and you.---That's right.

Do you agree that on 9 April, 2015, Kenrick Cheah gave you \$100,000 in cash for processing?---That's right.

40

And that \$100,000 was all in \$100 notes, is that right?---Actually, I can't remember what, what kind of notes, but last time you say you already check with the Commonwealth Bank as \$100 notes, I believe so.

And do you agree at least that the cash that you received from Mr Cheah, you banked it in that same form, you didn't switch over any of the notes, is that right?---Oh, I, I just bank it, I - - -

You didn't, for example, have some \$50 notes and change them over to \$100 notes, is that right?---No, no.

You banked it in the same form that you obtained it from Mr Cheah, is that right?---That's right, yeah.

Now, was 9 April, 2015, the first time you knew that Mr Cheah was going to give you a large amount of cash for processing?---That's - - -

10 Or did you find out about it a day or two before?---No.

So that was the first time the \$100,000 or some big sum of money came to your attention?---Yeah. She, he, he just walk in the office, give the form, give the money. That time I know this is big amount there.

You didn't see him, say, the previous day, counting the money?---No.

20 That was the first time you knew that he was going to give you a big delivery of cash, is that right?---Yes.

And it was very unusual, wasn't it, to get such a big delivery of cash, is that right?---That's right. Yeah.

Since 9 April, 2015, have you ever been given such a large amount of cash in head office?---In my memory, I, I couldn't remember we have a such big amounts.

30 What about \$50,000, have you, can you remember getting \$50,000 in cash at some time after April, 2015?---\$15,000?

50, 5-0.---I can't remember, can't recall.

But you certainly don't remember receiving an amount as large as \$100,000 or perhaps more in cash after 9 April, 2015.---That's right.

Is that right?---Yeah.

40 Now you said a minute ago that Mr Cheah gave you both cash and some forms, is that right?---Yep. Yes.

And how were they arranged? Was there, say, \$5,000 worth of cash in a form attached to it, or was it one pile of forms and one pile of cash, can you remember?---Actually, I can't remember what's that details, and the, the money attach the form or just a bundle of money, I can't remember, that, I know that day, when I receive money, and I receive cash, I receive form.

But why, but how were you able to reconcile the cash with the forms that Mr Cheah gave you?---I reconcile, I count how much money there. And

then, then I check the form, total add up, what's the total amounts. Then I found the one extra, one extra form there. So, says no money. So I send the email to, to Kenrick, and ask about this.

So are you saying that there was \$100,000 in cash - - -?---Yeah.

- - - but \$105,000 worth of forms, is that right?---Yes. Yeah.

10 Now, how did you know which was the extra form? If it was just money and forms, how did you know which form was the extra form?---Mmm. Okay. So, yeah, I cannot recall that detail, what's the situation, but I think, I think that could be, I just check the form, check the form, and then check the total amount, and then found a, another one, and there is one extra form. So there's, the money is not, not balance. So I just let Kenrick know. I say, "This form has no money."

20 But - - -?---So I send email to Kenrick, if it, if it is not right, I think he will come back, "Oh, this person has money, the other person has not, hasn't paid."

But did you say to Kenrick, "I have 21 forms for \$100,000 in money."
---Yep. Yep.

And did you ask Kenrick to identify which one was the extra form, or did you identify which one the extra form was?---I think I, I, I think I, I identified the last one there is no money. So I've sent the email to Kenrick, and I think, I think if it is wrong, it's not this person, and then he will come back, "Oh, this is the one."

30 But what I don't understand is how did you know that a particular form was the extra form, if you were given money and you were given forms?
---Mmm. Mmm. As I say, that's the last form.

It was just the last form?---Yes.

So your best recollection is he gives you some money?---Yes.

\$100,000?---Yep.

40 Can you remember what it was in? Was he, was it in his hands, was it in a bag, was it in a container?---I can't remember. Can't remember.

And he gives you forms separately?---Yes.

And there were 21 forms times \$5,000. Is that right?---Yes, yes.

And are you saying you just assumed that the last of those forms was a form not associated with money?---Yes, yes, that's right.

But why would it be the last one rather than the first one or the one in the middle?---This just quick and issue invoice and pick up from top to bottom and the last one is extra form there.

Were the forms and the money associated just with NSW Labor or was there some for Country Labor as well?---I think forms are separate, this is Country Labor, this is NSW.

10 So are you saying you were given to separate piles of forms, are you?
---Could be. I, I cannot remember details.

Well, you know now don't you that \$50,000 was banked in the state account, NSW Labor?---Yes, yeah.

And \$50,000 in Country Labor. Correct?---Yes, yes.

And you did the banking yourself. Is that right?---Yes.

20 So how did you know that it was to be split up in that fashion, 50/50, rather than just banking all of it in NSW Labor's bank account?---There's advice by Kenrick.

You asked Kenrick about it, is that what you're saying?---Kenrick, Kenrick instruction, 50 per cent Country Labor, 50 per cent NSW.

THE COMMISSIONER: Sorry, in relation to that did you ask him what to do or - - -?---He give instruction very clear so I just confirm 50 per cent for Country Labor, 50 per cent NSW.

30 That's what he told you, is it?---Yes.

MR ROBERTSON: So how did he give you that instruction, did he say that to you, did he, or did he give you an email?---Yes, say it to, send it to, say.

So to be clear, he's giving you some cash and he's giving you forms.---Yes.

And he says this cash and forms is to be 50/50 - - -?---That's right.

40 - - - between the Labor Party and Country Labor.---That's right.

But there were 21 forms. Is that right?---Yeah, yeah.

So how do we deal with the twenty-first form, is that to be dealt with 50/50?
---No, no, because - - -

Really what I'm asking is how do you divide 21 by 2?---No, not 21.

You get an odd number.---Not 21. I know there's some mistake there so that's why I send the email to ask Kenrick and this form no money.

So Mr Cheah made it clear to you when he gave you the money and the forms that half of the money was destined to NSW Labor and half of it was destined to Country Labor. Is that right?---Correct.

And are you quite clear in your mind that he gave you 20 or 21 forms rather than say 10 forms?---20/21.

10

And it was 21 forms, it wasn't 22 or 23 forms. Is that right?---No.

Can we go, please, to volume 5 of the public inquiry brief, Exhibit 152. I'm just going to put a document on the screen in a moment, Ms Zhao. Can we go to page 38 just so we can see an example of this exercise. So here is one of the forms that is attached to a Country Labor invoice in the hard copy folder. I'm just trying to understand why this form was treated as a Country Labor form rather than a NSW Labor form. Can you help us with that?
---There's no details.

20

So then how did you know that this should be treated as a Country Labor form?---There's two bundle form, this bundle NSW, this bundle Country Labor.

So are you saying that Mr Cheah gave you two separate bundles of forms?
---Yes.

One New South Wales Labor bundle and one Country Labor bundle. Is that right?---Yes, yeah.

30

Did the forms in the Country Labor bundle look to you to be simply photocopies of the forms in the NSW Labor bundle?---I don't know. I was
- - -

That's not something you noticed at the time?---Yeah, last time you show me the form, some forms, it's exact the same.

And are you saying that's not something you noticed at the time?---No, I didn't notice that.

40

Now, you get the \$100,000 in cash and the 21 forms and what do you then do?---Sorry?

Mr Cheah gives you the \$100,000 in cash and gives you the forms, what do you then do about the cash and the forms? What steps do you then take?
---My steps. Okay. First I deposit, deposit the money to the bank account.

So you deposit the money first. Is that right?---That's right.

So is that before you put anything in MYOB, you go down to the bank and you bank it. Is that right?---That's right. Yeah, yeah.

And you bank half of that in the NSW Labor bank account and half of it the Country Labor account. Is that right?---Correct. Yep.

And so does it follow from that that it's very important from a finances perspective to bank money as soon as possible?---That's right, yep.

10

And is it right that at least on some occasions the money gets banked before it is even entered into the MYOB system. Is that right?---Yes, yes.

And the reason you banked it 50/50 was that Mr Cheah told you that it should be 50/50. Is that right?---Correct.

So you go down to the bank and you bank the \$100,000 in the two bank accounts and you come back to the office and then what, if anything, do you do about the money and the forms?---I need to put in the system.

20

And when you say you put it in the system, you record a series of sales that correspond with the forms that you were given at that particular time. Is that right?---Yes.

Now, I take it, though, that before you did that exercise, you had to clarify why you had \$105,000 worth of forms whereas you had only banked \$100,000 worth of cash. Is that right?---That's right, yeah.

30

And so just we can see that tangibly, can we go to Exhibit 300 please. This is volume 2 of the public inquiry brief, and the particular page I want is page 190, which I think is the last page of Exhibit 300. I think, Ms Zhao, you were referring to this email before, where you tell Kenrick that you've deposited the money into the bank accounts. Is that right?---That's right.

And what did Mr Cheah say in response to this enquiry about the additional Sydney Today form where no money was received?---Yes, I sent that email and check with Kenrick.

40

And what was Kenrick's response?---I couldn't remember and I think last time you show me the final that we, end of financial year, we write off and that Kenrick confirm that one, the money is not recoverable. So - - -

But you can't remember what Kenrick told you on or about 9 April, 2015. Is that what you're saying?---I can't remember.

But you did tell us before that, and tell me if this is right, the only reason you knew that the Sydney Today invoice was the twenty-first form was that it was just the last one in the pile. Is that right?---Yes, yep.

So does that mean when Mr Cheah gives you the piles of forms, you've got one pile of 10 and one pile of 11?---That's right. Yep. Yeah, yep.

And was the pile of 11 the Country Labor pile or was it the NSW Labor pile?---I can't remember. I can't remember.

10 Well, how did you know which pile was which? Because each of the piles, as we've seen on the screen before, had reservation forms that said nothing about Country Labor.---I can't remember but we can check in the system. This invoice is issued under NSW or under Country Labor.

No, but I'm asking before you put it in, when Mr Cheah gives you two piles of reservation forms, how did you know that one pile was for NSW Labor and one pile was for Country Labor?---I think because he is saying half to Country Labor, half to NSW. So I, I thought two pile is the same. So I just pick up one pile, this is Country Labor, this is NSW.

20 I see, so you had two piles.---Yeah.

One with 10 and one with 11.---Yeah.

And you just decided that one of them would be the Country Labor pile, and one of them would be the NSW Labor pile, is that right?---Mmm, this, this pick, because, and here I do the last invoice, and I check this invoice, oh, there's one extra form. I, I don't, I did not realise there's actual forms there. So that I pick up this one, I send it to Kenrick, "What's this? Why no money?" Yeah.

30 But do you agree, if you put aside the additional invoice - - -?---Yeah, mmm.

- - - the additional reservation form, the Sydney Today one - - -?---Yes. Yep.

Put that one to one side. The two piles of reservation forms were exactly the same, they had the same people, and they were each for \$5,000. Do you agree?---Mmm. I, I thought, yeah, is the same. Yeah.

40 But was that not - - -?---Because he, he say, it's a, it's a half-half. So this two, two bundle.

But was that not suspicious to you, that you had been given firstly \$100,000 in cash, which as you've said is an unusual thing.---Mmm. Mmm.

Then you get two piles of reservation forms.---Mmm.

And in those two piles, you've got the same people - - -?---Mmm.

- - - for the same amounts of money. Surely that looked suspicious to you at the time, is that right?---Yes. Yes.

And what did you do about those suspicions?---I, normally, I, I just do something as instructed. I won't ask the people, and which I should, I don't, I shouldn't know. So I just do what, do my job, and follow the procedure and follow instruction. And if no-one tell me, so I, I don't ask, unless it's necessary, like this one, the money not balance, I send the email to ask, to follow-up on that one.

So are you saying it looked on its face to be suspicious to you, and you confirmed the instructions with Kenrick as to what Kenrick wanted you to do, is that right?---Yes. Yes.

Did you say to Kenrick, "This looks a bit suspicious, what do you want me to do with it?", or did you simply just ask him for instructions as to what to do?---I just send the email to ask.

20 Did you raise your suspicions with anyone else?---No. I think the money maybe (not transcribable) this has happened sometimes they, they send a form in first, then the money following the next day or something. So, I, so I just raise it, I put the email, and that's what I did.

But the particular thing I'm focusing on at the moment is you were given two piles of forms that had the same people and the same amounts.---Mmm.

Do you agree?---Mmm, mmm.

30 Putting aside Sydney Today.---Mmm.

Two sets of forms.---Mmm.

None of them said anything about Country Labor.---Mmm.

The same people, the same amounts. Do you agree?---Mmm.

And you've agreed that that looked suspicious, because of course it does. ---Mmm.

40 And are you saying that you just kept those suspicions to yourself?---Mmm.

Or did you at least raise them with your immediate boss, Ms Wang?---(No Audible Reply)

Did you say to her when she came back to work – she wasn't there on 9 April, she was working from home. But did you say to her afterwards, "Look, this all looks a bit suspicious and strange to me"?---Yeah, see, the

email, I CC Maggie Wang, and I let her know there is one invoice and no money.

Yes. But I'm just focusing on the suspicious aspect of it first.---Mmm.

Two piles, same people.---Mmm.

Same forms.---Mmm.

10 Same amount of money.---Mmm.

At any point did you say to Ms Wang, "Look, this looks a bit suspicious or strange to me, should we do anything about it?"?---I couldn't remember I say that.

Well, it was at least something that gave you some concern, and it was something that you wanted some direct instruction about. Do you agree?---I think at that time, I only did, I sent the email and let her know this person has no money, we need to follow-up that one.

20

Well, I'm not worried about the Sydney Today one at the moment. I'm worried about the fact that you seem to get two piles of forms.---Mmm.

Same people, same amount of money.---Mmm.

Two different political parties.---Mmm.

But the forms saying nothing about Country Labor, and you've agreed with me that that looked to you at the time to be suspicious, have I got that right?

30 ---Yes.

And it was at least suspicious enough for you to make sure that someone, I think Kenrick was being very clear about what your, what his instructions were of yours - - -?---Mmm. Mmm.

- - - as to how to process those amounts, is that right?---Yes. Yes.

Because you wouldn't take it upon yourself to look at one of those reservation forms that we saw, that says nothing about Country Labor, and decide to process it as Country Labor, is that right?---I don't do that.

40

If it was clear on its face that it was Country Labor you would process it as Country Labor. Correct?---Yeah, yeah.

But otherwise you would insist on an instruction from someone to say - - -?
---That's right, yeah.

- - - it doesn't say Country Labor but please process it as Country Labor. Is that right?---Yeah. If I'm not clear I will ask.

And in this particular case you did ask, and you asked Mr Cheah. Is that right?---Yeah. Mr Cheah coming and give a very clear instruction, 50 per cent Country Labor, 50 per cent NSW.

10 And was that, once you've got that instruction is that where you left it in terms of your suspicion or did you speak to Ms Wang or Mr Cheah or perhaps Mr Clements, the then general secretary, about your suspicion?
---No.

You proceeded based on the instruction that you were given and then you proceeded to process it in that fashion. Is that right?---Mmm.

And so you've banked the money at this point in time, the \$100,000.
---Yeah.

20 You've asked for clarification as the NSW Labor versus Country Labor, correct?---Mmm, yeah.

You've asked about the Sydney Today extra invoice. Correct?---Yes, yes.

And you've got those instructions from Mr Cheah?---Yeah.

And you then go into the MYOB system and you record sales for each of the 20 forms excluding Sydney Today. Is that right?---Yes, yes.

30 And you do 10 forms for NSW Labor?---Yes.

You record them as sales in MYOB?---Yeah.

And you do another 10 forms for exactly the same people for exactly the same amounts but record that as being banked in Country Labor.---Yeah.

Is that right?---Yeah.

40 Now, as a matter of practice, once you've put in the sale and you've recorded a payment as being received against that sale, do you then go and print out an invoice, is that what happens next?---Yeah, normally this is a normal procedure and the money sent to bank, deposit in bank account, the invoice in our system and if everything's clear, for company we need the ABN number and the, if personal we need the full name, address and once this is finished and normal procedure we will send out email, send out invoice receipt and if we have email address we will email out, otherwise we will post out.

Now, you've described that as the normal procedure.---Yes.

Is that always how it works or is that just normally how it works?---The most cases this.

So are there some occasions in which that procedure is not adopted?

---Yeah, maybe.

10 For these particular ones – I withdraw that. Just to be clear, the exercise of printing the invoice, at what stage of the process does that happen, does that happen immediately after you’ve put the sale in and you’ve put the, and you’ve processed the fact that a payment has been received against that invoice. Is that right?---Yeah. Normally or the invoice, enter invoice received money and finish we print out the invoice or email out the invoice.

And at least for your own records you print out an invoice and you - - -?

---Yes, yes.

- - - put it in a folder that looks - - -?---Yes, yes.

20 - - - something like the one that I’m handing up, a black and white folder saying Tax Invoice from 40001 to 41000. Is that right?---Yes, yes.

And in that particular folder you have a printed out invoice from the MYOB file. Is that right?---Yeah, that’s right.

And you’ll staple to it - - -?---Yeah, staple to it.

30 - - - a copy of the reservation form that relates to that particular invoice. Is that right?---Yeah, correct, yeah, yeah.

And then at that point at least as a matter of normal practice do you then send a copy of the invoice to the donor?---Yes.

And how do you send that to the donor, is that by email or by post or in some other way?---If it says the email address on the reservation form I will put in the system and send by email. If there’s no email address we post out.

40 Have there been occasions on – sorry, I withdraw that. And at least for that first invoice, that first invoice always gets sent directly to the donor. Is that right?---Yeah.

You wouldn’t for example give it to someone else to give to the donor. Is that right?---Okay. In this case sometimes the event organise like for example for Chinese Labor Friend, this dinner is Kenrick’s organised so he may ask send some invoice to me, I will forward, I have something to talk to this person, but normal procedure, if they don’t ask we just direct send out.

So is it right then that on some occasions you would not send the invoices directly to the donor but instead would give it to someone else with a view to that person giving it to the donor?---Yes.

Now that someone else, is that always a someone else who is working at the Sussex Street office or is it possible that it's a someone else who's not working in the Sussex Street office?---Most cases, Sussex, most case it's the event organiser.

10 And for the Chinese Friends of Labor event, who would you regard as the event organiser?---It's, it's Kenrick.

Not Mr Ernest Wong?---No. I don't -- no. Mr Wong don't directly deal with me, no. For this event, I only deal with Mr Kenrick.

You at least know who Mr Ernest Wong is. Is that right?---I know. He, he, he used to work in Labor Party.

20 He used to work at the Sussex Street office. Is that right?---That's right, yeah.

Was he there when you were there?---Yes.

And he was a community development director. Is that right?---That's right, yeah.

So he had the job that Kenrick Cheah now has. Is that right?---Yeah, yes. Similar, yeah.

30 And you know that after he finished that job, he was a member of parliament, is that right?---Yeah. MLC, yes.

A member of the Legislative Council, MLC. Is that right?---Yes, yeah.

But you must have at least had some dealings with Mr Ernest Wong while he was a member of the Legislative Council. Would you agree?---Sorry. Your question - - -

40 Did you have any dealings with Ernest Wong when he was an MLC?---No. He would deal with Maggie direct.

Well, on at least some occasions you sent tax invoices to Mr Ernest Wong's office rather than directly to the donors. Is that right?---No. For me, for this Chinese Friends of Labor dinner, I only deal with Kenrick, Kenrick give him the invoice. I have question, I ask him. I did not deal with Ernest Wong.

So are you saying that never for a Chinese Friends of Labor event, never did you send tax invoices directly to Ernest Wong or his office, rather than sending it to the donors. Is that what you're saying?---I cannot guarantee a hundred per cent but normally I don't, he don't deal with me directly.

Don't you agree that it would be quite wrong to send a tax invoice or a receipt after a donation has been made to someone other than the donor. Do you agree with that?---After donation, we sent the - - -

- 10 It would be wrong to depart from the normal procedure and send a tax invoice or receipt to someone other than the donor. Would you agree? ---Other than donor? You say send it to the person other than donor?

What I am really saying is, what you have described as the normal procedure is the right thing to do but to send it to someone else would be the wrong thing to do. Do you agree?---Yeah. Most of the, we send it to donor directly and in some, some occasion it's – and the, the event organiser they request send the email to me, I will, send the invoice to me, I will forward it.

- 20 But why would that be an appropriate thing to do? Why would that be the right thing to do, to send it to someone other than the donor?---Because we rely on the person organise and they, they say that they maybe needed that invoice the form out and maybe needed something to talk to the, talk to them or send you something. So if they request, I will do so.

Do you agree that on at least one occasion, you were instructed to not send tax invoices and receipts to the donors, but instead send them to Ernest Wong's office?---Send to Ernest Wong's office. If someone request, I may do that.

- 30 Is it right to say at least, though, that you would not depart from the normal practice, the normal practice of sending it directly to the donors unless you were given a specific instruction to do so. Is that right?---That's right.

And who, from your perspective, would be capable of giving you an instruction of that kind?---For me, you mean for this Chinese Friends of Labor or - - -

- 40 Well, let's focus specifically on Chinese Friends of Labor, then. Who would you accept an instruction from in relation to that matter?---Okay. So one person is Kenrick and if he ask I will do so. Another thing, maybe someone talk to Maggie and then Maggie ask me, "Oh, you send the invoice to this person," I will do so.

What about Ernest Wong. Would you take an instruction from him at the time that he was an MLC?---He don't, he don't – no. I, I can't remember he deal with me.

But if Mr Ernest Wong, you might not remember, but if Mr Ernest Wong, while he was an MLC, gave you an instruction to send the invoices to him or his office rather than to the donors, is that an instruction that you would comply with or is it something that you would raise with Ms Wang or with someone else before complying?---Yeah, if so, ask me to do so, I will, I may mention it to Maggie.

10 Why is it that Mr Cheah, who is not a finance person, he's just a community development manager, why is it that you would take instructions from him on matters such as donations?---Okay, in, because we are in head office and that we thought, I thought he is the communicate to the people. So he, I thought he, I, I am not sure. I thought he organised that event, he know the person and so we rely on him.

For the particular event in 2015, were you told by Kenrick Cheah or anyone else not to send receipts directly to the donors?---No.

You were not?---No. Why, why I do so. No.

20 THE COMMISSIONER: What's your answer? What is your answer?---If I asked someone don't sent the - - -

MR ROBERTSON: I'll ask it again to you, clearer, my question. Were you given any directions by Mr Cheah or anyone else not to send the tax invoices and receipts for the \$100,000 that you and I are talking to, to the donors?---I can't remember someone told, someone talk to me like this, this way.

30 Are you quite – I withdraw that. In relation to the \$100,000 in cash that you and I are talking about that you banked on 9 April, 2015, in respect of which you had the 20 forms, did you send the tax invoices to the donors?---Okay. I remember last time you show me. Actually I cannot remember that detail of the procedure because too many and every day we enter small amount, \$10, \$20. The normal procedure, we put in system, send the emails.

I'm not worried about \$10, \$20. I'm worried about \$100,000.---Yeah, yep. Because last time when you show me that email Kenrick send me, asking me to hold, don't send out invoice yet and so hold that one. So in, in this case, he advise maybe I hold, hold the invoice receipt until we finish all.

40 Let's try and look at that more tangibly. Can we go to volume 2, page 193. So you're at least accepting that as at 9 April, 2015, you banked the \$100,000, 50 in Country Labor, 50 in NSW Labor. You had processed it in the MYOB system, 20 sales, 20 payments, two bank deposits, two of \$50,000.---Yep.

Have I got that right so far?---Yep.

You've printed out 20 invoices, correct?---Yeah.

You've stapled 20 invoices to their associated reservation forms, correct?
---Yep, yep.

And you've put them in a folder that looks like the one that I am handing up. Is that right?---Yep. This is the normal procedure, yes.

10 No, no. I'm not just asking about that being the normal procedure. I am asking you confirm that you did at least those steps on 9 April, 2015. Do you agree?---Yep, yes.

Now, the normal procedure would be to send a copy of the invoices that ended up in the folder to the donors, correct?---Mmm. Yes.

Now, did you follow that normal procedure - - -?---Okay.

20 - - - on 9 April, or perhaps within a few days of 9 April?---No, no. I think in this way, because we have, still have one invoice with no money receive, and I waiting for Kenrick in the response. The money is (not transcribable)

But pausing there.---Yep.

You've already accepted that for the 20 invoices and the 20 receipts, you've recorded them as sales.---Yes, yes, yeah.

You've recorded payments against them.---Yeah.

30 And you've banked the \$100,000, correct?---Yeah.

So in the MYOB accounting system on 9 April, we have 20 closed invoices. Correct?---Yep. Yes.

20 invoices for \$5,000 - - -?---Yep, yep.

- - - closed, because they've been paid, correct?---Yep, yep.

40 There's a 21st one as well, the Sydney Today one which is in as an invoice. ---Mmm. Yeah. Yeah.

But it's an open invoice - - -?---That's right.

- - - because it hasn't been paid, correct?---Yeah. Yeah.

But at that point in time, 9 April, 2015, we have 20 closed invoices matching the \$100,000, correct?---Mmm. Yes. Yes.

And at that point in time, a copy of those invoices showing amount due zero is sitting in a folder with the reservation form, correct?---Mmm. Okay. Put this way.

And what I now want to know is whether you adopted the normal procedure, and sent those 20 closed invoices, invoices that say amount due \$0, whether you followed the normal procedure and sent them out to the donors.---Okay. So, this is the normal procedure, everything's clear, and that no question, and this time, we have a one invoice still open, and that
10 because this is the only last invoice at the bottom, the form. So I'm not sure this \$5,000 who hasn't paid, but invoices in our system, is it right? So I need Kenrick to confirm. In this case, I won't, I won't send out immediately the, the invoice.

So in relation to the Sydney Today invoice - - -?---Yep. Yes.

- - - that's a potential problem, and you wouldn't have sent that out immediately, correct?---Mmm.

20 But you've already clarified, you told us this a little earlier, you've already clarified that the other 20 are the ones that match the \$100,000, correct?
---Yes, yes.

So there's, from your perspective on 9 April - - -?---Yeah.

- - - there's no problem with the 20, because you have 20 reservation forms, times five, equals \$100,000.---Yeah. Yes, yes.

30 And you got 20 closed invoices, correct?---Yeah. Yeah.

So there's no issue. You're in a position on 9 April, 2015, to send those invoices out - - -?---Yep, yeah, yeah.

- - - closed invoices out to the donors in accordance with normal practice, would you agree?---Yes.

40 What I want to know is did you follow that normal practice in relation to those 20 invoices.---Okay. So, in this case, I remember Kenrick say, "Don't send the invoice out yet." And in this case, the money is already in the bank account. The invoice is in our system. And we put this 20 invoice aside, until I were confirm with Kenrick if it is right, because there is a one invoice that's open.

No, no, it can't - - -?---I, yeah, this, in this - - -

It can't have anything to do with the one invoice that's open. You've already found out at that point in time that the Sydney Today invoice is a special one and has nothing to do with the \$100,000, do you agree?---No,

because Sydney, as I said, Sydney Today invoice is at the bottom of form. I am not sure, I need Kenrick to confirm, this person hasn't paid.

By 9 April – you accepted this before – by 9 April, you had already clarified that with Mr Cheah. You told me that about an hour or so ago. Do you agree?---No, this invoice - - -

Okay.---Yeah.

10 Let's go back to volume 2, page 190, please, Exhibit 300, the final page of Exhibit 300, the final page of that exhibit, please. No, Exhibit 300, please, volume 2, page 190. Now you remember, Ms Zhao, about an hour or so ago, I was asking you, well, how did you know, if you had 21 forms, and \$100,000, how did you know which one was the missing form? And you said to me, as I understood it, that was the last form in one of the two bundles, correct?---Yeah. Yeah.

And you clarified it with Kenrick and Kenrick said that was a separate one to be dealt with. Is that right, do I have that right?---I can't remember he
20 give me the answer.

Well, let me put it a different way. You knew by 9 April, 2015 that the \$100,000 pertained – I'll start that again. By 9 April, 2015 you knew that the Sydney Today reservation form had nothing to do with the \$100,000. Do you agree?---This is I guess because it's last form, but I just temporary I putting the money attached to other 20 form and so I waiting for Kenrick to confirm this money hasn't been received.

30 But I thought you told us about an hour ago that you did confirm that with Mr Cheah on 9 April, 2015. Do I have that right or not?---(No Audible Reply)

You sent this email and you clarified - - -?---I sent this email already 4.00, nearly 5 o'clock. That day I haven't received response from Kenrick.

Well, if that's right why on 9 April, 2015 did you record the \$100,000 as being payments towards the invoices other than the one to Sydney Today Pty Ltd? You must have had a reason for doing that.---Yes, yes. So
40 because I already deposit this amount so I need the system to match this one, to match this amount, so I raised the invoice inside and then I pick up this problem, this invoice you have form but no money, I send it to Kenrick and waiting for him to confirm this person money haven't received.

Mr Cheah told you not to issue the invoices in accordance with normal procedure. Do you agree---Sorry, again?

Mr Cheah told you not to issue the tax invoices to the donors as would be required by the normal procedure. Do you agree?---I, I don't recall he say, give me that instruction.

Well, did you send the invoices in accordance with the normal procedure to the donors?---Yes.

When?---(not transcribable) this invoice.

10 I'm talking about the 20 invoices that matched the \$5,000 reservation forms where you've got 10 forms times two in the two bundles you told us about before.---Mmm.

Did you send those directly to the donors?---Not direct. And it's just like I said, there's one invoice is open, I need Kenrick to confirm that's \$100,000 is from this 20 people.

I'm not worried about the open invoice at the moment. You confirmed a little while ago that that open invoice ultimately got written off. Correct?
20 ---Yeah.

So there was never any payment that was recorded against that open invoice. Correct?---Yeah, yeah, yeah.

And when we're talking about the open invoice, we're talking about the Sydney Today one. Correct?---Yes.

So I'm now only talking about the 10 times two times five.---Yes.

30 In other words, the 10 forms in relation to 10 people, you got two forms for each person, correct?---Mmm.

I've got that right?---Again, pardon?

You've got two forms for each person, one NSW Labor one, one that says NSW Labor but Kenrick tells you it's really Country Labor. Correct?
---Mmm.

Each of those forms for \$5,000. Correct?---Mmm.

40 Equals \$100,000?---Yeah.

Just talking about those ones at the moment, put Sydney Today out of your mind.---Yeah.

Did you issue tax invoices to those donors directly?---Yes.

When?---Not directly. I think I put in system and I need to confirm with Kenrick and then he confirmed that one I will send the invoice out. When, which date I can't remember.

But when you did send them, did you send them directly to the donors or did you send them to someone else to give to the donors?---To donors, normally send it to donor.

10 No. I'm not asking what you normally did, I'm asking you what you did in relation to this unusual sum of \$100,000 in cash. These particular invoices, the 10 times two, times \$50,000, did you send those invoices directly to the donors or did you send them to someone else to send them to the donors or did you not send them out at all?---I cannot remember each one send it to where but normal procedure, send to donor.

I know what the normal procedure is, we've spent some time on that.---For this particular, I - - -

20 I want to know about this particular, unusual sum of money.---Particular, I can't remember details. So normal procedure, I say it again, normal procedure is, there's email address on the form, I will send the email. If there's no email address, send it as a post-out.

I suggest to you that on this particular occasion, you did not follow the normal procedure and you did not send the invoices to the donors. Do you agree?---I sent, I sent maybe tiny little bit later.

30 So you're quite clear in your mind that for these particular ones, the 10 times two, times \$5,000, not Sydney Today, 10 times two, times \$5,000, you sent them and you sent them directly to the donors. Is that right? You're clear in your mind that you did that?---Yeah. No reason why I don't send out. Yeah, should be sent out. Sent out, one my email, one is by post. And that could be I sent out and that could be I get casual staff help or the reception front desk, reception can help. And print out invoice and fold and put in the envelope.

I'm suggesting to you that you didn't do that on this occasion. Do you agree with me or do you disagree with me?---I don't think so.

40 You're disagreeing with my suggestion that you departed from the normal procedure in this case?---That's right. Yeah.

Now, you do at least agree, though, that from time to time, you did depart from the normal procedure. Do you agree?---That's right, yep.

And do you accept that on at least one occasion you sent invoices or receipts to Mr Wong's office rather than to the donors, as would be required in accordance with the normal procedure. Do you agree?---That's right.

That's right. Unless someone asked that one, I will do so, otherwise send to donor.

But are you agreeing that on at least one occasion, you departed from the normal procedure and you sent the invoices to Mr Wong's office rather than sending them to the donor directly, consistent with normal procedure?---I cannot remember that one occasion we send it to. Maybe that, that may happen if they ask.

10 When you say if they ask, who are you referring to there?---Could be Kenrick, could be Maggie Wang.

What about Mr Wong? If Mr Wong asked you to send it directly to him rather than the donors, would you comply with that direction?---Ernest Wong, you mean?

Ernest Wong.---Ernest Wong. Normally Ernest Wong don't directly deal with me, I remember, in my memory. He will ask Maggie and then maybe Maggie ask me do so.

20

Can we go, please, to the bundle of emails with invoice attachments. I hope that's not too cryptic for the operator. Just before that comes up, can I ask you about an allied issue. I think you said a moment ago that there was sometimes a delay between printing out the invoices and putting it in a folder like that and sending it to the donors. Is that right?---Ah hmm.

But usually you would seek to send out those invoices as soon as possible. Is that right?---Yes.

30 Usually it would be within a couple of days. Is that right?---Yes.

Sometimes it might be a couple of weeks but usually in couple of days. Is that right?---Yes.

You've also told us about how, on 9 April, 2015, you banked the money before you'd recorded it in the MYOB file. Is that right?---Yes, yes.

40 Have there been any occasions where you've banked money but it was only a number of weeks or months later that you found out who the donors were in relation to that money?---I don't know. I don't know behind that story.

That would be a surprising thing, wouldn't it, to receive money today and not know for two months or maybe more as to who the donors of that money was, do you agree?---Yeah, beg your pardon, your question again?

It would be unusual and concerning if you were given money one day as a donation, but you don't find out who the donor is for that money, say, one month or two months later, is that right?---Mmm.

At least as a matter of normal procedure, you should be getting the money and a disclosure form at the same time, correct?---Yes.

To your recollection, has there been any occasions in which that normal procedure has been departed from? For example, you being given cash, which you've banked, but you only find out who the donors of that money are some number of weeks or months later.---No. We receive money, we always want the form with the money so we can put in system. If you give us money, we don't have details, we can't put in system.

Well, you could put it in the system under some generic title like "cash receipts" or something, couldn't you?---Mmm.

Yes? You agree?---Yeah, could, could, could be, yeah.

Do you recall ever doing something like that before?---Cannot recall.

Do you recall anything like that ever happening before?---I need to check the system. I can't remember that details.

Well, sitting there now, you don't have a recollection of doing something of that kind, is that right?---No.

What about of sending invoices to Ernest Wong's office, rather than to the donors? Do you have any recollection of ever doing that?---I can't remember. Maybe that, that's possible if someone will ask to do so.

But the only persons who you would take a direction from to that effect would be, for a Chinese Friends of Labor dinner, would be either your supervisor, Ms Wang, or Mr Cheah, is that right?---Yes. Yes.

Who told you that it's okay to take instructions from Mr Cheah on matters of this kind? Is that something that Ms Wang has told you or that a general secretary or assistant secretary?---No.

You don't report to Mr Cheah, I take it?---No, no.

So how do you know that it is acceptable to take Mr Cheah's instructions on matters of this kind?---Because we thought he is organiser, he deal with these, these people, and so he know the details. So we rely on him.

But it's not just relying on him for information, which one could understand. You speak to the donors, you speak to the organisers for information. As I understand what you're saying, you would even allow Mr Cheah to give you instructions to depart from the normal procedures of the Finance Department, correct?---Not, not the, the organiser is nothing to do the Finance, Finance Department procedure. And we - - -

That's really my point. Why does Mr Cheah have the authority to direct you to act inconsistently with what you've described as normal procedures? Someone surely must have said to you, perhaps Ms Wang, perhaps a general secretary or assistant general secretary, "I know these are normal practices and procedures, but if Kenrick tells you otherwise, please comply with his directions."---It's no, no formal document like this.

10 I'm not suggesting there's a formal document.---Yeah, but - - -

But someone must have told you or given you the impression that it's acceptable to take instructions from Mr Cheah to depart from normal practices, do you agree?---Because we always do so, not just for Kenrick and other, other event organiser, they bring the information. They want to issue invoice for this person. This person give us paper, and sometimes the name is wrong, address is wrong. We just ask them to give us more detail, then we follow up that one.

20 I'm not talking about errors in addresses and things like that. I'm talking about departures what from you've described as the normal procedures within the Finance Department. And I want to know why within the Finance Department has it always been the case that instructions are taken from event organisers to depart from normal procedures.---I don't know. I don't know. We thought this they, they liaison with these people, communication with these people, they know more details, so they provide the information to us, so we, you know, oh, best information.

30 THE COMMISSIONER: See, in March, 2015, we know who was employed at Sussex Street. So the boss was Mr Clements, wasn't it?
---Yeah.

He's the general secretary?---Yes.

And then there's the Finance Department?---Yeah.

And Ms Wang was the leader of that Finance team, yes?---Yeah, yeah, yes, yes.

40 Mr Cheah was not a boss.---Mmm. Mmm.

He wasn't a manager.---Mmm.

Was he?---No.

He only worked part-time.---Mmm.

He was into community relations.---Mmm.

Yes.---Mmm.

So, unless Mr Cheah was given authority, he couldn't give directions to anyone, could he?---Mmm. Mmm.

All right. Perhaps I'll put it – I'll withdraw that and I'll put it another way. Mr Cheah couldn't, had no authority that you know of - - -?---Mmm, mmm.

- - - to direct Finance Department what to do, yes?---Correct. Yeah.

10

So if Mr Cheah had no authority to direct or instruct - - -?---Mmm. Mmm.

- - - you or anyone else in the Finance Department, he could not say, "Don't send out the invoices," after a fundraiser, correct?---No.

He had no authority.---No.

He might have been involved in organising a fundraiser.---Mmm. Yeah.

20

But that doesn't give him authority to go directing everyone to do things that are not usual practice.---Mmm. Mmm.

Do you agree?---Yes. So my immediate boss is Maggie Wong. That's why I get instruction from her. But for me, I think the small things maybe we directly deal with the event organise.

30

Small things, yes.---Oh, the small things, like this person, this company has no ABN number, this person's email, that address is wrong, this is not complete. And so we directly deal with the event organise. The bigger things like we receive \$100,000 cash, so I need to report to Maggie Wang. That's right, the bigger things, I, so I send the email to her to confirm.

Okay, thank you.

MR ROBERTSON: But it's a big thing to not send out receipts in relation to donations, would you agree?---(No Audible Reply)

40

In other words, that's not the kind of thing that you should take directions from Mr Cheah on, it's something that you would only take directions from Ms Wang or - - -?---Yes.

- - - perhaps from a general secretary or assistant general secretary, correct? ---Yes, yes, yes.

But I thought you said to us before that you would take Mr Cheah's direction on a matter of that kind, is that right or not right?---Yeah, because the small things, this person's name, and the - - -

I'm not talking about the small things at the moment.---Mmm.

I can understand completely that if you've got a form and you don't understand.---Mmm. Yeah.

The handwriting might be difficult.---That, that's right.

Or you may need to clarify something.---Yes. Yes.

10 Obviously, yes, talk to the event organiser, or someone associated with the event.---Yeah. Yeah.

And Mr Cheah might be your best port of call.---Yeah.

But I'm talking about departures from what you've called the normal practice - - -?---Yeah.

20 - - - such as the normal practice of sending invoices to the donor, rather than to someone else. I'm trying to understand why would you accept Mr Cheah's instructions on those matters - - -?---Mmm.

- - - rather than raising matters of that kind with someone like Ms Wang or with an assistant general secretary or a general secretary.---Just, yeah, so in normal procedure I say send to donor and I don't know why, what's the reason, if the person particularly come to ask me and you forward that this email, this invoice to me, I will, I will send it to this person, I need to talk to this person something.

30 Yes, but if Mr Cheah told you not to, by the sounds of it you would comply with that direction. Is that right?---Not to send the?

Not to send the tax invoice to the donor and instead send it somewhere else, such as to Ernest Wong's office.---Ah, yes.

You would comply with that direction, correct?---If he asked I would do so.

40 But I still don't understand why you would take Mr Cheah's direction in relation to an issue like that where, as the Chief Commissioner pointed out in his questions, Mr Cheah's not a boss or a manager.---Yeah.

I think in 2015 he was working on a full-time basis, he later moved on to being part-time, but even as a full-time worker, what gives him the power or authority or permission to direct you to depart from normal procedures?

---Maybe sometimes we, we want to, we want to sort out a problem as soon as possible and we change the email address and change the, the company address and then he say, oh, I don't have, I don't have this detail, maybe ask the (not transcribable) in, in someone's office. So in this case we try to sort

out the issue quick, so I will talk, ask this person and send email to this person.

You accept don't you that on at least one occasion Mr Cheah told you to send receipts not to the donors but to Mr Ernest Wong's office. Do you agree?---Yeah, that, that could be, yeah.

Did you get an instruction of that kind in relation to 2015, the \$100,000 that we're now talking about?---Yes, yes, must - - -

10

You did?---Yes.

So Mr Cheah told you not to send the receipts to the donors directly, in accordance with normal practice, but instead send it to Mr Wong's office. Is that right?---I can't remember the details. If we don't send out, we send out to someone that first could be there's no email address, no contact details.

20

No, I'm not worried about that sort of thing, I'm talking about departures from normal procedure and normal practice, and I think you said, but let's be clear about it because it's important, I think you said that – I may have this wrong but just tell me whether I've got it right or wrong – that in 2015 for the \$100,000 that we're talking about, you were directed not to send the tax invoices directly to the donors. Is that right?---I can't remember where I get direct from.

30

So you're not in a position sitting there now to say on your oath or on your affirmation, on your affirmation I think, that you sent out the tax invoices to the donors for the \$100,000 in cash in accordance with the normal procedure. Is that right?---Mmm, yeah.

You don't specifically recall doing it. Is that right?---I don't, yes.

And you accept that on at least some occasions there's been departures from the normal practice. Is that right?---Mmm. Yeah, unless I get some instruction from someone.

40

But you wouldn't have departed from the normal practice without getting an instruction. Is that right?---That's right, that's right.

But you're not able to help us as to whether you were given an instruction on this particular occasion in 2015 concerning the \$100,000. Is that right? ---No, I can't remember detail.

Now, on 9 April, 2015 you've banked the \$100,000, you've got the 10 forms times two parties times \$5,000. Correct?---Yes.

You've processed them all?---Yes.

You've printed out the invoices and you've put them in the folders?---Yep.

And you can't help us at the moment as to whether you sent the tax invoices to the donors in accordance with normal practice. Is that right?---I can't remember detail.

You may have done it, you may not have done it. Is that right?---I think I followed normal procedure, I would do it. I do it.

10

But we've spent some time on this. You're not able to say on your affirmation that you in fact sent those invoices out on 9 April or perhaps within a few weeks, or a few days or weeks after 9 April. Is that right? ---Yeah. Maybe, maybe a bit later, yeah, I think I will send out.

Well, you're not able to confirm, you don't have a recollection of actually sending those invoices out. Is that right?---No details, no.

20

No details, no recollection of sending the invoices out?---No, no details, yes.

And so it's quite possible that you didn't send those invoices to the donors in accordance with normal procedure. Do you agree?---Yeah, yes. Yeah.

Now, after 9 April, 2015, did you make any changes to the MYOB records as to who that \$100,000 related to?---Yes. I think, I think so. That could happen, I got instruction from someone.

Well, did you have a recollection of making changes?---No, no.

30

But are you saying you wouldn't have made a change unless you were instructed to make a change?---That's right, that's right.

And again, who would instruct you to make such a change?---For this event, the event organisers, Kenrick.

40

So are you saying that if Mr Cheah said, "Right I gave you 10 forms, times two parties, times \$5,000, and even though it all matches up for \$100,000, I don't want \$5,000 to be associated with person A, instead it should be associated with person B," you would accept an instruction to that effect. Is that right?---Yeah. If, if they give us advice and we were, we were, we were ---

That would at least be a suspicious instruction to give, wouldn't it?---We, we reply on the information.

But as at 9 April, everything matches up, doesn't it? You've got 10 forms, times two parties, times \$5,000, equals \$100,000. From an accountant, you're happy, it all reconciles, it all balances, correct?---Yes. Yeah.

It would be at least be a strange thing after all that happens to say, well, although I gave you a form for person A, just forget that ever happened, put that in the shredder or put it out of your mind, and instead associate that with a completely different person. What would be a strange thing to do, wouldn't it?---Ah hmm.

It would be a suspicious thing to do, wouldn't it?---Ah hmm.

10 Are you agreeing?---Yes.

But in point of fact, Mr Cheah did give you an instruction of that kind in 2015. Do you agree?---Yes.

He told you that in relation to two individuals, don't record the money as being received by those two individuals, instead replace it so it's associated with these other two individuals. Correct?---Ah hmm.

20 Do you agree?---Yes.

And then after getting that instruction, you deleted two of the invoices. Do you agree?---Yes.

And you then issued two new invoices with the same invoice numbers as the ones that you deleted. Do you agree?---Yes.

You agree you did that?---I can't remember that details but last time you showed me that in the auditor history there and it, that, that - - -

30 Well, we can go to the details if we need to, but are you accepting that Mr Cheah gave you two, two new forms after 9 April to replace two of the forms that he gave you on 9 April. Do you accept that?---Yes.

And that having occurred, you then deleted two of the invoices that you had put in on 9 April. Correct?---Yes.

40 And you, or someone under your direction, you may have had some help, but you arranged then for two new invoices to be issued in the MYOB system with the same invoice numbers as the ones that you deleted. Do you agree?---Yes.

But you did all that on Mr Cheah's instructions, correct?---Yeah, anything, anything - - -

We spoke a little bit earlier about the Sydney Today invoice, and I think you told us that that was ultimately written off, is that right?---Yes.

And so that wasn't a matter of deleting the Sydney Today invoice. It was writing it off by creating an invoice in the negative amount, is that right?
---Yeah, yes, yes.

And they then cancelled each other out. Positive 5,000 minus 5,000 equals zero.---Yes. Yes. Yeah, yeah, yeah.

10 And who instructed you that that invoice should be written off?---Okay. In this case because this, this invoice is open for long time, and we chase, chase and still no money, and finally get Kenrick to confirm. It's not recoverable, so Maggie, Maggie ask me to, to reverse, put it in next month's because the April accounts close, so we put in next month's, in the 1st of May, and then reverse that invoice to close each other.

So any good accountant doesn't like open invoices for a long period of time, would you agree?---That's right, that's right.

20 And particularly when you're getting towards the end of the financial year.
---Yeah, yes.

You want to know, particularly for your end-of-year accounts, whether a particular amount of money is expected to be received.---That's right.

Or whether it's an amount of money you never expect to receive, correct?
---Yes. Yes.

And the Finance Department was querying that in relation to the Sydney Today invoice, correct?---Yes.

30 And is it right that Mr Cheah ultimately gave an instruction that says, no, write that off because we're never going to get the money from Sydney Today, is that right.---Yes. That's right. Yep.

Did Mr Cheah give a reason for that, do you remember?---No, I think Maggie, Maggie follow up that one. He send the email to Maggie and say it's not recoverable and write it off. I, I can't remember if give a reason or not.

40 So you can't remember whether you were given a reason, but you do know that the Finance Department was told by Mr Cheah that it should be written off, is that right?---Yes, yeah.

Now, you know that the Electoral Commission conducted an investigation into the Chinese Friends of Labor dinner of 2015?---Yeah, I know that one.

And are you aware that in December of 2016 the Electoral Commission gave the Labor Party and Country Labor notices requiring information and documents to be produced?---Okay. For this issue, I don't know at all until

5th of July, 2017. The Election Commission sending me letter to ask me to interview, so I know - - -

So to be clear, is that the first time you found out that there was any investigation into the 2015 dinner?---Yes. Yes.

And do we take it from that that prior to that point in time Ms Wang didn't speak to you about the investigation?---She's already left I think (not transcribable) she already left.

10

But I'm asking about when she was still there.---Yeah.

So she was there up until I think June of 2017.---Never mentioned that one, so I don't know at all.

Never mentioned it at all?---No.

And so do I take it from that that you weren't told by Ms Wang or anyone else - - -?---That's right.

20

- - - that the Electoral Commission, in December of 2016, had asked for documents and information to be produced.---Correct. I don't know at all.

Are you aware that Mr Cheah also participated in an interview before the Electoral Commission?---I don't, don't know. Don't know. And also for me I don't ask anything. If I'm not supposed to know and the people don't tell me, I won't ask.

30

Well, let me try and assist you this way. Can you assume that Mr Cheah told the Electoral Commission that with the \$100,000 it was brought in before 9 April, 2015 and that he took it home and he brought it back into the office on 9 April, 2015?---I don't know. Until this time it's a public inquiry, I see some transcript and details there. Otherwise I don't know.

So is it right to say that the first time you heard that Mr Cheah said that he had the \$100,000 at home was after the public inquiry before this Commission had commenced?---Yes.

40

Are you also aware that Mr Cheah told the Electoral Commission that the money had first been brought into the Sussex Street office by Mr Huang Xiangmo?---I don't know.

When did you first find out that Mr Cheah had said that?---It's at this time, this time I see the transcripts.

So again that was something that you only found out about during the public inquiry before this Commission. Is that right?---That's right, that's right. And I remember the Electoral Commission asked me, asked me about

someone, Huang Xiangmo. I said I don't know, I never heard this person. I don't know. Until this time in the public inquiry, I see this name again, or ask, they ask this question.

So is that right, so is it right then that the first time you heard of Mr Huang Xiangmo was when the Electoral Commission put that name to you. Is that right?---Yes.

10 And then what about the fact that Mr Cheah told the Electoral Commission that the money, the \$100,000, was first handed to him by Mr Clements, the general secretary. When did you first find out that Mr Cheah had said that? ---At this time.

Again, at the public inquiry?---Yep, yep.

So the day before the public inquiry started, was it your understanding that Mr Cheah simply brought in the money on 9 April, 2015. Is that right? ---Yes, yes.

20 And then gave it to you during the course of that day. Is that right?---Yes, yes.

And at least before the start of the public inquiry, did you know anything about where the money had actually come from, in other words, before Mr Cheah brought it into the Sussex Street office on 9 April, 2015 where the money was?---I don't know. I thought this come from these people on the form.

30 So you assumed from the forms that the money had come from the people on the forms. Is that right?---Yes, yeah.

Did you know anything about how that money came to be in Mr Cheah's possession as opposed to in the individual people's attention?---That's right, yeah, yeah, yeah.

But did you know anything about how Mr Cheah had the money, rather than the donors coming in themselves or giving it to someone else?---I don't know.

40 You didn't ask any questions about any of that?---No, no.

You just got the \$100,000 in cash and two bundles of forms. Is that right? ---Yes.

After 2015, so I'm talking now about 2016 or 2017, were you asked to reissue any of the invoices concerning the \$100,000, being the invoices that you printed out and put into the folder?---I can't recall that happened, no.

It's at least not unusual, is it, for people, at least around disclosure time, to make contact with the Finance Department and say, "I think I made a donation and I don't remember exactly how much it is and I need the invoice." Is that right?---Yeah, yep.

Do you recall whether there was any requests of that kind in relation to the 2015 Chinese Friends of Labor dinner?---After, you mean, after that financial year, people request an invoice?

10 That's what I mean, yes, yes.---That mean receipts?

Yes. Do you remember being asked to reissue some invoices in relation to the 2015 Chinese Friends of Labor dinner?---I can't remember. I can't remember that one and, but now you reminded me that couple of months ago, Ernest Wong come to, walk in the office, asking me about some invoice.

THE COMMISSIONER: He asked you about what?---Yeah. I can't remember how long, it was a couple - - -

20

What did you say? He asked you about the invoices, did you say?---The receipts.

Receipts.---He said someone want a receipt, they haven't received, they haven't got receipt and invoice or something. "Can you, can you find it out for me," and so I check in the, in the system and the name is there, the amount is matched and he said, "Oh, then you print it, print one for me."

MR ROBERTSON: Doing the best you can, how long ago was that? I think you said a couple of months ago.---Couple of months ago.

30

So quite recently, is that right?---I can't remember which day.

Or might have it been a little bit longer ago or - - -?---Yeah, maybe later, a bit longer, say three months.

So sometime during the course of this calendar year. Is that right?---Yeah. Oh, March, October, I can't remember. Maybe three months something.

40 So sometime during the course of this calendar year, maybe two or three months ago, something like that. Is that right?---March, October, maybe end of last financial year. I don't know. I can't remember. It's very quick, just come in and because Maggie, Maggie was not there and only he know me and he asked me and I need some invoices and people say that they haven't received the invoice, the receipt something, can you check for me. I ask, I say, "What's the name," give the name and found out that one. A couple of invoice, not just one.

So to be clear about that, you have a recollection of Mr Wong sending you an email?---No, he come in.

Oh, he comes in.---He come in.

Did you know that he was coming in when he was coming in?---He - - -

Did he call first for example and say I'm coming in?---No, no, no, no.

10 He turns up at the Finance office?---Yes, that's right, yeah.

And he said I need, what, some replacement invoices. Is that right?---Yes, yeah.

20 THE COMMISSIONER: What did he actually say to you, why did he come, what was his message?---He just like, he just come in, oh, Jenny, can you help me, someone wants an invoice, they haven't received invoice. I said, "What's the name, tell me what's the name," and then he give me name and the company name and so I search, search, I found that invoice there and I print out for, for him.

What name?---I can't, couple of invoice.

Pardon?---Couple of invoice, not just one.

Invoices relating to what?---Relate to event but - - -

Sorry?---Event.

30 Which event?---Which event I can't remember, because Chinese Friend of Labor, they have a dinner each year. Which year, I can't remember which year. That could be - - -

And did you say he asked for one or two invoices, is that what you said? ---Yeah, it's more than one.

More than one.---More than one or maybe more than two.

40 So it could be more than two perhaps.---Yeah.

All right. Could it have been that he was inquiring about the Chinese Friends of Labor in respect of the year 2015?---I can't remember it's for which one.

You just don't know?---But I think - - -

Well, how long did it take you to search for the names?---Oh, it's so quick, so quick, so quick, and he give me name and so I found out, I print out for

him and then he take, take the invoice and leave. Maybe just in 10 minutes something.

MR ROBERTSON: Is it at least clear in your mind that it was about a Chinese Friends of Labor dinner, but that you just can't remember which year it was, is that right?---I'm not sure.

10 So it was at least something to do with a Chinese community event. Is that right?---Yeah, this name looks like it's a Chinese community people.

And you think it was probably a Chinese Friends of Labor dinner that he was talking about. Is that right?---Not sure. Can't remember.

Is that the only time that Mr Wong has turned up at - - -?---Yes.

- - - head office and asked for receipts?---Yes.

20 You're quite sure that's the only time that it's ever happened?---After he left, yeah, that's the only time.

So are you saying, so after he left being a MLC or after he left being employed at the Sussex Street office?---I can remember he deal with me only that time, just one that time, and then normally when Maggie was there he deal with Maggie Wang.

This time where Mr Wong comes into the office, at that point in time do you know whether he's still an MLC or has he retired as an MLC?---I think he's, no, retired.

30 He'd retired by that point in time?---Yes.

And so to help you try and get your bearings, Mr Wong had retired by March of this year, since 23 March this year.---Oh, yeah.

Does that help you that Mr Wong comes to the office sometime after he's retired as an MLC?---Yeah, yeah, I think it's after retirement.

40 And does he then come to the Finance office to speak to you?---No, he come in the front desk and maybe ask, ask me and then reception say Ernest Wong is there and then let him in and then he come to my office say, "I need your help."

So, and did you then bring him into the Finance office, is that what you're saying? Or did you go out to see him?---I think maybe first I go out, go out.

And then did you bring him into - - -?---Yeah, yeah.

You then brought him into the Finance office?---And because he say, some someone want them. So I need to check the system, so he come in to get it.

And he asked you for a few invoices, is that right?---Yes. Yes.

It may have been two, may have been three or four, is that right?---Yes, yes.

And then you went onto the MYOB system.---Yep, yes.

10 And you printed them out, is that right?---Yes.

So you didn't just go to a folder that looks like this and take a photocopy, is that right?---No, no, no. Yeah.

Is it right that ordinarily, if someone wanted a replacement invoice, you would print it again from the MYOB system - - -?---Yeah.

- - - rather than finding the folder and copying it out?---That's right. Yeah. Yeah.

20

And are you saying that that's the only time that you can remember that Mr Wong came into the office - - -?---Mmm. Yep.

- - - to get some forms.---Yep. Yep.

THE COMMISSIONER: Is there any means now of being able to track which receipts or tax invoices you copied out for him?---I don't know. I don't think so.

30 And at the time Mr Wong came and wanted to see you to get these invoices - - -?---Mmm.

- - - he didn't have any right of access, did he?---Sorry?

He didn't have any right to demand or ask for copies of Sussex Street documents.---Yes, looks like he has, he know this amount, this person, and so, or, and he give me name and the (not transcribable) I search, search, find and he say, "This is right one. Print, print out that one for me."

40 MR ROBERTSON: But these weren't invoices in Mr Wong's name, were there? They were in other people's names. Is that right?---This invoice, says in - - -

The invoices he was asking for - - -?---Yep.

- - - he didn't say, "Can I please have the invoice that was issued to Ernest Wong?"---No. Other - - -

Or, can I have an invoice issued to some company or person?---Yeah, company or person name.

But it was to other people he wanted the invoices, is that right?---That's right, yeah, that's right.

Well, why would you give copies of invoices that aren't Mr Ernest Wong's invoices to Mr Wong, in circumstances where at that point in time, he doesn't work at the Sussex Street office - - -?---Mmm.

10

- - - and he's not an MLC anymore, why would you give them to Mr Wong, other people's invoices?---Mmm. Mmm.

Why would you do that?---I, I, I thought that he is like a Chinese community, the head of the Chinese community, and he familiar with this people, and maybe people ask him to help. And so he used to work in Labor Party, so he walk in and ask for help.

20

But again, this is again something that's quite suspicious, isn't it, an ex-member of the Legislative Council, an ex-employee of Sussex Street - - -? ---Mmm.

- - - coming and asking for other people's invoices, do you agree?---Mmm. Since they're not, not right procedure.

It's certainly not the right procedure.---Mmm.

You'd at least agree with that?---Mmm.

30

Did you get anyone's permission to give other people's invoices to Mr Wong on that occasion - - -?---Mmm.

- - - or did you just decide to do that yourself?---Mmm. I think this is wrong. Yeah, but - - -

40

You agree that that was the wrong thing to do, do you agree?---That's right, yeah, because oh, I thought that he is like a head of the Chinese community. So he familiar with these people, and then he always organised the, the dinner, the event or something, and the people ask him to help. And then he come to, come to me and ask for help. So I, I did this way. I didn't, I didn't thought the other way, this is the wrong procedure, I shouldn't do that.

But you now agree that that was the wrong thing to do, is that right?---Yes. Yes. That's right. That's right.

Did you ask for anyone's permission before you did it? Did you speak to the financial controller, for example? Or did you just comply with Mr Wong's request?---Mmm, I didn't ask.

When's the last time you've had contact with Mr Wong?---This the last time.

That's the last time?---Yeah.

And can you remember what the time before that was?---I think that this is the only time.

10 You think that's the only time that you have had a - - -?---Yep. Yep.

- - - you've been in person with Mr Wong, is that right?---Yeah. Yeah.

THE COMMISSIONER: Has he ever spoken or communicated to you about the Electoral Commission investigation?---No.

Or about this Commission's investigation?---No, no.

MR ROBERTSON: You gave an interview to the Electoral Commission, is that right?---No (not transcribable)

You went over to their offices and you had a chat to them, is that right?---Yes. Yeah, to the Election Commission.

To the Election Commission, that's right.---Yes, yeah, that's two years ago, yes.

Yes, two years ago you went into their offices.---Yeah. Yeah, yeah.

30 And they asked you some questions and you gave them some answers, is that right?---Yeah, that's right.

Did you have any discussions with Mr Wong about that?---No.

You didn't meet with Mr Wong beforehand and tell him that you were going in to see the Electoral Commission?---No no. No, no. No.

And is it right that, so far as you can remember, Mr Wong has only ever come into the Sussex Street office once when you've seen him?---Yes.

40 Is it possible it may have been more than once?---He come to us and he help this time. Maybe he come in and talk to other people, something, I don't know.

But not to you?---Not to me.

Can I just draw one document to your attention. Can we go to Exhibit 302. Now, this is an email. It's not to you. This is an email from Mr Yee to Mr

Wong of 25 September, 2016. I'm sorry. Can we have – just bear with us for a moment. Can we go to volume 3A, page 280, which I thought was Exhibit 302. 302, I thought it was. If not, it's Exhibit 303. Sorry, Ms Zhao, I showed you the wrong document. We'll just get the right one up. While that's happening, we talked about the replacement forms and invoices that Mr Cheah asked you to do in April of 2015, deleting two invoices and replacing them with two invoices with the same invoice numbers. Do you remember that discussion you and I had? Do you remember that? Sorry, you have to answer out aloud.---Yes, yes.

10

Those two new invoices that were issued with the same invoices numbers as the old ones that were deleted, can you remember what you did with the copies of those invoices? I assume you put one of them into the folder that looks like this, is that right?---Mmm, mmm.

And did you then send another copy to anyone, can you remember?---Yes, should be, yeah.

20

Who did you send that other copy to?---Normally it's (not transcribable)

I know that would be the normal practice. You and I have discussed that. But on that particular occasion where you've done the unusual thing of deleting some invoices and replacing them with new invoices with the same invoice numbers, do you remember whether you sent those new invoices to anyone?---I can't recall.

Mr Cheah didn't say, "Give me those invoices" or "Send them to Mr Wong" or "Send them to Mr Yee," or someone?---I can't remember.

30

And so you don't, sitting in the witness box today, you're not able to say to us you definitely sent those two replacement invoices to any particular person, is that right?---Yes.

The normal procedure would be to send it to the donors.---Yes, yes, yep.

But you can't tell us now whether you complied with the normal procedure or whether someone like Mr Cheah directed you to not comply with the normal procedure, is that right?---I can't remember.

40

Can't remember one way or the other.---No.

Perhaps let's do it by reference to the public inquiry brief. 3A, page 280. I apologise to the operator completely, because it was in fact Exhibit 302 and we were on the right document all along. I think that's the first occasion that I've done that in now almost five weeks, but I'm sure someone will correct me if I've mis-recalled. So, Ms Zhao, you see there an email from Mr Jonathan Yee to Mr Ernest Wong. Do you see that there? Now, before we get to the detail of that email, Ms Zhao, can I just ask you about

Jonathan Yee. Do you know who Jonathan Yee is?---No, I never see this person.

You've never spoken to that person before?---No, no, no.

And if we just turn the page, so there Mr Yee is asking Mr Wong for receipts, and you'll see Mr Wong comes back to Mr Yee and says, "I will go to head office to retrieve tomorrow morning." Do you see that there?
---Yeah.

10

Now, this is 25 September, 2016. The next morning is 26 September, 2016. Do you have any recollection of seeing Mr Wong retrieving invoices in about September of 2016? You might not. He might have gone to speak to Ms Wang instead of you. I just want to draw your attention to this email to see whether it jogs your memory that Mr Wong may have come to the Sussex Street office, perhaps in September of 2016, to ask for invoices.
---No, I have no, no recollection about.

20

You've got no recollection of that. You recall the one occasion from a few months ago.---Yes.

And that's the only occasion that you can recall seeing Mr Wong?---Yes.

Is that the only occasion you can recall ever speaking to Mr Wong, you and him? Or have you - - -?---Before, before he was working Labor Party.

Yes.---So we talk. The offices are very close.

30

You're quite right.---And after he left, I don't - - -

You're quite right. I should have put that a bit more precisely. After he left the Sussex Street office and became an MLC, other than the time a few months ago when he came into the office and you assisted him with receipts, can you remember any other time where you and he had a discussion together?---No.

40

You may have been in the office before and you may have seen him from a distance talking to other people, but you can only remember one time where he came to speak to you, is that right?---Yeah, yeah.

Just pardon me for a moment, Ms Zhao. Now, Ms Zhao, in relation to replacement receipts and someone saying something like, "I'm doing my disclosure form for the end of the year. I can't find the receipt you sent me before. Please send me a new one," I think you told us before you don't go to the folder and copy it out, you go back into the MYOB system and you print out a new invoice, is that right?---Yeah.

And is it right to say that you simply go into that closed invoice and you print it out again? You wouldn't be playing around with the underlying data like the amount, the date, the narrative, anything like that, is that right?
---No. No, if, for, for the previous financial year's recorded, the accounts closed, so we can't change. And I just found that invoice, and if there's email address, normally we prefer send, send email, send it by email. And they give us an email address, I email you that.

10 So is it right to say that once the accounts have been closed for a particular financial year, you can't actually change that core data – the date, the amount, the description – because that's one of the things that happens when you close a financial year MYOB file, is that right?---Yeah, once we close, we cannot change anything and - - -

Is it right that you can't even change the description? So if it said "Chinese Friends of Labor event 2015", it couldn't change it to, say, "Chinese Friends of Labor event 2015 (that was a good night)"?---If no particular reason, we won't do that.

20 No, I'm asking about whether you can do that once you've closed a financial year.---If this period is locked, we cannot do it.

If it's closed, it becomes locked and all the data in MYOB can't be changed anymore. Is that right?---That's right, that's right.

You can still query it and print out new invoices and things of that kind, correct?---Yeah, yeah.

30 You can issue reports based on the data as at the close of financial year, correct?---Yes.

But you can't change the underlying data. Do you agree?---If it is locked, you can't change. That's right.

But it gets locked as part of the end of financial year closing process. Is that right?---Yes, yep.

40 Now, can I just ask you about this, then. Can we go, please, to Exhibit 287 at page 27. In fact, what we might do to short circuit it, is if we can have the side-by-side document, please, Operator. Now, what I'm showing you, Ms Wang [sic] is two copies of invoice 40922. On the left-hand side is the copy of the invoice that we've copied out of the folder that looks like this. On the right-hand side is a copy of an invoice, same invoice number 40922, that was received by the Electoral Commission when they asked Ms Teresa Tam for it – her name's Tam, not Tay – in September of 2016. Now, first of all, it would be right, wouldn't it, that in September 2016, the MYOB file for 2015 would be closed, well closed, some time ago. You don't close it on 1 July, 2015, because you need to do the end of financial year work but

you try and close your financial year as soon as you can once you've got the previous financial year's accounts finalised. Is that right?---Ah hmm.

You get the auditor in first, you issue your final accounts and so on and so forth. Is that right?---Ah hmm.

10 But by September of 2016, the 2015 file has been closed for some period of time. Would you agree?---Normally accounts close end of September because that time we finish auditor and then we finish the report to send to, to - - -

So by September 2016, the financial year end of 30 June, 2015, would have been closed long ago. Do you agree?---Yes, yeah.

Now, can I just ask for your help on the differences between these two invoices. So if you first of all have a look, and I appreciate it's in small text, on the right-hand side, do you see it says, "By accepting this invoice, I declare that," et cetera. Do you see that?---Yep.

20 Now, that text, is it right that that text is coming from the MYOB template rather than from the core data that's sitting in the MYOB file. Is that right? ---That's right. Yep.

And so would you agree with me that that might be the explanation for that text, that when you first printed out the invoice in the left-hand side on, say, 9 April, 2015, you were using one template, whereas when the invoice on the right-hand side was printed, it was using a different template. Do you agree?---So the right-hand side is from the folder?

30 No, the left-hand side is from the folder.---Left-hand side is from the folder?

That's right.---Okay, yeah.

And the right-hand side is the invoice in the form that the Electoral Commission received it in the latter part of 2016. Have I explained that well enough for you to understand?---Yes, yes. So right-hand side is the printout letter. Use the - - -

40 That's right.---Use the following year template.

It looks like it. I just asked you to help. It looks to me like it was using the following years template. Is that right?---Yeah. Because the, the cap is different each year. Is different and so we update once we start a new financial year, we update the template.

And so you're drawing particular attention to the third non-bold paragraph in the stamped section that says, "I have not breached the donation cap, being \$5,900 for a party in the year 2016/2017." Correct?---Yes.

And so you'd agree with me, don't you, that it looks like the one on the right must have been printed in the financial year ended 30 June, 2017?
---Yes.

Because it's using the 2016/2017 template. Is that right?---Yes.

10 But that comes from the template, it doesn't come from the underlying data in the MYOB file itself. Is that right?---Template, each invoice has this word in there for state, for Country Labor.

But is it right that the invoice number 40922, the date, 9 April, 2015, the name of the person, Teresa Tay, the description, donation to, et cetera, and the dollar value, \$5,000, that all comes from the underlying data in the MYOB file. Is that right? It doesn't come from the template, it comes from the MYOB file. Is that right?---That's right, that's right, yeah, yeah.

20 And you would agree, wouldn't you, that after the end of the financial year close you can't get at the description or the amount. Do you agree?
---Mmm.

Do you agree with that?---Yeah, yes.

I'll just ask you to look very carefully at the descriptions on these two invoices. Can you see that they both start with the words, "Donation to Chinese Friends of Labor?" Do you see that there?---(No Audible Reply)

30 But after the dash they're different. One says, "NSW Labor Chinese Launch," and one says, "Country Labor Chinese Launch." Do you see that there?---(No Audible Reply)

Sorry, you have to answer out aloud, I'm sorry.---Yes, yeah, I can see.

Now, do you have any explanation as to how that description could have changed if you assume that the invoice on the right-hand side didn't come into existence until the latter part of 2016 after the 2015 financial year had closed?---(No Audible Reply)

40 Would you at least agree that the one on the right-hand side couldn't have been created by simply going into the MYOB file and pressing print. Do you agree with that?---Yes.

And the reason for that is that the description between the two invoices has changed. Correct?---Mmm.

So can you assist us as to how that description may have changed?---Don't know. And one thing is, before start from 1 July, 2016 and the Country

Labor and NSW is separate, so before Country Labor and NSW is under one MYOB, one company.

But that wouldn't explain the differences in the description though, you would agree with that, wouldn't you?---(No Audible Reply)

So you agree that what you just said wouldn't explain the differences in the descriptions between the two invoices. Do you agree?---(No Audible Reply)

10

Sorry, you need to answer out aloud because someone is typing out the discussion that you and I are having.---Why is it changed?

Ms Zhao, can I just confirm the last answer because I think I saw you nodding in the witness box but you didn't speak out aloud, so no one can type it out. You explained a moment ago how there was a more clear separation between the Australian Labor Party NSW and Country Labor from I think you said 1 July, 2016?---Yes.

20 Is that right?---Yeah.

But you would agree, wouldn't you, that that couldn't explain the difference in the description on the left-hand side versus the description on the right-hand side. Do you agree?---I don't know. I don't think so.

It can't be because by the latter part of 2016 the file for 2015 had already closed. Correct?---Mmm.

30 And when it's closed you can't change the description. Do you agree?
---That's right, yeah.

Do you have any recollection of any involvement in reissuing in either 2016 or 2017 any invoices for the 2015 Chinese Friends of Labor event?---No, no.

You don't remember ever being asked to do that?---No.

40 Who would usually take responsibility for something of that kind, would that be you or would that be the financial controller?---You mean change the invoice?

Not changing the invoice, just reissuing new invoices, would that usually be you or would that be the financial controller?---Normal thing was I would do that one and also the other people can do it.

But is it right that you don't have any recollection of reissuing invoices in either 2016 or 2017?---No.

And for that matter, even in 2018, is that right?---No, no, I, I have no recollection about it.

You reissued some invoices in 2019, a few months ago, when Mr Wong asked you to, but you can't remember whether that was for the 2015 Chinese Friends of Labor event or whether it was for some other event, is that right?---No. This not reissue. Like it's already in the system. I just print out a hard copy for them. But that already in the system.

10 And if you were asked to reissue an invoice, the way you would do it is simply go into the system, and print out a new copy?---Yeah, yeah, yeah.

You wouldn't seek to amend the details in that invoice, correct?---No, no, no.

You wouldn't, for example, turn it into a PDF document and then try and edit the PDF document?---No. No.

You would never do that.---No, never do that.

20

You've never done that in your career, is that right?---No, no, no.

That's the examination, Chief Commissioner.

THE COMMISSIONER: Yes, thank you. Anybody want to apply to cross-examine Ms Zhao? No application? Then Mr Seymour, do you have any questions?

MR SEYMOUR: No, I don't, thank you.

30

THE COMMISSIONER: No, thank you. Thank you, Ms Zhao. You may step down.---Thank you.

You're excused. Do you want her excused under the summons or not?

MR ROBERTSON: She's indicated that Mr Cheah gave her certain directions. I will certainly seek to avoid recalling her unless absolutely necessary, but there's some matters that I'll plainly enough need to put to Mr Cheah. I hope that means I then don't need to recall Ms Zhao, but there is a possibility, so the sensible course may be to keep it formally on foot, but in the hope that it won't be necessary for any recalling.

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THE COMMISSIONER: Yes. Mr Seymour, you've heard what's said. I think I'll leave the summons on foot. But in the event that your client is no longer required, the Commission officers will certainly give you notice.

MR SEYMOUR: Thank you.

THE COMMISSIONER: Thank you. Thank you, Ms Zhao. You may step down.---Okay. Thank you.

I'll adjourn.

THE WITNESS WITHDREW [4.08pm]

10 **AT 4.08PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.08pm]**