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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 WEDNESDAY 28 AUGUST, 2019

AT 10.00AM

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

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Can I first note and apologise to those behind me, there was a technical difficulty this morning which is why there has been a short delay. Can I then confirm the proposed program of witnesses for this week. It's consistent with what I've already announced, but I'll confirm it for the assistance of those behind me and those otherwise interested. I'll shortly call Mr Steve Tong to conduct part of his examination, but I will recall him for the purposes of asking some further questions and to make him available
10 for cross-examination during the course of next week. I anticipate that that will happen on or about Wednesday or Thursday of next week. I'll then call Ms Murnain after a short adjournment after we've completed with Mr Tong and examine here. Again I'll conduct the bulk of the examination of Ms Murnain but will recall her during the course of next week for the purposes of cross-examination.

In terms of tomorrow I'll call Mr Dastyari. That will be, as I've already indicated, not before 11.00am tomorrow, and I'll call Mr Ernest Wong not before 2.00pm. Mr Dastyari will be available for cross-examination once
20 I've finished my examination of him, and Mr Wong I anticipate will take the balance of Thursday and also into Friday. It's conceivable that the examination and any cross-examination of Mr Wong will complete this week, it's also quite possible that that will spill over until next week. Probably during the course of tomorrow there will be a witness list, a tentative witness list made available with respect to witnesses for next week, but the parties should proceed on the basis that Ms Murnain and Mr Tong will be available for cross-examination during the course of next week and probably towards the middle of next week.

30 THE COMMISSIONER: Yes, thank you, Mr Robertson. Mr Robertson, would you just make sure that microphone is close enough so that you're being projected back into the hearing room. I think you are, but just in case.

MR ROBERTSON: I'm so sorry, Chief Commissioner.

THE COMMISSIONER: No, that's all right.

MR ROBERTSON: There's also I think two applications for junior counsel to have leave to appear, one I think a new junior for my learned friend, Mr
40 Moses.

THE COMMISSIONER: Yes.

MR ROBERTSON: And I think there's one other as well.

MR MOSES: Yes, Chief Commissioner. So - - -

THE COMMISSIONER: Is counsel here? Yes, Mr Moses.

MR MOSES: I seek leave that Ms Gall of counsel appear with me for today.

THE COMMISSIONER: Sorry. I'm not picking you up either. The microphone needs unfortunately to be - - -

MR MOSES: I've never been accused of having a soft voice, Commissioner. But Ms Gall of counsel - - -

10

THE COMMISSIONER: All right. I can hear you now.

MR MOSES: - - - I am seeking leave to appear with me today.

THE COMMISSIONER: I grant leave.

MR MOSES: Thank you,

THE COMMISSIONER: Is there any other - - -

20

MR LAWRENCE: Yes, Chief Commissioner.

THE COMMISSIONER: Yes, Mr Lawrence.

MR LAWRENCE: I anticipate that Ms Graham, initial F, will be joining me at about 11.00am.

THE COMMISSIONER: Yes, very well.

30

MR LAWRENCE: But I will seek leave for her to appear.

THE COMMISSIONER: Yes. I grant leave to Ms Graham to appear.

MR LAWRENCE: Thank you.

THE COMMISSIONER: Ready to proceed?

MR ROBERTSON: I'm ready to proceed. I call Steve Tong.

40

THE COMMISSIONER: Mr Tong, do you mind just stating your full name?

MR TONG: Steve Tong, S-t-e-v-e, Tong, T-o-n-g.

THE COMMISSIONER: Thank you, Mr Tong. Mr Tong, in order to give evidence, do you wish to take an oath or give evidence on affirmation?

MR TONG: *Affirmation please. Thank you.*

THE COMMISSIONER: Yes, very well. Well, then we'll swear the interpreter in. Do you take an oath or an affirmation?

MR YAU: I'll take an affirmation.

THE COMMISSIONER: Yes, thank you. Just state your full name, please.

MR YAU: Roy Yau.

10

THE COMMISSIONER: Thank you.

<ROY YUN TSZ YAU, affirmed

[10.21am]

THE COMMISSIONER: Thank you. Yes, Mr Tong, would you mind standing please to take the affirmation.

<STEVE TONG, affirmed

[10.22am]

THE COMMISSIONER: Thank you. Mr Tong, we have the interpreter here for your assistance. I understand that you do speak and understand English to an extent, is that right?---Yes.

Is that correct?---*Yes.*

10 Would you feel comfortable in proceeding without the use of the interpreter unless you need to have the interpreter assist you or is it your preference to give evidence through the interpreter from the start?---*I think it's better to use the interpreter.*

Better to use you as interpreter?

THE INTERPRETER: Yes.

20 THE COMMISSIONER: All right. Very well, we'll do that. Yes, Mr Robertson.

MR ROBERTSON: I'm not sure whether Mr Chiu has an application to make.

THE COMMISSIONER: Yes. Mr Chiu, you appear, as I understand it, on behalf of Mr Tong and you seek leave to appear?

MR CHIU: Yes, Commissioner.

30 THE COMMISSIONER: I grant that leave.

MR CHIU: Thank you,

THE COMMISSIONER: Before we get underway is there any application that you wish to make in respect of your client, Mr Tong?

MR CHIU: It would be just the section - - -

40 THE COMMISSIONER: I'm sorry, I can't hear you again.

MR CHIU: It would just be section 38 declaration.

THE COMMISSIONER: And those provisions have been explain to Mr Tong?

MR CHIU: Yes.

THE COMMISSIONER: And he wishes to have the protection of section 38?

MR CHIU: Correct, Commissioner. Thank you.

THE COMMISSIONER: Mr Tong, you understand that you are entitled to give evidence under the protection of what's referred to as section 38 of the Independent Commission Against Corruption Act?---*Yes.*

10 And you have an understanding as to what that means?---*Yes.*

Even though a section 38 declaration may be made, you understand that you must answer all questions truthfully?---*Yes.*

And you understand that you may be required to produce, in accordance with your summons, any document or other thing?---*Yes.*

20 And that if the summons doesn't require you to produce anything, you still are subject to a direction from me to produce any document or thing, you understand that?---*Yes.*

You understand that the protection under section 38 means that the evidence you give here in these proceedings can't be used against you in the future in other proceedings?---(No Audible Reply)

You have to respond otherwise - - -?---*Yes.*

30 Whether those proceedings be criminal, civil, administrative or of any other kind.---*Yes.*

However, there is an exception and that is that the evidence you give can be used against you if it's required to prove an offence by you under the Independent Commission Against Corruption Act such as giving false evidence. Do you understand that?---*Yes.*

And I note that the penalty for an offence of giving false or misleading evidence to this Commission is a penalty by way of imprisonment for up to five years.---*Yes.*

40 Very well. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Tong, and all documents and things produced by him during the course of his evidence during the course of this public inquiry are to be regarded as having been given or produced on objection and that being the case there is accordingly no need for the witness, Mr Tong, to make objection in respect of any particular answer given or document or thing produced.

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

THE COMMISSIONER: Very well. Thank you. Yes, Mr Robertson.

MR ROBERTSON: Mr Tong, you are presently retired. Is that correct?
---*Yes.*

20 Before you were retired you were employed by Wu International Investments Pty Ltd. Correct?---*Yes.*

You were also employed for a period with Tongda, T-o-n-g-d-a, International Tobacco Pty Ltd. Correct?---*Yes.*

And that is a related company to Wu International Investments Pty Ltd?
---*Yes.*

30 Wu International Investments Pty Ltd in Australia is a property development company. Correct?---*Yes.*

It did property development work when you were employed by Wu International Investments Pty Ltd. Correct?---*Yes.*

Worldwide Wu International is an organisation headed by Mr Bobby, B-o-b-y, Wu. Correct?---*Yes.*

And that organisation has activities in China. Is that correct?---*No.*

40 The Wu International Investments Pty Ltd in Australia, is the senior person in Australia a Mr Alex Wu, W-u?---*Yes.*

And is he the son of Bobby Wu?---*Yes.*

And is Alex Wu also known as Alex Wood, W-o-o-d?---*Yes. Possibly, yes.*

When you worked at Wu International Investments did Dr Leo Liao work there as well?---*Yes.*

What was Dr Liao's job title and role?---*Leo was in charge of everything in the company. Alex did not know a thing. He was too young and he did not know how to run a company or develop a property, run a development, property development company. So Bobby Wu asked Dr Liao to assist Alex to run the company. In fact all the decisions were made by Dr Liao.*

10 So is a fair summary of what you've just said that on a day-to-day basis it was Dr Liao who would operate and run Wu International Investments Pty Ltd?---*Yes.*

And Alex Wu was senior to Dr Liao in the company but the day-to-day operations were run by Dr Liao. Is that right?---*Yes.*

20 What about Bobby Wu, has he had any, does he, did he have any involvement in Wu International Investments while you were working there?---*Bobby rarely came to Australia but whenever he was in Australia he would discuss with Dr Liao, but as far as the arrangement between them, I'm not too sure.*

Do you know where Bobby Wu is usually based when he is not in Australia? Where does he live when he is not in Australia?---*Guangzhou.*

In the People's Republic of China. Correct?---*Yes.*

And does he run a business in the People's Republic of China to your understanding?---*I have been to his factory but I'm not too sure what business does he do. His previous factory manufacture perfume essence.*

30 When you say you've been to his factory, you mean you've been to Bobby Wu's factory in China. Is that right?---*Yes.*

Is it right that you retired from Wu International and Tongda International in about the middle of 2016?---*Yes.*

And was it about June 2016? Is that right?---*Yes.*

40 Can we have on the screen, please, volume 5, page 34 of the public inquiry brief which forms part of Exhibit 152.

THE COMMISSIONER: Just while that's coming, what tertiary education did you have?---*I went to university in China. I went to university in China.*

And what did you study there?---*Electrical engineering.*

And did you qualify in the course of study in China?---*Yes.*

And when did you first come to Australia?---*1983.*

And from that date did you work in Australia as an engineer?---*No, because I couldn't find any job as an engineer so I, even I couldn't find a job as a labourer, so I went to do some work on a switchboard, then I went to Sydney Waters.*

And what work did you do at Sydney Waters?---*Electrical technician.*

10 And how long did you work with that entity?---*14 years.*

Very well. Yes, thank you.

MR ROBERTSON: And what role did you play when you were employed in Wu International Investments, what work did you do?---*Project manager.*

20 THE COMMISSIONER: What sort of projects?---*Building projects and things that were technical.*

Sorry, I didn't get that.

THE INTERPRETER: Technical things.

THE COMMISSIONER: Technical?

THE INTERPRETER: Yes.

30 THE COMMISSIONER: Are you talking about industrial, commercial building work or some other form of building projects?---*I used to study electrical engineering but after coming to Australia I've also done some course in building licence, in Hornsby, at Hornsby TAFE. Even when I was back in Hong Kong I used to work in some subway, metro subway work.*

Just pause, just pause there. In working for Wu International what sort of projects did you project manage?---*Design, applying for approvals from council.*

40 What sort of projects? Just pause there.---*Of course my boss, they wished to maximise their project but I told them whatever you do here you have to comply with the local law and rules.*

All right. Is this commercial projects?---*My project, yes.*

Just pause there.---*Yes, a project in Chatswood, there was a commercial project.*

All right.---*And also residential project. It was a high-rise building.*

All right. Thank you. Yes.

MR ROBERTSON: Mr Tong, about how long did you work for Wu International?---*Five or six years in total.*

Can I ask you to have a look at the document that's on the screen in front of you, please.---Yeah.

10 And have a look at the bottom right-hand corner of the screen, please. Is that your signature on the bottom right-hand corner of the screen?---*Yes.*

A little further up the screen where we see the name Steve Tong, did you write those words "Steve Tong"?---*I think so, yes.*

And what about the address that we see nearby, did you write those words or did someone else write those words?---*I think this is my handwriting. The words that are not written by me are the reservation form on the top and also the figure \$5,000. And the word on the top "replacement" it is not
20 written by me.*

And did you write the date in the bottom right-hand corner, Mr Tong?
---*Yes.*

Can you see that on the left-hand side of the screen it's described as an "Invitation for Chinese Friends of Labor Presents NSW Labor Chinese Launch." Do you see that there? So just first, Mr Tong, I'm just asking you to confirm that you can see that it's referring to "Chinese Friends of Labor Presents NSW Labor Chinese Launch." Can you see that?---*Yes.*
30

And can you see a little bit further down where it says when, 12 March, 2015. Do you see that there?---Hai.

Can you see that there, Mr Tong? We can zoom in if you need us to.
---*Yes, I can see it.*

Did you attend the Chinese Friends of Labor NSW Labor Chinese Launch on 12 March, 2015?---*No.*

40 Did you donate \$5,000 to either NSW Labor or Country Labor in connection with the Chinese Friends of Labor NSW Labor Chinese Launch?---*No.*

THE COMMISSIONER: Can I ask you, have you ever been a member of the Australian Labor Party?---*No.*

As at March 2015 were you interested in politics?---*Not even a bit.*

Sorry?---*Not even one bit.*

Were you in some way supportive of ALP ideology or political platforms?
---*To be honest I don't have much knowledge about politics so I'm not necessarily for or against any party and in the past the ALP and LNP in Australia they've been alternating in government.*

All right.---*So I don't have any inclination towards LNP or ALP.*

10 And prior to the date on the document that you see on the screen, that is prior to 23 February, 2015, had you ever donated to any political party?
---*No.*

MR ROBERTSON: Mr Tong, have you ever donated \$5,000 to the Australian Labor Party?---*No.*

Have you ever donated \$5,000 to Country Labor?---*No.*

20 As at 2015 did you know what the Country Labor Party was?---*I did not know and I, and I did not, I don't know what is Chinese Friends of Labor too.*

So to be clear about that, as at 2015 you didn't know what Country Labor was. Is that right?---*No.*

30 You accept, though, that you signed the document, a copy of which we can see on the screen?---*This signature looks like my signature but I don't have any recollection signing this document or this form. Until I receive a tax invoice from Labor Party and I was a bit dumbfounded because I thought when did I donate money to the Labor Party?*

Just pause there for one moment, Mr Tong. Can we go back to the previous page on this screen, and you referred, Mr Tong, to a tax invoice. I've now put on the screen page 33 of volume 5, Exhibit 152. Does that appear to be the tax invoice that you were just referring to?---*Yes.*

40 And you were just explaining what happened after this, after a tax invoice came to your attention. Please continue.---*And when I received this invoice I thought, that's strange, when did I donate money to the Labor Party? And when I thought deeper I came to the thinking that that must be something done by my boss, Boby. So I went back to the company and I ask Alex and Dr Liao. Initially they denied but I asked them, "When did I donate this money to the Labor Party?" And later on Alex accepted that his father used my name to donate money to the Labor Party. And they said, "It's fine, it's a good thing that you are donating money to the Labor Party. Even I have donated a couple of times." He said, "If anything happens, then the company will hire a lawyer for you to deal with the matter for you.*

Just to be clear, who are you talking about said that to you, was that Alex Wu or Dr Liao or Bobby Wu or someone else?---*Dr Liao and Alex were there and they said those things. Alex, Alex Wu said that.*

So just to be clear, was it just Mr Alex Wu or was it also Dr Liao as well? ---*Both of them. I was told anything that you do for the company, you just do it. If anything happens we, they with it for you, you just do it.*

10 But Mr Tong, I just want to be clear, was that said to you by Mr Alex Wu or by Dr Liao or by both of them?---*Both.*

THE COMMISSIONER: When did this meeting take place?---*They, they all said that, they all said that when you do things for the company, if any legal things arises, then the company will take care of it for you.*

We're going into the particulars about this meeting? Yes. All right.

20 MR ROBERTSON: But to be clear about, when did that meeting happen? Was it soon after you received a communication or invoice from Country Labor?---*Yes.*

So that I can understand what happened in order, is it right that the first time you realised that your name had been used for a donation was when you were sent something by Country Labor. Is that right?---*Yes.*

Is it right to say that you think that what you were sent was the document you can see on the screen which appears to be an invoice dated 9 April, 2015. Is that right?---*Yes.*

30 And then turning the page to page 34 of this bundle, are you saying that you recall signing a form that looked like this?---*No. Only after receiving the tax invoice from the Labor Party I took this to them and Dr Liao then photocopied this document to show me.*

40 And when he photocopied the document was it blank or did it have writing of your name and an address on it?---*The signature was already there and Dr Liao told me, he said, "You had already done all the things," and to me firstly I don't have any knowledge about political donations, I don't know what is right or what is wrong. So I just, so then I didn't turn my mind to it and I thought at the time I just was making a donation and the money didn't come from me. So it was an oversight on my part so I didn't think about that, and when I received the invoice from the Labor Party I was very angry and I took it to Alex and ask him. And he said that's, that's fine, you know. Fundraising it's very common and donations - - -*

THE COMMISSIONER: Just pause there. To get this in sequence, you said you received the invoice of 9 April, 2015 shown on the screen a moment ago and after that you went to see and speak to Alex. Is that right?

---Yeah.

Where did you go to speak to Alex, where?---*In his office. Dr Liao's office.*

The offices then were where?---*Level 6, 650 George Street, Sydney.*

What level of the building did you go to?---6 level.

10 Is that where Wu International offices were then?---*Yes.*

So you went into the office. You spoke to the receptionist I suppose, did you?---*No, I just went to his room.*

Well, now, would you describe what happened step by step. You went into whose room and what happened? Who said what?---*When I went to the office on that day, Alex Wu and Dr Liao were in Dr Liao's room and I asked them who used my name to make a donation to the Labor Party because I did not make a donation myself. Then I was told that his father
20 used my name to make the donation. But, so at the time if I had said anything against that they, I would lose my job. And secondly, it was true that on a newspaper I saw every day there were, there were ads encouraging people to make donations to parties or adopting a child. So I was very ignorant about the fact that the money wasn't from me and if, and I was told that if anything happens the company will deal with it, deal with it for you so you don't have to worry.*

Who said that?---Alex. *Both of them, Dr Liao and Alex.*

30 Who did most of the talking at this meeting?---*Both of them. Both of them.*

MR ROBERTSON: But the particular statement, "If anything happens you don't have to worry," was that said by Mr Alex Wu or by Dr Liao or by both of them?---*I think both of them had said it.*

You mentioned a moment ago that I think you were concerned that if you said anything against them you might lose your job. Did I get that right?
---*Yes.*

40

Why did you think that? Was that something that was said to you or was there some other reason why you thought that?---*Because, you know, working in a Chinese company for a Chinese boss, if you think anything otherwise or that is different to your boss, then you have to go.*

During the meeting that you had at Wu International's offices after receiving the tax invoice, did you say you were given a copy of the document that you can see on the screen, did I get that right?---*Yes.*

And that copy was already filled out when you were given that copy. Is that right?---*This document wasn't given to me on that day, it was given to me a day or two after.*

THE COMMISSIONER: How did you receive it?---*Dr Liao said to me, "I photocopy this document for you and here you go." Because before that I had never seen this document.*

10 Did you receive it in the mail?---*He handed this document to me in the office because we are in the same office.*

MR ROBERTSON: So are you saying you have no specific recollection of signing this form, is that what you're saying?---*No, I don't have any recollection. This looks like my handwriting.*

And is it the case that you possibly did sign a form that looks like this but you just can't now recall doing it. Is that fair?---*That's impossible because I have a habit, the habit is everything I sign I must keep a copy of what I
20 sign, and I have never seen this and it was only after they had photocopied this document that I had seen this document.*

THE COMMISSIONER: Can I ask you this. After you had this meeting at the Wu International offices with Alex Wu and Dr Liao and you had the conversation that you've given evidence about, by the time you left the offices were you worried about what you had heard?---*I think so.*

And why were you worried? What were you worried about?---*Actually about losing my job. Secondly, of course, they did not do anything
30 threatening to me but the way they spoke to me sounds like that I had to comply with what Dr Liao said.*

Apart from the possibility of losing your job, was there some other concern that you had that caused you worry after this meeting or at this meeting?
---*I was also concerned that they would take a revenge on me. They would hire some scoundrel to assault me. I don't know.*

But do you say that no express threat was made by either of them?---*They did not really say that but they said it's best that you do things according to
40 what Dr Liao says.*

According to?---*What Dr Liao says.*

MR ROBERTSON: Mr Tong, in answer to one of those questions a moment ago you said according to my note, "They spoke to me in a way that led me to believe that I should comply." Did I get that right, and if I got that right, what was it about the way they spoke to you that led you to have that belief?---*Very simple because, because I was told whatever Dr Liao

says you just do it and even though Bobby Wu rarely came to Australia but when he was here he would tell me the same. Just, just listen to Dr Liao's instructions. Of course he did not say that expressly but that if you don't listen to me I will get someone to hit you or something like that. They didn't say that. So, yeah, that's, they did not, they said just listen to Dr Liao and that will be it so if I, to me if I don't listen to them or resist them or don't play by their rules then, yeah.*

10 Can we have the letter of 25 August, 2016 on the screen, please. Mr Tong, I'm just going to show you a document on the screen. Mr Tong, do you see a letter in front of you dated 25 August, 2016?---*Yes.*

Do you recognise that letter?---*Yes, it is from the electoral office.*

Do you recall receiving that letter in or around August of 2016?---*Yes.*

20 Do you recall what you did once you received the letter that you see on the screen of 25 August, 2016?---*After receiving this letter I show it to Leo and Alex Wu. They said, "We will take care of it," and I said, "Okay, you take care of it."*

And did you then take any further steps in relation to this letter?---*I was told after this letter there would be a second letter.*

And can we go please to an email of 26 August, 2016. And while that's happening I tender the letter that's presently on the screen, namely a letter of 25 August, 2016 from the NSW Electoral Commission to Mr Tong.

30 THE COMMISSIONER: Yes. The Electoral Commission letter 25 August, 2015 [sic] addressed to Mr Tong will be admitted and become Exhibit 168.

#EXH-168 – LETTER TO STEVE TONG FROM THE NEW SOUTH WALES ELECTORAL COMMISSION TITLED 'WARNING – FAILURE TO DISCLOSE WITHIN THE REQUIRED TIME' DATED 25 AUGUST 2016

40 MR ROBERTSON: Mr Tong, do you now see an email of 26 August, 2016 on the screen?---*Yes.*

And you'll see it's addressed to sktong2000@gmail.com. Do you see that there?---Hai.

And that was your email address at that time, correct?---*Yes.*

Do you recall receiving this email?---*Yes.*

And do you recall what you did after receiving this email?---*There were some forms for me to fill out and I was asked to explain where I got the money from for the donation and also the record for the relevant transactions.*

10 So pausing there for a moment, Mr Tong, can I bring on the screen, please, page 88 of volume 1 of the public inquiry brief, being part of Exhibit 149. And while that's coming up on the screen I tender the email that's presently on the screen, 26 August, 2016, from the NSW Electoral Commission to Mr Tong concerning the correct form to lodge disclosure.

THE COMMISSIONER: The email from the Electoral Commission to Mr Tong, 26 August, 2016, will be admitted and will become Exhibit 169.

**#EXH-169 – EMAIL FROM HENRY DONKIN TO STEVE TONG
TITLED ‘LODGMET FORM FOR DISCLOSURE FOR A MAJOR
POLITICAL DONOR’ DATED 26 AUGUST 2016**

20

MR ROBERTSON: Mr Tong, you mentioned a form a moment ago. Is this one of the forms that you were talking about?---*Yes.*

Is this your handwriting on the form?---*Yes.*

And is it your signature on the form?---*Yes.*

30 And you accept, don't you, that you signed a form that looks like the copy that's on the screen. Is that right?---*Yes.*

Now, I showed you the failure to lodge reminder document a moment ago which was dated 25 August, 2016, but can you just have a look at the date near your signature that says 22 August, 2016, towards the right-hand side of the page. Can you see that there?---*Yes.*

Did you write the 22 August, 2016 on this form?---*Yes.*

40 Did you in fact sign it on 22 August, 2016?---*Yes. After receiving the letter from the Electoral Commission I was asked to fill out this form and to sign it and Dr Liao then took this document to his accountant, Leon.*

Can we just take a step back so I make sure I understand the chronology. So if we can have back on the screen Exhibit 168, which is the letter of 25 August, 2016. And while that's happening, Mr Tong, just to be clear, are you saying that you signed the form that was on the screen a moment ago after you got the failure to lodge document from the Electoral Commission. Is that right?---*Yes.*

If you just have a look back on the screen we've got Exhibit 168, the letter of 25 August, 2016. Do you see that there?---*I know what you're referring to now. It's showing 25 August on this letter and in terms of the other date, I was asked by Dr Liao as to what to put on the form.*

So just to be clear about that, the form that we saw on the screen you signed after 25 August, 2016. Is that right?---*Yes, I'm sure.*

10 And if we go back to volume 1, page 88 which is the form. Sorry, Mr Tong, it will come up in a moment. So back onto this form, Mr Tong, at page 88 of volume 1. I think you're agreeing with me that you didn't sign this form on 22 August, 2016. Is that right?---*Yeah, I don't think so, no.*

You signed it after you received the letter of 25 August, 2016 from the Electoral Commission. Correct?---*Yes.*

20 Why then did you date this form 22/8/2016?---*If you can see on the top right there is a date that is crossed out which says 9 April, 2015 and it was changed to the 12th of the 3rd, 2015 and also the date down there, these were done according to Dr Liao. Of course I didn't know when the money was donated I, so I put 9 April and he said that's not right. The correct date should be the 12th of the 3rd.*

But, Mr Tong, I'm asking you to focus on the date of 22 August, 2016. Are you saying that Dr Liao told you to put that date in or did you decide yourself to put that date in?---*Dr Liao. Dr Liao told me what to write and how to write.*

30 In answer to one of my previous questions you referred to an accountant I think by the name of Leong. Is that right?---Leon, Leon.

Can you spell that for me?---So L-e-o-n, I think. Leon.

And who is that accountant?---So Wu International accountant.

40 And what was his involvement, if any, in the form that we can see up on the screen?---*I think, I think he helped me to draft a letter to the Electoral Commission and after they have drafted the letter they asked me to go up to his place to sign, to sign the document. That's what Dr Liao told me. He said to me, "You don't have to concern yourself with anything, you just leave it to me and you just have to sign it."*

So we'll come back to the letter to the Electoral Commission but I just want to understand, in relation to this form, is the only person who said anything to you about this form, Dr Liao or was it someone else as well?---*Dr Liao only. Dr Liao, yeah.*

Do you recall what the name of the firm to company was that Leon, the accountant, worked for?---Yeah.

What was the name of that firm or company?---*I don't know to be honest.*

Do you recall where their offices were in 2016?---*They're, they're, they're still at Castlereagh Street. One of the tallest buildings but I, I, I can't, I can't remember the, the number of their office. I think I remember they were on the 20th floor. Oh, level 12.*

10

Can we have the form back on the screen, please, page 88 of volume 1, public inquiry brief, forming part of Exhibit 149. Mr Tong, that's the first page of the form that we spoke about a moment ago. I'll just ask the operator to turn to the next page and do you see there it says, "Donation to Chinese Friends of Labor, \$5,000." Do you see that there?---*This is what Dr Liao asked me to write. This is what I had written myself and, but this what Dr Liao asked me to write. He said, "Just write this and that."*

20

If we turn back to the previous page, please and can we zoom in towards the bottom half of the screen so that we can see the text above Mr Tong's signature. Mr Tong, just above your signature, there's some text and it's quite small and hard to read so I'll read it out to you. "I, Steve Tong, declare that all donations made during the relevant disclosure period have been disclosed and the information contained in this disclosure and any attachments is true and correct. I understand that giving information which I know is false or do not reasonably believe to be true is an offence." I'll just get that translated for you. And so by signing this form, you accept you were making that declaration to the Electoral Commission, correct?---*Yes. But I, I had no choice.*

30

But you at least accept, don't you, that the declaration you made to the Electoral Commission was false because you did not make a donation to Chinese Friends of Labor of \$5,000 as indicated on the second page of the form?---*Yes, that's right.*

40

And when you say you thought you had no choice, is that a reference to what you were telling us earlier namely, you were concerned about what people within Wu International might do if you said anything against them? ---*Yes.*

THE COMMISSIONER: Could I just ask you one thing. At the time of these events that you've been asked about this morning, were you a married man and did you have a family?---*Yes*.

MR ROBERTSON: I think you told us this morning that you retired from Wu International and Tongda International in about June of 2016. Is that right?---*Yes, you're right. So I had no choice in that. I had already told a lie so I had to follow through with it.*

When you say you had already told a lie, what's the lie that you're referring to?---*So after receiving the tax invoice from the Labor Party, in not doing anything that was against their wishes that was a false thing to start with, and later on in doing the things that were told by Dr Liao I have been wrong all along. So I was telling lies to the Electoral Commission and the company told me that if anything happens they will take care of me, they will take care of it for me, so I just followed what they asked me to do.*

- 10 Just so we're clear about that, are you saying that the reason that you made this false declaration was really twofold, you had already told a lie and you thought you needed to back up that lie and also you were still concerned that you wouldn't want to say anything against the people in Wu International. Do I have that right?---*That's right.*

And that's the case event though at this point in time in August of 2016 you were no longer working at Wu International. Is that right?---*Yes. Yes, I was, I was worried that they would, they would take a revenge on me.*

- 20 Can you just explain how it was you had the discussion with Dr Liao where he told you to fill out this form in the particular way. Did you go to his office for that or how did that arise?---*I took it to Dr Liao's office and Dr Liao, on that day he said to me, "That's all right, that's okay." I think I didn't sign anything on that day, it was the day after that he asked me to go to his office to sign the documents.*

- I just want to make sure I understand that. So you got the failure to lodge reminder on 25 August, 2016, Exhibit 168 that I referred to before, and did you then call up Dr Liao or did you go into his office to talk to him about it?
- 30 How did you draw that to Dr Liao's attention, the failure to lodge reminder?---*Firstly I, I gave a phone call to Alex Wu and Alex Wu said, told me to take the letter to Dr Liao's office. And Dr Liao said even he donated, or someone donated \$5,000 to the Labor Party. So, and he said, "It's the same as me, I, I will, I will leave it to my accountant to do the things for me." So he said, "Just give it to me."*

- And so do we take it from that that – I withdraw that. Was it Dr Liao or was it you that sent this form into the Electoral Commission or was it someone else?---*I took it to his office. I am not sure whether Dr Liao himself sent it or his accountant, Leon, sent it. So I remember there is also a letter that was attached to this document. So I signed the, the document at the accountant's office, in reception, but I'm not sure whether later on Dr Liao sent this back to the Electoral Commission or his accountant did it.*
- 40

I'll come back to a letter in a moment but to be clear, you didn't send this disclosure in to the Electoral Commission, is that right?---*No. I never.*

You left it to either Dr Liao or Leon, the accountant, to do that, is that right?---*Yes.*

I'm about to move onto another topic, Chief Commissioner. I anticipate being finished with Mr Tong before lunch, sorry, probably closer to lunch, but it's going slightly slower than what I originally anticipated.

THE COMMISSIONER: Yes. Very well.

10 MR ROBERTSON: So I don't anticipate calling Ms Murnain until immediately after lunch now.

THE COMMISSIONER: Well, we'll take the morning tea adjournment now then and so we'll resume in about 15 minutes. So Mr Tong, you may step down. We'll take a morning tea adjournment.

SHORT ADJOURNMENT

[11.40am]

20

THE COMMISSIONER: Mr Robertson.

MR ROBERTSON: Can we have on the screen please page 73 of volume 1 of the public inquiry brief, Exhibit 149. Mr Tong, I've just put on the screen a document that says, Notice Issued to an Individual Pursuant to Section 110A of (1)(b) of the Election Funding, Expenditure and Disclosures Act 1981. Do you see that in front of you?---*Yes.*

30

And this is a document that you've seen before. Correct?---*Yes.*

And if we could just turn to the next page, please, operator. You'll see that there's a date towards the bottom of the page of 14 September, 2016. Do you see that there?---*Yes.*

And doing the best you can, did you get this document called a Notice to Produce around 14 September, 2016?---*Yes.*

40

Having received that document, what did you then do in relation to the document?---*Okay. I did the same, I rang Alex Wu and he said, "Take this document to Dr Liao."*

And did you then take the document to Dr Liao?---*Yes.*

And where did you take it to, was that to Wu International's offices or was it somewhere else?---*At the George Street Wu International office.*

And having brought the notice to Dr Liao at his office in Wu International, what did you then do?---*He said if anything happens he will get someone to respond this matter for me.*

And did he identify who that someone was, who that someone was who would respond?---*His accountant.*

And when you say his accountant, is that a reference to the Leon you spoke to us about this morning?---*Yes.*

10

Did you ultimately meet with Leon, the accountant, in relation to this notice to produce?---*No.*

In response to the notice to produce did you sign any letters to the Electoral Commission?---*Leon prepared a letter and Dr Liao gave me a call. Asked me to go to Leon to sign the letter.*

20

So to be clear about that, the letter was prepared by Leon, the accountant. Is that right?---*Yes, but I, of course I did not see Leon myself. The letter was prepared by Leon and he left the letter with the girl at the reception and I went to his office and signed the document at the reception.*

And the preparation of that letter happened after you attended on Dr Liao with a copy of the notice to produce. Have I got that right?---*Yes.*

30

Can we go, please, to page 75 of the same volume, volume 1 of the brief, Exhibit 149. Now put up on the screen, Mr Tong, a letter of 22 September, 2016 that in the top right-hand corner says Steve Tong. Do you see that there?---*Yes.*

And is that a copy of the letter you referred to a moment ago as prepared by Leon, the accountant?---*Yes.*

That's your signature on the page towards the bottom of the page?---*Yes.*

And did you sign this on or about 22 September, 2016 being the date of the letter?---*I think it was the day or two days after the letter or one or two day, one or two days after that date.*

40

So is it right that it was around about 22 September but it may have been the 23rd, 24th or perhaps even 25th. Is that right?---*Yes.*

And you signed this letter at Leon, the accountant's offices. Is that right? ---*At his reception, yes.*

How did you know that it was available for you to sign? How did you know to go into the office?---*Because Dr Liao rang me. He said the document it's ready and you just have to go and sign the document.*

Did you ever have any conversations with Leon, the accountant, in relation to this issue?---*No.*

10 THE COMMISSIONER: As to the enclosures referred to in the letter, there's four enclosures, the first is the PAYG payment summary, the second is the notice of assessment for year ended 2015, and then there's copies of St George Bank passport savings books, and a copy of a tax invoice from ALP NSW Country Labor state campaign. Did you go about collecting those documents for the purposes of being sent to the Electoral Commission or how did it work?---*I provided those documents to - - -*

To who?---*Dr Liao. And those documents along with the letter then were passed on from Dr Liao to his accountant.*

20 All right. I make a direction under section 112 of the Independent Commission Against Corruption Act suppressing publication or communication of the bank account number appearing in the letter of 22 September, 2016 signed by Mr Tong.

SUPPRESSION ORDER: I MAKE A DIRECTION UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT SUPPRESSING PUBLICATION OR COMMUNICATION OF THE BANK ACCOUNT NUMBER APPEARING IN THE LETTER OF 22 SEPTEMBER, 2016 SIGNED BY MR TONG.

30 MR ROBERTSON: May it please the Commission. Who decided what documents to provide to the Electoral Commission? Did you decide or did someone else tell you what documents to collate?---*No, at Dr Liao's office it was pointed out to me what documents they were after and I was asked to prepare the documents and give it to them and they would pass it on to the accountant.*

40 So just so I understand that order of events, you get the notice to produce and you bring it in to Dr Liao. Dr Liao tells you what documents to collate and you then give them to Dr Liao. Is that right?---*Yes, correct.*

And did that happen over the course of two meetings with Dr Liao or only one meeting with Dr Liao?---*Over two meetings. In the first meeting I took the letter to Dr Liao and he asked me what documents to gather and on the second meeting I, after gathering those documents I gave them to Dr Liao, and he said, "Just leave it with me. I'll handle it for you."*

And is it right that after that Dr Liao called you and said you should go into Leon, the accountant's office, in order to sign a document?---*So this is

what happened at the time. After receiving the letter I went to Dr Liao and he told me what documents I'll have to prepare, and after preparing those documents I went back to his, Dr Liao's office again and gave them, and gave him those documents and he said to me, "That's okay, I'll give it, give these documents to my accountant. And later on I got a phone call from him and he said the accountant has prepared all the things. You just go to his office and sign the document. So at the reception in his office I told the girl at the reception my name and then she went to get the documents for me to sign. After signing the documents I returned them to the reception, the
10 girl at the reception. I also ask her at the time to give me a copy of what I have signed but she refused so that's why I don't have a copy of this document here.*

THE COMMISSIONER: Could I ask you this, once you became aware of the fact that the Electoral Commission were now investigating the question of these donations, that added a level of seriousness to the whole matter did it not?---*Yes, the seriousness has, had increased but I don't know to what extent it had increased.*

20 And in relation to the, for example, the document we're looking at now, it's on the screen, on 22 September, 2016, you were in effect you say placed in a position whereby the Electoral Commission's inquiries of you were as it were being taken over by Dr Liao and Alex. Is that right?---*Yes.*

When I say taken over, they were in effect on your evidence orchestrating the information to be passed on to the Electoral Commission in relation to the Commission's inquiries?---*Yes, they prepared all this.*

30 Sorry?---*They prepared all the documents.*

So did those circumstances give rise in you some reservation or displeasure about what was now unfolding?---*Well, of course I was very dissatisfied at the time as to what they were doing but at the same time I was very ill and I had, but at that time I had no, no clue or idea as to how serious the matter had gotten into.*

40 Did you express your displeasure to Dr Liao or to Alex or both of them about what was now happening with the Electoral Commission inquiries involving you?---*I was very sick at the time and all along I was listening to the instructions as to what to do. Of course I had been making mistake along the way.*

When you said you were very sick, were you under medical treatment at this time?---*I was seriously ill. I had been to the hospital for a couple of times. So I had sent another email myself to the Electoral Commission saying that I'm very ill, please leave me alone, I don't care what you do in your investigation. So in response to my email the Electoral Commission said, "We were not aware of your illness. If you can produce or provide us with

your medical records.” So I remember providing them with my discharge records or some medical reports from the hospital.*

All right. Thank you.

MR ROBERTSON: Mr Tong, did you ever send a letter or email to either Alex Wu or to Dr Liao expressing your displeasure, I think is the word you used, as to what they had done in relation to this issue of donations?

---*Yes.*

10

Can we please have up on the screen volume 5 of the public inquiry brief, page 68. Is that a copy of a letter of the kind that you’re referring to, to Alex Wu?---*Yeah. Upon receiving the tax invoice from Labor I was very upset and angry so I went back to the office to question them whether, when I made a donation to the Labor Party. Hence I wrote this letter stating that I wasn’t aware of the donation. So I wrote this letter to them but regrettably I did not date this letter or email. So in this letter I state that I had no knowledge about the donation and the company would have to take care of it or deal with it. So I wrote this letter to them and said, “You have to deal with it.”*

20

Now, Mr Tong, it’s headed up, “Dear Alex.” Do we take it that’s a reference to Alex Wu? ---*Yes, it was sent to Alex Wu.*

And are you quite sure that you did send a communication to this effect to Mr Wu?---*Yes, I’m certain.*

THE COMMISSIONER: How did you send it?---*Via email, because at that time I had already left the company, but I still had access to the email address.*

30

MR ROBERTSON: And, Mr Tong, if you’d just have a look at the top of the screen, do you see there in red text it says, “Created 2.00pm, 15 March, 2017.” Do you see that there? That’s been written on top of your document in red text?---*I think it was around that time, yes.*

Now, Mr - - -

THE COMMISSIONER: Just on that, Mr Robertson, the entry created 2.00pm 15 May [sic] 2017, has that been entered by the Commission?

40

MR ROBERTSON: That’s so. It’s been entered by the Commission and I’m about to explain those circumstances.

THE COMMISSIONER: This Commission, not the - - -

MR ROBERTSON: Sorry, this Commission, this Commission.

THE COMMISSIONER: Yes.

MR ROBERTSON: But I'll just ask some questions that make that proposition good. Mr Tong, do you recall that in about February of this year, some officers of the Commission came to your premises and asked you about your computer?---*Yes.*

10 And if we can go please to page 64 of volume 5, it's the same document, page 64 of the same document, volume 5, forming part of Exhibit 152. Do you see there, Mr Tong, a Notice to Attend and Produce Documents?
---*Yes.*

And that was given to you when an investigator of this Commission attended upon you in Pennant Hills. Is that right?---*Yes.*

And in response to that, you gave the investigator access to your computer. Correct?---*Yes.*

20 And on your computer was a copy of the letter to Alex Wu that we saw a moment ago. Is that right?---*I think so.*

Chief Commissioner, I tender pages 64 through to 68 of volume 5 of the public inquiry brief.

THE COMMISSIONER: Sorry, 64 to?

MR ROBERTSON: 64 through to 68 inclusive.

30 THE COMMISSIONER: Yes, very well. So the pages 64 to 68 will be admitted as one exhibit, that is, pages 64 to 68 from volume 5 of the brief, those documents will be marked as Exhibit 170.

#EXH-170 – ICAC NOTICE TO ATTEND AND PRODUCE DOCUMENTS WITH SCHEDULE ADDRESSED TO STEVE TONG DATED 8 FEBRUARY 2019 AND LETTER FROM STEVE TONG TO ALEX WU CREATED 15 MAY 2017

40 MR ROBERTSON: If we can turn back, please, to page 68 of that same document, now Exhibit 170. For your assistance, Chief Commissioner, and that of those behind me, the red text is added by the Commission or is on top of the original document arising from the metadata of the file that was on the computer obtained from Mr Tong.

THE COMMISSIONER: Yes. Thank you.

MR ROBERTSON: Mr Tong, in this letter you refer in the second paragraph, third line, to a Mr Wong. Do you see that there?---*Yes.*

Which Mr Wong are you referring to there?---Ernest Wong.

Why are you referring in this letter to Mr Ernest Wong?---*If you, because if you look at the pictures you can see Ernest Wong and I know Ernest Wong is very active within the Chinese community. He is a part of everything and he has, is very close with the Wu International.*

10

When you say very close with Wu International, which individuals within Wu International are you speaking about?---*Of course with the boss, not with small potatoes like myself.*

When you say the boss, are you referring to Bobby Wu, Alex Wu or someone else?---*Bobby Wu, Alex Wu and Dr Liao. Three of them.*

20

Why specifically, though, did you think there was a close relationship between Bobby Wu, Alex Wu, Dr Liao and Mr Ernest Wong?---*Firstly, our boss, Bobby Wu, is fairly passionate in participating in organisations. Whenever there is some official from China visiting he would participate or attend relevant events. Alex Wu always mentions about Mr Wong. That makes me think they are very close.*

Were you ever present at any meeting at which Ernest Wong was present and one or more Bobby Wu, Alex Wu and Dr Liao?---*Of course not because I'm not a core member of the company. I am an outsider.*

30

Is it right to say, though, that you didn't have any direct knowledge of Mr Ernest Wong being involved in any wrongful conduct in relation to donations. Is that right?---*I'm not sure. I don't know. I'm not there to say.*

But you thought that Mr Ernest Wong may be able to help you fix the issue because you understood him to be involved with the organisation of the Chinese Friends of Labor event in 2015. Is that right?---*Because Ernest Wong was a representative of the Labor Party and the donation was made to the Labor Party, so I thought Ernest Wong or Alex Wu should take care of the matter for me.*

40

Did you ever write to anyone else about your displeasure about your name being used in connection with a donation?---*Yes. For example, to Gary Fong. Yes, so I wrote to him because he's a friend of mine so wrote to him to express my displeasure.*

Can we please have page 69 of volume 5 on the screen. Do you now see, Mr Tong, a letter marked to the attention of Gary, with one R, Fong, F-o-n-g?---*Yes.*

And is that the letter that you were just referring to?---*Yes.*

And if you have a look at the top of the page, it says, "Created 3.44pm on 6 October, 2016." Do you see that there?---*It's possibly around that time or at that time. Because I told him, I told him about this because he is my friend and I was very upset and angry when I found out they used my name to make the donation. Except for this occasion I have never told anyone else.*

10

And doing the best you can sitting there, is it right that you would have prepared this document in or about October of 2016?---*I think around that time, around that time, because I sent him this letter and later he responded. He sent it back to me.*

So just to understand that, did you draft this letter or did Mr Fong draft it or were you both involved in this letter?---*I drafted this, I drafted this letter.*

And you drafted it and did you then send it to Mr Fong?---*Yes.*

20

And if you just have a look in the top right-hand corner beneath your address, you can see a date of 6 October, 2016. Do you see that there? ---*Yes.*

And is that about the time that you sent it to Mr Fong?---*Yes.*

How did you send it to Mr Fong, was it by email, by post or in some other way?---*Email.*

30 Chief Commissioner, I tender the letter from Mr Tong to Mr Fong dated 6 October, 2016 appearing at pages 69 and 70 of volume 5 of the public inquiry brief.

THE COMMISSIONER: Yes. The letter from Mr Tong to Mr Gary Fong, 6 October, '16 be admitted and marked Exhibit 171.

**#EXH-171 – LETTER TO GARY FONG FROM STEVE TONG
TITLED 'RE: POLITICAL DONATION \$5,000.00 TO LABOR
PARTY' DATED 6 OCTOBER 2016**

40

MR ROBERTSON: Can we just turn to the second page of that letter, so page 70, volume 5 public inquiry brief, Exhibit 171. So page 70 of volume 5, the same letter we were on before just marked Exhibit 171. Mr Tong, do you see towards the end of this page, about three-tenths of the way down the page, there's a whole series of dots? This is on the second page of the letter we were discussing a moment ago.---Yeah.

Do you recall whether you sent this letter to Mr Fong in that form with the dots or might there be some later version of this letter?---*In writing the dots there I meant to attach the letter from Leon with this letter, but I wasn't provided with a copy of that letter.*

And when you say the letter from Leon, you mean the one that Leon, the accountant, prepared and that you signed. Is that right?---*Yes.*

10 Which is the one that you and I looked at a bit earlier today?---*Yes.*

Can we go, please, back to volume 1 of the public inquiry brief, Exhibit 149, and can we first go to page 84. Page 84, volume 1, Exhibit 149. Page 84 of volume 1, public inquiry brief, Exhibit 149. 84 please. Three pages along. Mr Tong, do you see an envelope, what appears to be a print of an envelope with an accounting firm's name and post office box in the top left-hand side. Do you see that there?---*Yes.*

20 And do you see, it's hard to read but do you see it seems to be referring to Teh, T-e-h, and Ng, N-g, Pty Ltd in the top left-hand corner?---*That's his accountant.* Teh.

And by that you mean is that the firm that Leon the accountant worked for, is that what you're saying?---*Possibly, but I'm not too sure, but if you ask an accountant from Wu International he would be able to tell you.*

30 Can we please go two pages along in this same document, page 86 of volume 1, Exhibit 149, and if we can just scroll down towards the bottom of the page, please, right down to the bottom. And, Mr Tong, I want to draw your attention to the very bottom. There's a part of an email saying, "On Fri April 28, 2017, 9.08am, from Peter Baragry." Do you see that there, right towards the bottom of the page?---(No Audible Reply)

Can you see that there, Mr Tong, starting, "Dear Mr Tong. As you are aware?"---*Yes.*

And so you received an email from Mr Baragry of the NSW Election Commission in late of April 2017. Correct?---*I think so, yes.*

40 And if you have a look at the very bottom, the last line, Mr Baragry starts saying, "I now seek your assistance in providing a witness," and then over the page it says, "statement". Do you see that there, Mr Tong?---*Yes.*

Now, you ultimately didn't provide a witness statement to Mr Baragry, did you?---*No.*

If we go back to the previous page, please, toward the bottom of what you can see on the screen, you sent an email back to Mr Baragry on Sunday, 20 April, 2017. Is that right?---*Yes.*

Sorry, was that an answer?---*Yeah. At that time I was severely ill. I couldn't even get out of my bed.*

10 But that wasn't the only reason you didn't want to give a statement to Mr Baragry, was it? You were also concerned that you had told lies to the Electoral Commission. Is that right?---*Yes.*

Why was it that you ultimately decided to come to this Commission, the Independent Commission Against Corruption, and tell the truth about the donation rather than the lies that you told to the Electoral Commission?
---*Firstly, I'm an engineer. I'm not very good at telling lies. I always tell a spade a spade. Secondly, my family members urged me to tell the truth, not to, not to continue with your, with my, with my mistake. And my lawyer, and my, and my lawyer, Bernard, advised me to tell the truth, and he asked me whether I was telling the truth initially to the Commission and I said to
20 him hands on, hands on heart I wasn't telling the truth. That's why I came back later and I changed my mind and, and decided to tell the truth.*

THE COMMISSIONER: How and why did you come to discuss this matter with your family?---*So because when I, when I went home my wife asked me, "How did you go today?" and I told her. I, I had no choice. I just did what Dr Liao asked me to do. And she said, "That, that means that you told a lie." And, and, and she said, she told me, "You can't continue with your mistake. You have to tell the truth." So next time when I came back, I, I
30 told the truth. And my wife said, "You never saw this money of \$5,000. Why, why are you taking this as your responsibility?"*

MR ROBERTSON: Chief Commissioner, that's the examination for the time being. As I've indicated, I intend to recall Mr Tong during the course of next week, including for the purposes of dealing with any applications for the cross-examination. My best guess at this point is that that will be conveniently done on either Wednesday or Thursday of next week, but I will provide a more precise indication as soon as I'm in a position to do so.

40 THE COMMISSIONER: Just one matter. Did you come to hear of the death of Mr Liao?

THE INTERPRETER: Sorry.

THE COMMISSIONER: Did you come to hear of the death of Dr Liao?
---*I, now I know, but I didn't know it, I didn't know before. Kenny gave me a phone call saying Ernest Wong would like to see me.*

MR ROBERTSON: Chief Commissioner, can I just add that this is an area that I intend to deal with some additional matters, which isn't conveniently done now, in part because it's five to 1.00.

THE COMMISSIONER: Yes, I think we should leave that until - - -

MR ROBERTSON: It's a matter that I will need to deal with - - -

THE COMMISSIONER: Yes.

10

MR ROBERTSON: - - - with this and a few other witnesses during the course of the next week or so.

THE COMMISSIONER: Very well. Now, Mr Tong, we're going to release you for the day but your summons will require you to return next week, quite possibly next Wednesday, but those arrangements will be confirmed with you in advance. Do you understand? Thank you. You may step down.---Thank you.

20 We'll adjourn until 2 o'clock.

THE WITNESS STOOD DOWN [12.54pm]

LUNCHEON ADJOURNMENT [12.54pm]