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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 30 AUGUST, 2019

AT 10.00AM

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

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

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Chief Commissioner, can I first deal with two matters of housekeeping. First, for the benefit of interested observers, can I indicate that after we adjourned yesterday you made a direction under section 35(2) of the Independent Commission Against Corruption Act requiring Mr Dastyari to produce his mobile phone for inspection. That direction was made without any objection by Mr Dastyari and there was an agreement as between counsel that dealt with the legitimate matters that my learned  
10 friend, Mr Hodgkinson, dealt with yesterday. The exercise that the Commission needed to undertake in terms of obtaining the data has now occurred and his telephone will be provided back to Mr Dastyari within short order and then the data will then be analysed, and if there's anything of relevance to the investigation that will be made available in due course.

In terms of the program for today, I will first call Mr Ernest Wong and we'll deal with his examination in part. I'll then interpose Mr Cheah to deal with the issue that you raised, Chief Commissioner, on page 226 of the transcript, line 5, and that I raised at page 249 of the transcript, line 8, concerning what  
20 I might describe as the "be careful" discussion. I propose only to deal with that matter myself with respect to Mr Cheah, but if there's any further applications or any applications for further cross-examination or re-examination of Mr Cheah, that in my submission could appropriately be done in writing and then we will look to find an appropriate time in the timetable to bring Mr Cheah back to deal with those matters.

THE COMMISSIONER: Yes. Thank you. Just checking those page references. I thought the matter that I raised occurred on page 111, 112 thereabouts.

30 MR ROBERTSON: Oh, quite so, quite so. The subject matter of Mr Cheah's evidence was at pages 111 and 112 of Mr Cheah's evidence and then you, Chief Commissioner, recorded a concern regarding it at page 226 of the transcript, line 5 and I made a submission to you on page 249 of the transcript, line 8. And so in due course, I will call Mr Cheah and take him back to pages 111 and 112 regarding that matter.

THE COMMISSIONER: Very good. Okay. Mr Cheah has arrived but you'd prefer to start with Mr Wong?

40 MR ROBERTSON: I think in light of the fact I have now told Mr Wong that he is moved up the order, I will deal with him first, if that's convenient to the Commissioner.

THE COMMISSIONER: Yes, it is. Thank you.

MR ROBERTSON: I call Ernest Wong.

THE COMMISSIONER: Yes. Thank you. Now, Mr Wong, do you take an oath or an affirmation for the purpose of - - -

MR WONG: Affirmation, thank you.

THE COMMISSIONER: Affirmation. Thank you.

THE COMMISSIONER: Please take a seat. Thank you, Mr Wong.  
---Thank you.

State your full name, please. Yes, Mr Hale.

10 MR HALE: Yes. Chief Commissioner, I would wish to make an application for a declaration on behalf of Mr Wong under section 38 of the Act. I've explained to him the substance of the section.

THE COMMISSIONER: Very good. Thank you, Mr Hale. So, Mr Wong, you understanding the operation of section 38 - - -?---Yes, I do.

- - - and the declarations made that you nonetheless are required to answer all questions truthfully - - -?---Sure.

20 - - - and produce any document of item that you may be required to.---Sure.

You understand that although section 38, a declaration under the provision, does operate as protection against the use of this evidence in other proceedings in the future, nonetheless the evidence can be used in relation to any offence under the Independent Commission Against Corruption Act, such as giving false or misleading evidence?---Yes, I do.

You understand it can be used for that purpose?---Yes, I do. Thank you.

30 I note that an offence of that kind, of giving false or misleading evidence carries a term of imprisonment of up to five years.

I proceed to make an order as sought. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare all answers given by this witness, Mr Wong, all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection. Accordingly there is no need for Mr Wong to make objection in respect of any particular answer given or document or thing produced.

40

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

**PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Can you state your full name, please, sir.---Yes. Sorry?

10 Can you state your full name, please, sir?---Ernest Wong.

And do you have a Chinese name as well as an English name?---Yes, I do. Ernest Kwok Chung Wong. Do you want to spell it?

And can you do your best to spell it for us, yes.---Okay. E-r-n-e-s-t K-w-o-k C-h-u-n-g W-o-n-g.

20 You were a member of the Legislative Council between May of 2013 and March of 2019. Correct?---Yes.

You were first appointed to fill the casual vacancy that arose from the resignation of Mr Eric Roozendaal?---Yes.

Mr Roozendaal then to your knowledge went on to work for the Yuhu Group. Is that right?---Only later on days, yes.

You know the Yuhu Group to be a group associated with Mr Huang Xiangmo?---Yes.

30 Mr Huang Xiangmo is also known as Changran Huang. Is that right? ---Can you say it again?

I'll do my best to pronounce it correctly, but Mr Huang Xiangmo is also known as Changran Huang. Is that right?---Yes, only later days when I read from the newspapers.

You know Yuhu Group to be a property development company. Correct? ---Yes.

40 And you knew that at least from 2015. Correct?---Yes.

And you knew that at least as at 2015, Mr Huang Xiangmo was a prohibited donor for the purposes of state electoral law. Correct?---Yes.

At that point in time you know Mr Huang to be a wealthy businessman. Correct?---Yes.

A philanthropist as well. Correct?---Yes.

And indeed I think Mr Huang even attended your maiden speech in parliament. Have I got that right?---Yes.

Prior to you being a member of the Legislative Council you were Community Relations Director at NSW Labor. Correct?---Yes.

And your successor in that role was Mr Kenrick Cheah. Is that right?  
---When I say successor I don't know if he was directly succeeded from me.

10

So he was a successor but not necessarily immediately. Is that right?---No, yeah, I reckon, yeah.

You were also a member of Burwood Council for a substantial period. Correct?---Yeah, for two years after I got into parliament, yes.

And so you were first a member in about 2000. Is that right?---Of Burwood Council, right?

20 Of Burwood Council.---Yes.

And I think you were deputy mayor for a period as well?---Yes.

And you continued in that role until about 2015. Is that right?---Yes.

You speak Mandarin?---Yes.

Do you also speak Cantonese?---Yes. That's my mother language.

30 And I take it you're fluent in both Mandarin and Cantonese. Is that right?  
---Probably, yes, I think so, yeah.

Well, Cantonese - - -?---It depends on how people judge it.

Well, Cantonese - - -?---Cantonese is very fluent.

I'm sorry.---Yeah, sorry, Cantonese is very fluent but for Mandarin it's hard to say that, yeah, yeah.

40 But it's at least - - -?---But I try to speak as good as I can, yeah.

But it's at least to a conversational standard where you're in a position to speak in Mandarin and understand what people might say in Mandarin. Correct?---Yes, yes.

You were the patron of Chinese Friends of Labor while you were a member of the Legislative Council. Correct?---Yes.

And sometimes I think you were referred to as patron and sometimes as convenor, sometimes other titles. Is that right?---No, never, never a convenor. I think it's always sort of like a patron. The time when I was actually in, in, when I was working as community relations director in the head office, I wasn't even the convenor of it. I think that was pretty much like, a, a, a, a pretty loose organisation where they didn't have a particular rules or regulations or check for the Chinese Friends of Labor.

10 But you were patron of Chinese Friends of Labor - - -?---Since I got - - -  
- - - from 2013, is that right, or from when you became a member of the Legislative Council?---Probably from the year that I, I, yeah, that would be 2013, yes, you're right, yeah.

And you had that role in 2015 and 2016, for example?---Yes.

And you continued to have that role until you were no longer a member of the Legislative Council, is that right?---Yes.

20 Chinese Friends of Labor is Labor Action Committee, is that right?---Yes.

And so it's associated with NSW Labor, correct?---Yes.

One of the significant activities of Chinese Friends of Labor is to organise fundraising events such as dinners, correct?---Yes.

And indeed, in your tenure as patron, there was usually an annual fundraising dinner, correct?---It is, yes.

30 In the time that you were patron of Chinese Friends of Labor, is it correct that Mr Jonathan Yee was heavily involved in that group?---He was the convenor, I think, for about two or three years. But he's always sort of like part of, whenever I tried to do a, a, a, a committee dinner or a fundraising dinner, he would always help a lot, yes.

He was convenor at least in 2015 and 2016, correct?---Yes, he was, yes.

And you worked with him closely in that capacity, correct?---Yes.

40 You know Jonathan Yee well?---Yeah, quite well, because, since he was a young boy, because I know the family, yes.

And indeed, you know Stanley Yee, his father, correct?---Yes, I do, yeah.

While you were a member of the Legislative Council, you had a Ms Winnie Huang as an assistant for at least some of that period, correct?---Yes. Yes.

And she was paid in part by Parliamentary Services, but also part out of your own pocket, correct?---Yes.

And she assisted you in managing your office, and in managing fundraising events, is that right?---No. His, her main function was actually trying to communicate with the Chinese community, because he was, she was the only one that were able to type and write in Chinese, and able to speak the language. She spoke both Mandarin and Cantonese, so she were able to communicate with the Chinese community very well. So with fundraising,  
10 probably one or two, but she's not, the main role is not to help with any of those committee dinners or, or fundraising dinners.

But she had at least some involvement in fundraising, correct?---Yes, in the sense where she's helping me to probably get any response or any reply in Chinese, and put them all together.

Indeed, she was one of the contact people for the 2015 Chinese Friends of Labor dinner - - -?---Yes.

20 - - - as identified on the invitation form, correct?---Yes. Yes.

For at least some of the period in which Ms Huang was working for you in Parliament House, she used the email address of Claude, C-l-a-u-d-e, Wan, is that right?---Can you say that again?

Yes. During at least some of the period in which Ms Winnie Huang worked for you in Parliament House, she had use of an email address, which was Claude Wan's email address. Is that right?---No. I thought her email address is Jia, J-i-a. I can't, I can't, I can't remember (not transcribable) but  
30 I think it's Jia. It's her own personal email.

Let me help - - -?---Is it Jia, or - - -

Let me help you this way.---Yeah.

Can we go please to volume 6, page 39?---Sure.

And while that's happening, is Winnie Huang, does she to your knowledge have any familial relationship with Mr Huang Xiangmo?---Oh, there was  
40 Claude Wan. Claude Wan was someone that I, I employed before Winnie.

But can I just ask you to have a look closely to the email in the middle of the page?---Yep.

Do you see that there's an email from Claude Wan to - - -?---Yes.

- - - Ms Maggie Wang, copied to you?---Yes. Yep.

But note that it's signed, "Regards, Winnie." Do you see that there?  
---Yeah. But Claude Wan is actually another person. Okay, okay, now - - -

Oh, so just let me be clear - - -?---I don't know why – no.

Just pause for a moment, Mr Wong, just let me be clear what I'm asking  
you.---Sure.

10 I'm not suggesting that Winnie Huang and Claude Wan are the same people.  
---Sure.

20 What I'm suggesting to you is that from time to time, Ms Winnie Huang  
would use Claude Wan's parliamentary email address.---Not, not like as a  
usual usage. But probably for that particular one, because Claude, as I said  
before, tried to explain, Claude Wan was the person that I employed before  
Winnie. So sometimes, a lot of the media people or I had office, they would  
actually send it to Claude Wan. And then I've give, I've given Winnie the  
access to this Claude Wan, if in case some email was sent to him. Yep. But  
I don't have a, a, a, a clear recollection of, you know, that particular email,  
yes.

But you're at least accepting, aren't you, that for at least some period,  
Winnie Huang used Claude Wan's Parliament House email address?---Well,  
if that's the case, probably that is, yes. But not to my knowledge that he  
shares the using that regularly or frequently.

30 And isn't it the case that there was a delay in setting up a Parliament House  
email address for Winnie Huang, and in the meantime Winnie Huang  
would, at least from time to time, use Claude Wan's Parliament House  
email address, is that right?---Probably that would be, yes.

Before I forget to do it, I tender the chain of emails that appeared on the  
screen a moment ago, volume 6, page 39 through tip page 41.

THE COMMISSIONER: Yes. Those pages, volume 6, 39 to 41, together  
become Exhibit 178.

40 **#EXH-178 – EMAIL CHAIN BETWEEN JENNY ZHAO, CLAUDE  
WAN AND MAGGIE WANG TITLED 'LABOR DINNER 12/3/'  
DATED 17 AND 19 MARCH 2015**

MR ROBERTSON: Mr Wong, I've just asked you about Chinese Friends  
of Labor. Can I ask you about a different organisation now called Friends  
of Chinese Community Incorporated?---Yes.

What is that organisation?---This organisation to help with the Chinese community if they want to have any forums or events or they want to have, particularly for every Chinese New Year, they will do a celebration and anything that goes with the, the Chinese history or Chinese community.

And you were the convenor of that organisation, correct?---Yes.

And Mr Jonathan Yee was the chairman of that organisation, correct?  
---Yeah, for a short period of time, yes.

10

Well that period of time included 2015, correct?---Yes, yep.

And so at least as at the calendar year 2015 you were the convenor or Friends of Chinese Community Incorporated and Mr Jonathan Yee was the chairman of that organisation, correct?---Yes.

Can I then ask you some questions about the Chinese Friends of Labor dinner in 2015. You recall that that was a dinner that happened on 12 March, 2015, correct?---Yes.

20

You were heavily involved on organisation that dinner, correct?---Yes.

It's fair to say that between you and Mr Jonathan Yee, you were the principal organisers of the dinner, correct?---Yes.

You also had other assistants but the two of you were the principal organisers, correct?---Yes.

30

Your office kept track of sales of tables and seats for that event, correct?  
---Not only my office, the head office as well because we, both organisations, we would have a list of invitees. So they would do their own list, I would do my own list.

But you maintained a register of bookings, your office maintained a register of bookings, correct?---I will just say that I actually would have a spreadsheet, a spreadsheet. It's not like a registration but a spreadsheet where we just record those names, doesn't really, if someone who responded or replied that they will be coming or sitting at a table or any of those message from head office or from Kenrick Cheah, yeah.

40

But I want to suggest to you - - -?---I wrote the spreadsheet, yes.

But I want to suggest to you that the principal place at which a registry of sales of tables and seats was kept was your office and not head office, do you agree with that?---Yes.

Can we go please to volume 3 of the brief just so we can look at this tangibly, and page 84 of volume 3. Do you see there, Mr Wong, we might

just zoom in a little bit to the top half of the screen so that you can see it, an email from you to Mr Yee and others?---Yep.

And I take it that those in the To field, such as what's described as Pinkie and Ernest Chan, were others who were associated with the organisation of the Chinese Friends of Labor event on 12 March, 2015, correct?---Yes.

And I'm suggesting to you this is an email that identifies what you've described as the prescribed guest list.---Yes.

10

And if we just turn the page so we can have a look at what this looks like, it's now effectively blank, is that the registry that you were talking about a moment ago that was kept by your office?---Yes, yes.

And so as people indicated that they were intending to attend the Chinese Friends of Labor event, either you or Ms Winnie Huang or someone else from your office would seek to update this table. Correct?---Yes.

20

If you have a look towards the top of the page you see a little red heading called Free Tables.---Yes.

And one of them is described as the head table.---Yeah.

Now, here you've put Mr Shorten and Mr Foley because they were slated as guests to attend the Chinese Friends of Labor dinner. Correct?---Yes, yes.

And they in fact attended the dinner. Correct?---Yes.

30

Now, although the head table is described as a free table, that table was in fact sold for the event, wasn't it?---No, no, it's free.

So are you quite sure that Chinese Friends of Labor or the Labor Party did not accept any payment in relation to the head table. Is that your evidence?---Yes.

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

That's your honest evidence on your oath?---Yes.

40

Have you ever said to anyone that the head table for the Chinese Friends of Labor event on 12 March, 2015 had been taken for a fee?---Not really.

Well, let me ask - - -?---Sure.

- - - what do you mean by, "Not really?"---(not transcribable) recollect that the table has been taken for a fee.

Let me put it precisely. Have you ever said to anyone that the head table for the Chinese Friends of Labor dinner on 12 March, 2015 had been taken for \$100,000?---No. Not to my best recollection.

Well, are you – well, it’s a significant matter, isn’t it, for you to be able to sell a table for \$100,000. Correct?---Of course.

10 The table prices for the Chinese Friends of Labor event, excluding the head table, were \$5,000 for a VVIP, very, very important person table. Correct?  
---Yes.

They were \$2,000 for VIP table. Correct?---Yes.

And \$800 for a standard table. Correct?---Yes.

I’m suggesting to you that if you had said to anyone that the head table had been taken for \$100,000, you would remember it. Do you agree with that?  
---Yes.

20 So is it your evidence on your oath that you never said to anyone, on your affirmation, that you never said to anyone that the head table had been taken for \$100,000?---Firstly the fact is that I did not sell the table for \$100,000, that’s for sure.

No, can you focus on my question, please.---Yeah, sure.

Listen carefully to my - - -?---So - - -

30 No, just pause for a moment.---Thank you. Yeah.

I’m going to put the question again. Focus on it and answer the question, please. Do you deny that you ever said to anyone that the head table for the Chinese Friends of Labor dinner on 12 March, 2015, had been taken for a fee of \$100,000. Do you deny that?---Put it this way. If someone approached me saying that I - - -

THE COMMISSIONER: Mr Wong, Mr Wong - - -

40 MR ROBERTSON: No, Mr Wong - - -

THE WITNESS: Excuse me, yeah.

THE COMMISSIONER: Mr Wong, would you just - - -?---Yeah.

As you know, as you know, we proceed by way of question and answer format.---Sure, I understand that, yeah.

It is most important that you listen to the point - - -?---Sure.

- - - of each question so that you don't either obfuscate, intentionally or otherwise, or misdirect your answer. You must answer directly the question.---Sure.

If there's something to be added, in some circumstances you would be permitted to do so. So if you just attend again and I'll have the question put again and if you'd answer it directly, please.---Sure. Um, to my best - - -

10 MR ROBERTSON: Mr Wong, I'm going to put the question again.---Sure.

And please focus on it and answer that question. Do you deny that you ever said to anyone – whether orally, in writing or otherwise – that the head table for the Chinese Friends of Labor dinner on 12 March, 2015 had been taken for \$100,000. Do you deny that?---Not to my best recollection that I have said that, however if someone approached me - - -

No, no, no, no. Mr Wong, pause, pause, please. I'm going to put the question again and I want an answer, please.---Sure.

20

Do you deny on your affirmation that you ever said to anyone, whether orally or in writing, that the head table for the Chinese Friends of Labor dinner on 12 March, 2015 had been taken for \$100,000. Do you deny that or not, on your affirmation?---Um, look, as I said before - - -

THE COMMISSIONER: No, no, no, no. No, no, no, no, no.---Okay.

You're being reprimanded in effect for what you said before because it wasn't answering the question.---Sure.

30

Now, Mr Wong, I think you're an intelligent man, experienced in parliamentary debates and the like - - -?---Sure, I understand.

You can answer a question here, I'm sure.---Exactly, yep.

Now, look, the question's been put I think three times and we still haven't got an answer from you.---(not transcribable)

Now – no, no, please.---Sorry, Commissioner. Yes.

40

It's in your own interests, I have to say, to answer questions directly because sometimes the demeanour of a witness is taken into account if it appears to be evasive conduct, not wanting to deal with the point of the question for example, so that's why I put to you, it is in your interests to answer these questions directly but furthermore, it's your obligation to do so. We'll keep putting that question at the moment. If need be, I'll have it put again so that the record will be clear. I want you to think about what's been put to you, the point of it, it's not a complicated concept that's being put in the

question, but I want you to answer it directly.---Sure. I cannot remember I did.

No, no. That's not an answer, that's not an answer. Put it again.

MR ROBERTSON: I'm going to put the question again, Mr Wong. Do you deny, on your affirmation, that you ever said to anyone, whether orally or in writing, that the head table for the Chinese Friends of Labor dinner on 12 March, 2015, had been taken for \$100,000? Do you deny that or not?---I  
10 deny that in the condition that I have got no memories of that at all.

So you're saying you don't recall ever saying that, is that your evidence?  
---Yes, it is.

And does it follow from that you may well have done that but you just don't recall it now?---If you raised it, that's why I'm trying to explain - - -

No, no. I don't want an explanation. I want to be clear about what the answer is to the question that I have now put at least four times and I'll put  
20 it again if I need to.---Sure. Can you put the question again?

The question is, do you deny that you ever said to anyone, whether orally or in writing, that the head table had been taken for \$100,000? The head table for the Chinese Friends of Labor dinner on 12 March, 2015. Do you deny that or not?---As I said before, I deny that in the condition that that is my best memory.

So I want to be quite clear about what your answer is to that. Are you saying that you have no recollection of saying to anyone that the head table  
30 had been taken for \$100,000?---Yes.

But are you saying that you may well have done that, you just don't recall sitting there now, is that the effect of your evidence?---If I have no recollection, I just can't say yes or no to that question.

Well, you're reserving to yourself, aren't you, the possibility of saying that, well, it may well have happened but I just can't recall it now. Is that the effect of your answer to the question I have now asked about five times?---If  
40 you want to face that way, yes.

Well, I want to be very clear about this. You would have to accept, wouldn't you, that selling a table at a Chinese Friends of Labor dinner for \$100,000 would be a significant matter, correct?---Yes.

Selling a table for \$100,000 is to sell a table for 20 times the price of a very, very important person table, correct?---Sure.

And I want to suggest to you that this isn't simply a matter of a failure of recollection. You must know, sitting there now, whether you said to anyone – whether orally or in writing – that the head table for the Chinese Friends of Labor dinner in March 2015 had been taken for \$100,000. I suggest to you, you know the answer to that question and it's not simply a matter of faulty recollection and that you are in a position to either accept the proposition I have put to you or deny it and not rely on faulty memory. ---Now, Mr Robertson, would I be just to give you a bit of the conditions in regard to recollection?

10

No. We'll come back to some detail but I want to an answer to my question.---And your question again?

My question now, I think for the sixth time, do you deny that you ever said to anyone – whether orally or in writing – that the head table for the Chinese Friends of Labor dinner on 12 March, 2015, had been taken for \$100,000? Do you deny that or not?---I think you did put me another question in regard to the recollection that I, that maybe I will be, but I have no recollection of that. If the question, or - - -

20

So is the answer - - -?---Or you want me to answer in regards to denied?

No, no. I want to be very clear about what the answer is to the question that I have now asked I think six times and I want to know whether you positively deny the proposition that I am putting to you. I am going to put it yet another time. Do you deny that you ever said to anyone, whether orally or in writing, that the head table for the Chinese Friends of Labor dinner on 12 March, 2015, had been taken for \$100,000? Do you deny that proposition or not? I don't want an explanation, I want an answer.---I deny it.

30

THE COMMISSIONER: Now, could I just put something slightly different to you? Did you become aware before the dinner actually commenced that by the time it commenced on the 12 March, the head table had in fact been booked for a price of \$100,000?---No.

Did you ever - - -?---As I, look - - -

40 Did you ever become aware of that?---No. Look, the head table's always a table to put in community leaders, peoples where we would like to invite to attract votes from the Chinese community. So that's always the design of the table. So I'm not aware of any of that table being sold for a particular price of it, no.

So, whether it had been sold or booked before the dinner commenced, to the value of \$100,000 - - -?---No.

- - - you deny any knowledge of that?---No.

MR ROBERTSON: Mr Wong, I want to suggest to you that you've now given false evidence to this public inquiry, and that you in fact told someone that the head table for the Chinese Friends of Labor dinner on 12 March, 2015, had been taken for \$100,000, do you agree with that?---No.

Can we go, please, to volume - - -?---Can I - - -

10 Can we go, please, to volume 3, page 163? Can I ask you, please, Mr Wong, to have a look at the email that's on the screen? At the top of it is an email that appears to be sent from you to a Mr Joseph Law, do you see that there?---Yep.

And do you agree that towards the bottom of the page, in Chinese characters, there's an email that you sent concerning the Chinese Friends of Labor dinner, do you agree with that?---Yes.

20 And if you can direct your attention to what appears to be an email from you to a Mr Law, it says the following, "Dear Joseph, thanks for your response. Sorry that the head table has already been taken for \$100,000." Do you see that there?---Yes.

So I'm going to ask the question I asked you this morning, is it, does it continue to be your evidence, having read the document on the screen, that you deny that you ever said to anyone, whether orally or in writing, that the head table for the Chinese Friends of Labor dinner on 12 March, 2015, had been taken for \$100,000?---Yeah. That's what I'm - - -

30 Is that still your evidence?---Yeah. Yeah. What I'm trying to explain - - -

THE COMMISSIONER: No, please, just answer the questions, Mr Wong. ---Yeah. Sorry.

40 MR ROBERTSON: Mr Wong, having now read the email that appears on the screen, is it still your evidence that you deny that you said to anyone, whether orally or in writing, that the head table for the Chinese Friends of Labor dinner on 12 March, 2015, had been taken for \$100,000? Is that still your evidence, having read this?---If that's there, then of course it's not, then. Yeah.

So you now accept, having read this email, that you in fact told at least one person, Mr Joseph Law, that the head table had been taken for \$100,000, correct?---Yes.

And what you told us this morning was at least wrong, wasn't it?---Oh, I, I keep on saying that it's not my recollection that I've done it, and - - -

That wasn't my - no, Mr Wong - - -?--- - - - if possible for me to answer.

No, just pause, please.---Sure.

You at least have to accept that the answer that you gave to the question I asked you this morning about seven times was wrong. Do you accept that?  
---I accept that, yes.

10 And I want to suggest to you that it was more than just wrong, it was knowingly false, because when you answered that question that I sought to put to you multiple times, you first sought to evade the question, and you then told a lie. Do you agree with that?---No, I didn't tell a lie. I tried to search my memory. I suppose you're asking me for my best memory. I didn't even remember that there is an email as such.

Now, having now seen this email, that has now refreshed your memory, hasn't it, that you told at least one person, Mr Law, that the table had been taken for \$100,000, correct?---Yes.

20 Who were you referring to in your email of 3 March, 2015, as the person, persons or organisations who took the table for \$100,000?---I just trying to turn people away or to decline of selling the table.

THE COMMISSIONER: Would you just answer the question, please, Mr Wong.---Sure.

30 MR ROBERTSON: In your email, Mr Wong, you said to Mr Law that the head table had been taken for \$100,000. Who were you referring to as the person or persons who had taken the table for \$100,000?---That's what I'm trying to refer. None whatsoever. The only, the only reason I say that is that I don't want these people to take the head table.

So are you suggesting that you were lying to Mr Law and the table had not been taken for \$100,000. Is that what you're saying?---You can say that, yeah.

THE COMMISSIONER: Who is Mr Law?---I can't even remember.

40 Why would you lie to him?---Because I don't want people to take the head table. People always approach and asking, would I be able to sit on the head table, and even though I said, yeah, it was free table people are only invited to, they will feel offended that they're not being invited to, so - - -

MR ROBERTSON: Well, I want to be quite clear about this, Mr Wong. If you have a look at little bit further down the chain, Mr Law emails you at about 6.16pm on 17 February, 2015, and he says, in the second paragraph, "The table with Bill Shorten and Chris Bowen, how much is it?" Do you see it there?---Yeah.

And so you understood Mr Law to be saying, I want to purchase the head table or at least seats on the head table. Correct?---Yes.

And you then told him by email that it had been taken for \$100,000. Correct?---Yes.

10 Are you saying on your affirmation that that was a lie to Mr Law and that although you told him that it had been taken for \$100,000, it had not in fact been taken for \$100,000? Correct?---Correct.

And so why would you lie to Mr Law regarding that matter?---Because in Chinese community it's always the case, there are a lot of people, they try to squeeze their position into the head table. It would be very difficult to explain to them that the head table is only reserved for those people that we reckon as the Chinese community leaders or the VIPs or the, like the Opposition Leader, so - - -

20 I want to suggest to you, Mr Wong, that the evidence that you've just given is false and that in fact you knew at the time that you sent an email to Mr Law that the head table had been taken, had been sold for \$100,000. Do you agree with that or not?---What's the question there?

I want to suggest to you that you have given further false evidence to this public inquiry by saying that what you said to Mr Law was a lie and that the true state of the matter on 3 March, 2015, was that the head table had in fact been taken for \$100,000. Do you agree with that?---No.

30 And I suggest to you that as at 3 March, 2015, not only did you know that the head table had been taken, you knew who it had been taken by. Do you agree with that?---No.

I also want to suggest to you that you prepared a budget that assumed that \$100,000 in revenue would be earned from the head table. Do you agree with that?---I don't have a recollection of that.

So you do or you do not?---I don't.

40 So your best recollection, sitting there now, is that you never prepared a budget for the Chinese Friends of Labor dinner on 12 March, 2015 that contemplated that there would be income of \$100,000 from the head table. Is that your evidence?---Yes.

Now, to be clear, are you positively denying that you ever prepared such a document or are you simply saying you can't recall it sitting there?---I can't recall.

So it's possible then, isn't it, that you did prepare such a document?  
---Probably.

THE COMMISSIONER: On what basis did you choose to tell Mr Law that it had been sold for that amount, \$100,000?---It's very much like if you want to sit on the head table there must be a huge amount of money that you would sit on the head table. I mean that's what the usual people would be expecting, so I just want to, yeah.

10 But all you had to say to Mr Law is, sorry, the table's already been booked, there are other tables available.---The reason I put in an amount of money is to, look, these people probably would like to say I don't mind paying \$1,000 or \$2,000 sit with those people, but I just want to put that in to make sure that they know that there's no, no chance for them to be able to buy a seat there.

How did you come to choose that very figure, \$100,000?---At the top of my head I suppose.

20 Not based on anything?---No.

Is that the truth?---It's the truth.

MR ROBERTSON: Mr Wong, the real reason that you identified \$100,000 in your email to Mr Law was that you knew at that time that that table had been sold for the sum of \$100,000. Correct?---No, it's not.

Is that your honest evidence on your affirmation?---Yes, it is.

30 Before I forget to do it, Chief Commissioner, I tender the email exchange between Mr Wong and Mr Law, appearing at pages 163 through to 165 of – sorry, I withdraw that, 163 to 166 of volume 3 of the brief.

THE COMMISSIONER: The email chain, volume 3, pages 163 to 166 will become Exhibit 179.

40 **#EXH-179 – EMAIL FROM ERNEST WONG TO JOSEPH LAW  
TITLED 'RE:RE' WITH ATTACHMENT TITLED 'VVIP INVITE'  
DATED 3 MARCH 2015**

MR ROBERTSON: And while I'm there, I don't think I tendered pages 84 through to 86 of volume 3 of the brief, and so I tender those, which I took Mr Wong to a little earlier again.

THE COMMISSIONER: Yes. Volume 3, pages 84 to 86 will be admitted and become Exhibit 180.

**#EXH-180 – EMAIL FROM ERNEST WONG TO JONATHON YEE, CLAUDE WAN, WINNIE HUANG, PINKIE LEUNG AND ERNEST CHAN TITLED ‘RE:’ WITH ATTACHMENT TITLED ‘GUESTS LIST’ DATED 18 FEBRUARY 2018**

10 MR ROBERTSON: And, Mr Wong, I want to suggest to you that you know, sitting there right now, that you prepared a budget - - -?---Yes.

- - - that contemplated that \$100,000 would be earned from the head table. Do you agree with that or not?---No, but I would be expecting \$100,000 earned from the whole event.

20 So is the answer to my question that you deny that you ever prepared a budget that contemplated income from the head table and head table alone of \$100,000. Is that your evidence?---No, I didn't deny that, because in a sense where I would always try to put a figure - - -

I'm sorry, I didn't, I'm sorry, I'm sorry, I do deny that, is that what you – I didn't hear the start of your answer, I'm sorry, I do deny it or - - -?---Yeah, I don't deny that.

I don't deny it.---I don't deny that because usually I would just put a round, a ballpark figure to make sure it's easy for me then to go through in regards to whatever they are able to sell the tables or any other donations then I'm able to deduct that from there.

30 No, I'm - - -

THE COMMISSIONER: No, just pause there.

MR ROBERTSON: No, I'm not asking about other tables, I'm only asking about the head table at the moment. Do you understand that?---Yes.

40 And what I want to suggest to you is that you prepared a budget in connection with the Chinese Friends of Labor dinner on 12 March, 2015, that contemplated that you would receive income of \$100,000 from the head table. Do you deny that or not?---I prepared the budget with a figure that is (not transcribable) anywhere else but it doesn't necessarily be translated as proceeding from the head table.

Mr Wong, I'm going to ask the question again and I want an answer, please. Do you deny that you ever prepared a budget in connection with the Chinese Friends of Labor dinner on 12 March, 2015 that contemplated that there would be income received from the head table and head table alone of \$100,000. Do you deny that on your affirmation?---No, I don't deny that,

but because you are putting in a condition saying that only on the head table and that probably is not the intention of it.

THE COMMISSIONER: No, please.

THE WITNESS: I did prepare a budget, but I didn't have any recollection.

THE COMMISSIONER: Put it this way. Do you accept now that you did prepare a budget - - -?---Yes.

10

- - - which, relating to the head table, showed income of \$100,000 from the head table? Do you accept that?---Probably, I don't, I don't deny that, yeah, because I don't have any recollection of it.

MR ROBERTSON: Well, I want to be very clear about what your answer is here. So you don't deny it but do you accept that proposition?---(No Audible Reply)

20

So let me put it in the way the Chief Commissioner - - -?---Yeah, okay. If that, if that is what the question is, yes.

So you accept that you prepared a budget that contemplated that the head table would go for \$100,000. Is that right?---As I said before, it's not for the head table, but for the whole event.

THE COMMISSIONER: No, no, no, no, no.---No, okay.

MR ROBERTSON: I'll put the question - - -?---(not transcribable)

30

THE COMMISSIONER: Mr Wong, I don't want you - - -?---I don't deny.

I don't want you to rewrite the question.---Sure. I understand that.

So that the record is clear - - -?---Sure.

- - - because we don't want ambiguity, I'm going to ask Counsel Assisting to put the question to you again. Would you please do what I've now asked you a number - - -?---Sure.

40

- - - of times to do, to focus on the question and directly answer it, not with explanations, not with speeches. Do you understand?---Sure.

MR ROBERTSON: Mr Wong, do you accept that you prepared a budget in connection with the Chinese Friends of Labor dinner on 12 March, 2015, that contemplated that the income that would be received from the head table and the head table alone would be \$100,000? Do you accept that or not?---If the Commissioner think that that is the question put to me, as I said

before, there would be a condition there, but if, in case I need to answer that, I don't deny.

I'll put it again because I want to be very clear.

THE COMMISSIONER: Well, you are not asked whether you deny it. This time you were asked whether you accepted the proposition put. Now -  
- -

10 MR ROBERTSON: I'm going to put the question – I'm sorry, Commissioner.

THE COMMISSIONER: Mr Wong, please I'd ask for your cooperation now.---Sure. I accept.

We've been spending quite a bit of time having questions put multiple times before we get to having the answer. So this time I want you to listen very carefully. The proposition is that you accept the proposition or you don't. Put it again.

20

MR ROBERTSON: Mr Wong, I'll put the question again. Do you accept that you prepared a budget in connection with the Chinese Friends of Labor event on 12 March, 2015, that contemplated that the income that would be received from the head table and the head table alone would be \$100,000? Do you accept that or not on your affirmation?---I accept.

Can we go please to volume 3, page 31. Do you see there a document entitled Budget in red lettering? Do you see that there, Mr Wong?---Yep.

30 And that is at least one example of the budgets that you have just accepted that you prepared in connection with the Chinese Friends of Labor event in 2015, correct?---Yep.

Is that right?---Yep.

I tender the document that appears on the screen, namely the one at page 31 of volume 3 of the public inquiry brief.

40 THE COMMISSIONER: Yes. The document Budget Income, volume 3, page 31 will be admitted and become Exhibit 181.

**#EXH-181 – DOCUMENT TITLED 'BUDGET' CREATED 16  
FEBRUARY 2015**

MR ROBERTSON: Mr Wong, do you accept that as between the organisers of the Chinese Friends of Labor event on 12 March, 2015, it was

agreed that you would be responsible for selling the head table or seats on the head table. Do you accept that?---Once again, I did not sell that head table.

Listen carefully to my question, please.---Sure.

10 Do you accept that it was agreed as between the organisers of the Chinese Friends of Labor event that you would be responsible for selling seats or the whole table itself, being the head table at the Chinese Friends of Labor dinner on 12 March, 2015?

MR HALE: I object to that question in the form.

MR ROBERTSON: I'll withdraw the question and I'll put it again.

MR HALE: It must include this witness.

20 MR ROBERTSON: I'll withdraw the question and I will reframe it. Mr Wong, do you accept that it was agreed as between the organisers of the Chinese Friends of Labor event for 12 March, 2015, that you would be responsible for seeking to sell seats on that table, seats on the head table or the head table itself? Do you accept - - -

MR HALE: I make the same objection. It doesn't, in the form of the question, it doesn't include as between the community leaders and this particular witness. That's the form of the question.

MR ROBERTSON: I'll withdraw the question and I'll put it in stages.

30 THE COMMISSIONER: I think it should be made clear as to whether he is party to any such agreement.

MR ROBERTSON: I'll put it in stages. There was an organising committee associated with the Chinese Friends of Labor event in 2015, correct?---Yes.

You and Mr Yee were the principal organisers, correct?---Yes.

40 But there are others who were also associated with the organisation and running of the event, correct?---Yes.

That committee met from time to time, correct?---Yes.

And in those committee meetings, there were discussions as to who would be responsible for which aspects of organisation, correct?---Yes.

One discussion that you had at a meeting of the committee, the result of that discussion was that you would be responsible for the head table, correct?---I would be responsible for the whole event, selling all those tables.

So to be clear, you were responsible for selling all of the tables?---When you say, selling, there would be a lot of different channels and ways to sell those tables. Yes, I'm responsible for the whole event not only for the head table.

10 But I want to ask specifically about the head table. You were responsible for that table in the general sense that you've identified, is that right?---Yes, of course, yes.

But it went further. I want to suggest to you that during a meeting of the members of the committee that we've just discussed, it was agreed that you would be responsible for selling seats on that head table.

MR HALE: Could I object again, at which he was present?

20 THE COMMISSIONER: Yes, I think that is an issue, Mr Robertson.

MR ROBERTSON: I'll reframe it with that included. I suggest to you that at a meeting of the committee, at which you were present, it was agreed by the committee that you would be responsible for selling seats on the head table, for the event in 2015, or the head table itself. Do you agree with that? ---No, because I'm pretty, I'm not, not, not sure, but I know usually I will say I will take care of the head table, rather than selling the head table. A lot of those people are sitting there, most of, well, not most, all of those people sitting there, they're not paying. So I would, I would have said that I would take care of the head table. But not selling the head table.

30 THE COMMISSIONER: What does that mean, "I would take care of the head table"?---Like, who I will be inviting to, as a community leader, or the shadow ministers, or the officials from, from ALP. So that's what I meant, I would take care of the head table.

MR ROBERTSON: I want to suggest to you that at a meeting of the committee that we have discussed, at which you attended, it was agreed that you would seek to sell at least seats on the head table, and that the appropriate price was \$10,000 per person. Do you agree with that?---Not to my recollection.

40 So are you denying that you were present at any meeting of the committee that we've discussed, the committee involved in organising the Chinese Friends of Labor dinner on 12 March, 2015, at which it was agreed that you would seek to sell seats on the head table, is that right?---If you use the word "sell", I don't think so. But I would say I would take care of the seats. But - - -

Well - - -?---At the time, at the – look, I'm not sure if the Commissioner will allow me to explain the way that we would be talking to each other.

Well, let's just focus on the particular questions.---Sure.

You've said that you were responsible for the head table in the general sense that you've described, correct?---Yes.

10 And you're responsible for all the tables in the sense that you would be ultimately responsible for things like seating plans, correct?---Yes.

And so you would decide who sits on which table, and you would decide, for example, which shadow federal ministers and shadow state ministers might sit on particular tables, correct?---Sure.

Now, obviously enough, Mr Shorten and Mr Foley are going to be sitting on the head table - - -?---Yes.

20 - - - as the members, as then the leaders of the federal and the state parliamentary parties, correct?---Yes.

But you would decide where other people would sit as well, correct?---Yes.

So you were at least responsible for the tables in that sense, correct?---Yes.

But I want to suggest that it went further. Not only were you responsible for seating allocations, you were also responsible for and did sell either seats on the head table or the whole of the head table itself. Do you agree with that?  
30 ---No, I did not sell, I did not sell seats on the head table.

You deny that on your affirmation, correct?---Yes.

Can we go, please, to page 43 of volume 3? Can you see there, Mr Wong, an email between you, Mr Wong, and various others? If you just look at the top of the page, can you see that there?---Yep.

And if you look at the To field, you recognise each of the names in the To field as being persons on the committee for the Chinese Friends of Labor dinner, correct?---Yep.  
40

And we see in the Carbon Copy field, Claude Wan, who is the email address we referred to a moment ago, we referred to earlier, correct?---Yep.

Was Claude working for you in, on 16 February, 2015, or had there already been a resignation or retirement by that point, can you remember?---Yep.

No, no, sorry, was - - -?---So, say it again?

Was Claude working for you in February or not, can you recall?---I do recall. I think probably Winnie will be, will be working for me. Probably, yeah.

And so I want to suggest to you that the reason that Mr Yee copied this email to Claude Wan's email address was to that Winnie could have access to it in Parliament House, is that right?---Yes, yes.

10 And do you see in the text of the email it says, "Hi team," and a summary of what happened at what's described as a meeting tonight. Do you see that there?---Sorry, say it again?

Just have a look at the very top of the email. It says, "Hi team, our meeting tonight went something like this." Can you see that there?---Yep.

20 THE COMMISSIONER: Can I just pause there for a moment. It's headed up, "Chinese Friends of Labor annual charity dinner." Is that one and the same dinner that we're talking about in these proceedings? I don't know it's called that but that's what it says.---Chinese Friends of Labor, yes.

No, but it says, "Chinese Friends of Labor annual charity dinner." There's no mistaking here that the email is directed towards the fundraising dinner on 12 March, is there?---Probably that would be, yep.

That's the dinner it's talking about in this email, is that right?---I think so, yeah.

30 Yes, okay. Yes, sorry.

MR ROBERTSON: And it's talking specifically, isn't it, about the dinner that happened in 2015 that was then being organised for 12 March, 2015, correct?---Yes.

Now, it refers there to a meeting. Do you recall whether you were at the meeting that Mr Yee was referring to?---Yes.

You were at that meeting?---Yeah.

40 And I want to suggest to you, and if you have a look, one, two, three, four, five dot points down, I want to suggest to you that at the meeting it was agreed that you would be responsible for selling at least seats on the head table on the basis of \$10,000 per person, correct?---That's what's written there, but that's a translation because the meeting was conducted in Chinese or Cantonese, and Jonathan Yee can't write Chinese at all. So probably that's his interpretation of what we discussed.

Listen carefully to my question because I wasn't asking about that. What I was asking was, was an agreement reached at the meetings, that's referred to in this email, that you would be responsible for the head table and responsible for seeking to sell at least seats on that table? I'm asking about the meeting at the moment.---Okay. In the meeting, did say that Ernest was responsible for this table. There is not a definite answer because we, there is a not a definite answer that we are going to sell the table. That depends on how we are going to see the proceedings from the other tables that we are selling.

10

I want to be quite - - -?---So that's the best I can explain.

I want to be quite clear about this, Mr Wong. I am focussing now on the meeting and I think you've accepted that you were at the meeting that Mr Yee refers to in your 16 February email, do you accept that?---Yes, yes.

What I want to suggest to you is that at that meeting, I'm not talking about the email now, I'm talking about the meeting.---Sure.

20

At that meeting it was agreed that you would be responsible for the head table, do you agree with that?---Yes.

And not only would you be responsible for it in the general sense that we've identified, seat allocations and the like, but you would be responsible for seeking to sell either the head table itself or at least seats on the head table. Do you accept that or not?---Yes.

You do accept that?---Yeah. Well that's what's written on the email.

30

No, no, no, no, no, no, no. No. Be very clear about my question. I am asking you about the meeting, the meeting that you agreed that you attended, and I want to suggest to you that at that meeting it was agreed by those present, including you, that you would be responsible for the head table, both in the general sense that you've identified, but you would be responsible for seeking to sell either seats on the head table or the whole head table. Do you accept that or not, on your affirmation?---Yes.

I tender the email that was on the screen a moment ago, volume 43, pages 43 through to page 47.

40

THE COMMISSIONER: Yes. The email, volume 3, pages 43 to 47, being the email from Jonathan Yee to Mr Wong and others will be admitted as one exhibit, Exhibit 182.

**#EXH-182 – EMAIL CHAIN FROM JONATHAN YEE TO ERNEST WONG, SIMON ZHOU, ERNEST CHAN, PINKIE LEUNG, 'MACH', FLORIS LAM, FILIP SHU AND CLAUDE WAN TITLED 'CHINESE**

**FRIENDS OF LABOR ANNUAL CHARITY DINNER' WITH ATTACHMENTS '2015 WORK LOAD FOR FRIENDS OF LABOR FUNCTION', 'NSW LABOR CHINESE LAUNCH3' AND '2015 PROGRAM OF CHINESE FRIENDS OF LABOR ANNUAL FUNDRAISER'.**

10 MR ROBERTSON: Now, Mr Wong, it having been agreed at the meeting that we just discussed that you would be responsible for the head table, both in the general sense but also in the sense of selling seats or seats on the head table or the head table itself, you ultimately did sell the head table, didn't you?---No.

Are you quite sure about that, on your affirmation?---Yes.

You sold it for \$100,000. Correct?---No.

You sold that table to Mr Huang Xiangmo, didn't you?---No.

20 In exchange for Mr Huang Xiangmo agreeing to pay \$100,000 in connection with the head table for the Chinese Friends of Labor dinner on 12 March, 2015, he was permitted to sit at the head table with Mr Shorten, Mr Foley and you with four other guests, wasn't he?---He was always the person that I would invite to sit on the head table for all those functions.

THE COMMISSIONER: Mr Wong, that was not the question. Please don't answer questions that were not put to you, answer the question that was put to you.

30 MR ROBERTSON: You sold the table to Mr Huang Xiangmo for \$100,000 and in exchange he and four other persons nominated by him were permitted to sit on the head table with Mr Shorten, Mr Foley and you. Correct?---No.

You deny that on your affirmation. Correct?---I deny that.

40 Did you ever prepare any document that contemplated that Mr Huang Xiangmo and four other guests of him would be sitting on the head table for the Chinese Friends of Labor event on 12 March, 2015?---First of all I don't have any recollection of who are those four people because - - -

No, no, no. Listen carefully to the question, please, Mr Wong.---Okay.

Have you ever prepared a document which contemplated that Mr Huang Xiangmo and four other guests of Mr Huang would sit at the head table for the Chinese Friends of Labor dinner on 12 March, 2015?---Yes.

You have prepared a document of that kind?---I prepare a document in a sense where I would like people to know that Mr Huang and also (not transcribable) people, of course one of them will be his interpreter. I don't remember who are those other people that be invited.

THE COMMISSIONER: Mr Wong, you were not asked whether you remembered, you were simply asked, and I think you've accepted that you did prepare a document - - -?---Yes, I did, yeah.

10 - - - which contemplated that - - -?---I'm pretty sure I did, yeah.

- - - Mr Huang - - -?---And telling people that who is sitting on head table, yes.

- - - Xiangmo and - would you please not talk over me.---Sorry, sorry, Commissioner.

I think you do accept, don't you - - -?---Yes.

20 - - - that you did prepare a document that contemplated Mr Huang Xiangmo and four guests nominated by him would sit on the head table on 12 March, 2015?---Yes.

Right. Thank you.

MR ROBERTSON: And the reason that you prepared such a document is that you had agreed with Mr Huang that he would get to sit on the head table, along with his guests, but he agreed that he would pay \$100,000 for the privilege. Correct?---No.

30 You deny that on your affirmation. Is that right?---I deny that, yeah.

Now, Mr Huang, as you said to us before, was a wealthy Chinese businessman to your knowledge. Correct?---Yes.

He had been generous on previous occasions in making donations to a number of different causes. Correct?---Sure.

40 THE COMMISSIONER: And he had donated to the Labor Party before this year?---Yes.

Is that right?---Yes, it is.

And he was in a group of donors then in 2015 regarded as being known to be generous donors. Is that right?---Sorry, the question is?

In March 2015 there were a number of both corporate and individual supporters or I should say donors to the ALP, in the years leading up to 2015.---Sure.

And he was one of those known to be a generous donor?---For the state election or for the other federal elections or just the Labor Party?

No, no, no, for, for, for the Labor Party, yes.---Yes, yes.

10 And he had been a generous donor in the past - - -?---Yes.

- - - before 2015 - - -?---Yeah.

- - - to the Labor Party. Is that right?---Yes.

Thank you.

THE WITNESS: Mr Commissioner, can I be able to just give a bit more information, that where - - -

20

THE COMMISSIONER: Well, now, Mr Wong, you are represented here by Mr Hale, Senior Counsel.---Sure, that's fine, yeah.

And if there is any matters that need to be cleared up or added to, you'll have the opportunity - - -?---Sure. Okay. Sure.

- - - to address any matters that I consider are relevant to what you're now being asked about.---Thank you.

30 MR ROBERTSON: You were just asked by the Chief Commissioner about Mr Huang's donations principally on the federal level to the Australian Labor Party, do you recall that?---Yes.

And I think you agreed that Mr Huang at that time was a very generous donor, including to the Australian Labor Party - - -?---Yes.

- - - on a federal level, correct?---Yes.

40 He also, I think, made substantial donations to the Liberal Party, correct? ---Yes. Yes.

In fact, at that time, he was probably one of if not the most prolific donor on the federal level - - -?---Yes.

- - - to the Australian Labor Party, perhaps putting aside the union movement, is that right?---Yes.

And you knew that at the time, correct?---Yes.

And in the face of all of that - - -?---Well, sorry, when I say yes, not all to my knowledge, because as, as I said before, no, no, I didn't say it before, but most of the time, when a Labor Party would like to have any donations from Mr Huang, they always go to him themselves without letting me know. So I sometimes did not have the knowledge until the time when that was disclosed.

10 Is it your evidence that when Mr Huang Xiangmo was to be approached for donations, it always was done directly and not through you, is that your evidence, is it?---Yes.

So is it your evidence that you never sought donations from Mr Huang Xiangmo for the - - -?---Yep.

- - - benefit of the Australian Labor Party?---Yep.

Never on any single occasion, is that right?---Have I mentioned it in our - - -

20 So, is there something funny, Mr Wong?---Okay, so, no, no, no, no, no, no, because if you want to exactly say "none whatsoever", no, of course, no. I thought we have mentioned that we have been to functions or we have been to event, and I would like to ask him to support Labor Party, but at the end of the day, if you are saying that have I approach him for all of those donations, no, never.

30 What I'm asking you is, have you ever sought to procure a donation from Mr Huang Xiangmo for the benefit of the Australian Labor Party, be that on a federal or a state level?---So your question is, have I, or have I - - -

Have you ever approached Mr Huang Xiangmo and asked him to make a donation or other contribution to the Australian Labor Party or the Country Party on a federal, state, or local council level?---So your, your question is, have I ever?

Yes. Have you ever done that?---Oh. Yes.

40 In relation to the Chinese Friends of Labor dinner on 12 March, 2015, is it your serious evidence that you allocated five seats on the head table with the then federal parliamentary leader, Mr Bill Shorten, the then state parliamentary leader, Luke Foley, and you didn't receive a cent in return from this generous donor? Is that your serious evidence?---Yes.

That's your honest evidence on your affirmation?---Yes.

I want to suggest to you that that is false evidence you've given to this Commission, and in point of fact, you did sell the head table, you sold it to

Mr Huang, and you sold it for a sum like \$100,000. Do you accept that or not?---No.

Can we go, please, to page 23 of volume 6 of the brief? Mr Wong, I asked you a moment ago about whether there was any documents that you prepared that indicated that Mr Huang Xiangmo and guests would appear, would attend and sit on the head table, and if we can zoom in please, Operator, to the top left-hand corner. Now, do you recognise this as a spreadsheet or a guest list that you prepared, Mr Wong?---Yep.

10

Perhaps you may have had some assistance, but it was principally you who prepared this document, correct?---Yes.

And can you see towards the top of the page where it says Head Table, obviously enough, Mr Shorten and Mr Foley are going to be sitting on the head table, correct?---Yes.

At that point in time, Ms Murnain is sitting on the head table, correct?---Yes.

20

Now, I think ultimately Mr Clements attended the event and sat on the head table, have I got that right?---I have no recollection, but usually he would be invited (not transcribable)

But he was general secretary at the time, correct?---Yes, of course, yep.

And so at very least he would be invited, correct?---Yep.

30

And he may have attended but you just don't have a specific recollection now. Is that right?---Yes.

And if you look at seat number 10, that's you sitting in seat number 10. Correct?---(No Audible Reply)

Sorry, you'll need to answer out aloud.---So, so - - -

Seat number 10 on table number 26, the head table?---Yes.

Correct?---Yes.

40

And you were one of the organisers and guests of the event, so you were - - -?---Yes.

- - - at least allocated a seat on the head table. Correct?---Yes.

And it's right, isn't it, that the tables at the Modern Eight restaurant will comfortably sit 10 people but you can potentially squeeze in a couple more if you need to. Is that fair?---Yep.

You know that from having coordinated many events at that particular restaurant. Correct?---Can you say it again, sorry?

So you know from having coordinated many events at the Modern Eight restaurant that the tables will comfortably sit 10 people but you can maybe put one or two more if you want to add additional people.---12 or even 14, yeah.

10 Maybe 12, maybe 14.---14, yeah.

But 14 might be a little bit squashy. But you've allocated here 10 people to the head table. Correct?---Yep.

But you've allocated, haven't you, five seats - - -?---Yeah.

- - - first to Mr Huang Xiangmo and then another four seats to what's described as "Huang guest." Do you see that there?---Yes.

20 And I want to suggest to you that the reason that you did that is that you'd agreed with Mr Huang that he would contribute \$100,000 for the head table and he would get to sit there, along with guests. Do you agree with that?  
---No, no.

You deny that on your affirmation. Correct?---Yeah.

30 Do you agree that as well as maintaining a guest list of a kind that was up on the screen – in fact before I do that I should tender that document. I tender the document that was on the screen, which is volume 6, pages 23 through to 25.

THE COMMISSIONER: The document setting out, prepared at least in part by Mr Wong, in relation to the guests and tables for the dinner of 12 March, 2015, volume 6, page 23, will be admitted and well become Exhibit 183.

**#EXH-183 – DOCUMENT TITLED 'UPDATED GUEST LIST'  
DATED 12 MARCH 2015**

40

MR ROBERTSON: May it please the Commission. Do you agree, Mr Wong, that as well as maintaining a guest list of the kind that we've seen up on the screen, you also maintained a payment registry in connection with the Chinese Friends of Labor event. Do you agree with that?---Yes.

And through that you, and perhaps with assistance of people in your office, kept track of who said that they were going to attend and whether or not they had paid. Correct?---Yes.

Can we go please to volume 3A and start at page 41, please. In fact we'll start at page 39 to start with. Page 39 of volume 3A of what I'll call the examination bundle. Mr Wong, do you see there an email from you to what appears to be your personal email address?---Yes.

10 And you have a personal email address that starts with ekcwong?---Yes.

And we've redacted out what happened after the at symbol, but you agree, don't you, that you sent an email on 16 March from your Parliament House email to your personal email. Do you agree with that?---That's what is showing but I can't recollect.

If you have a look at where it says Attachments, can you see there one of the attachments is called Payment Registry? It's spelt wrong on the screen, R-e-g-i-s-r-t-y.---Yes.

20

But I think you've accepted that you did have a payment registry document that you maintained. Correct?---Yes.

Can we go please two pages over to page 41, please, and does this appear to be the payment registry document or at least a printout from it that you referred to before. Is that right?---Yeah.

30 Now, before we get to the detail of this document, to your knowledge, did all of the profits associated with the Chinese Friends of Labor function on 12 March, 2015 find their way into an Australian Labor Party or Country Labor bank account or did some of the profits get deposited elsewhere?---As a matter of fact, there is sort of like an unofficial agreement that some of those money probably go to another organisation to help with the campaign in the Chinese community.

So to be clear about that, you're saying, are you, that there was, I think to use your phrase, an official agreement that some money associated with the Chinese Friends of Labor event would not go to NSW Labor or Country Labor but instead would go somewhere else, is that right?---Yes.

40

That official agreement was an agreement between who?---It's not an official agreement at all. I did ask Kenrick say, "Look, because they are always a lot of spending, expenses for doing Chinese New Year each and every year, that the head office did not, did not, did not happy to pay. They never paid for it." We have a lot of Chinese media conference getting our federal MP or whatever it is to announce the policies. Those have to come out from certain money and that is what I have discussed with him. I said, "Look, I probably would like to have some money going into that, into

somewhere that we would be able to pay for all of those media conference or Chinese New Year celebration and all of those stuff.”

So I want to clear - - -?---It’s not official.

So I want to be quite clear about this. You mentioned Kenrick, is that Kenrick Cheah?---Kenrick Cheah, I did mention that to him.

10 And so are you saying that in advance of the Chinese Friends of Labor function on 12 March, 2015, you indicated to Mr Cheah that some of the profits associated with that event would be deposited not in an Australian Labor Party or Country Labor Party bank account but into some other bank account, is that your evidence?---Yes.

When did you have that discussion with Mr Cheah?---I can’t remember the exact date but I think I did mention that throughout the whole process of it.

20 Well, how close to the event of 12 March, 2015, did you have that discussion with Mr Cheah?---I do not have any recollection.

Did Mr Cheah agree with that proposal?---Yes.

THE COMMISSIONER: What authority did Mr Cheah have at that time, given his position, to make an agreement on behalf of ALP NSW or Country Labor?---Yeah. I assume that he probably would have already talked to the officials in, in the party but that he did not indicate - - -

30 No, no. I asked you what authority he, at that time, a part-time employee of ALP NSW had to make a binding agreement with you about this matter? ---He sort of, sort of like a coordinator of the event and as I said before, it’s not an official account as such or official agreement but I did ask him and said, “Look, is it, is it okay for us to have certain money directed to, for the later on events?” He said, “Yeah, okay.”

40 But you know at that time his position at the Sussex Street office, his role, part-time employee, would not enable him to bind, officially or otherwise, the ALP by you asking him to allow moneys – being profits from an official fundraiser – to go to some other organisation or to defray expenses. He did not have that authority, did he?---I, I would not have any, any idea if he has or, has he talked to officials in the head office to allow that.

But you had no basis whatsoever, did you, to act on the premise that he had authority to bind the ALP on this matter? You had no basis?---You are right, you are right to say that, yes.

So he is, at that and he still is a relatively young man, part-time employee. It would be apparent you to he could not and would not have had such

authority, true?---I probably did not actually put that into, sort of like, my mind at the time when I was discussing with him.

Well, looking back now in retrospect, with the benefit of hindsight at least - - ?---Yes.

- - - it's obvious that he wasn't a person with authority to make such an agreement with you, correct?---Yes.

10 MR ROBERTSON: And indeed, Mr Wong, you were the community relations director at NSW Labor before Mr Cheah, weren't you?---Yes.

Did you ever reach an agreement with any Labor Action Committee when you had that job where you said words to the effect of, "Well, although you're running an event for NSW Labor, I approve or authorise you keeping some of the money for yourself or sending it to something that is not associated with the Australian Labor Party"? Did you ever reach an agreement like that?---No.

20 And the reason that you didn't is that you had no authority to make such an agreement, correct?---No, I, I, I'm pretty sure that I do not have that authority, but the reason that that has not become to my, to my knowledge is because no one actually asked that or requested that.

THE COMMISSIONER: But you'd have to agree, wouldn't you, when this so-called agreement was not in any sense authorised or within power - - - ?  
---No, it's not, yeah.

- - - then it was an agreement, if it was implemented, which would be highly improper, wouldn't it?---No, I didn't have that in my mind at all.

No, you may not have. I'm not saying, asking you that. I'm saying you now know, looking at the matter objectively, it would be highly improper, wouldn't it, in the circumstances to use what's been called profits from this dinner for payment under this alleged agreement, to defray expenses or for other functions or other organisations.---Quite frankly, I didn't agree with that because it's all in regards to how we're going to approach the community. It did not - - -

40 But if the agreement for the use of the money raised on behalf of the ALP was not authorised, it would have to be improper, wouldn't it? Couldn't be proper.---No, I'm seeing that as a donation to an organisation where they will be able to produce event or forums for the Chinese community. That's how I see it.

I'm not talking about donations. I'm talking about this alleged oral agreement that you made with Mr Cheah to act on what you call an agreement that you entered into with him for the purposes of paying money

raised by way of profit for some unauthorised use would have to be highly improper, wouldn't it?---I agree with that.

MR ROBERTSON: The event on the 12<sup>th</sup> of March, 2015 was described as the Chinese Friends of Labor Presents NSW Labor Chinese Launch, correct?---Yes.

10 Is it the effect of your evidence that notwithstanding the fact that that's how it was presented and named, at least some of the money associated with that event did not find its way into a NSW Labor bank account, a Country Labor bank account or even an Australian Labor Party federal account, is that your evidence?---Yes.

Now, you say, do you, that you had an agreement with Mr Kenrick Cheah in relation to that matter, correct?---Not an agreement but rather a consent.

Well, let's be clear about this. You had a discussion with Mr Cheah regarding this matter, correct?---Yes.

20 Was that a discussion done orally or in writing?---Orally.

Doing the best you can, what did you say to Mr Cheah regarding that matter?---I said there are lots of event, the media, the media conference where it's always costing money, and the Chinese New Year every year we will have event entertaining the Chinese community. I ask him if there is any budget or funding from the head office. He said no. I said it's possible that then we will be able to get some of those donations in the functions that we are holding to go to that account that they will be able to pay for those events.

30 Now, when you say "that account", what account are you referring to?  
---Friends of Chinese Community.

That's that separate organisation, Friends of Chinese Community, that you and I discussed a moment ago?---Yes, it is. Yes.

40 And what do you say Mr Cheah said in response to what you have just explained that you said to Mr Cheah?---I can't remember exactly what he said but he said, yeah, I think, yeah, there's something that, you know, that, that seems to be, I can't remember exactly what he said but he was, he, he, he said that it seems to be okay because we, he knew that there are always a lot of expenses.

If you just pause for a moment and take your time, because this is a significant matter.---Sure.

I want you to, doing the best you can, and appreciating it's some time ago, I want to know your best recollection of what Mr Cheah's words to you were

regarding your proposal that some of the money for the Chinese Friends of Labor Presents NSW Labor Chinese Launch would be deposited not in NSW Labor or Country Labor account, but rather in a separate entity called Friends of Chinese Community Incorporated. Doing the best you can, and if you need time, just pause to think about it, what words did Mr Cheah utter in response to that proposal.---To my best recollection probably said, yes, okay, I think it's fair.

10 Yes, I think it's fair. Is that your best recollection?---Yes.

Now, doing the best you can, did you have a single conversation regarding Mr Cheah, with Mr Cheah regarding that matter or more than one relating to the 2015 event, one discussion or more than one?---Probably one or two.

And - - -?---It's not long discussion.

20 Are you quite clear in your mind that this was a discussion concerning the 2015 event as distinct from the 2014 event or 2016 event?---I can't recall that, like, it is, it's all sort of like a way that we're trying to help with that community, so it may be for 2015 or others, I can't remember.

And your best recollection is that you had this discussion once or twice. Is that right?---Yes.

Did you ever discuss this issue with anyone else from within head office of NSW Labor?---No.

You didn't discuss it with the general secretary?---No.

30 You didn't discuss it with any of the other assistant general secretaries? ---No.

You obtained, to use your words, the consent of Mr Cheah - - -?---Yeah.

- - - but not from anyone else within head office.---No.

40 But you have to accept sitting there now that Mr Cheah would have had no authority to give a consent of that kind. You'd have to accept that, don't you?---Yes.

Can we go please back to volume 3A, page 39, the payments registry document. And can we now jump two pages along to page 41. I just would like your assistance, Mr Wong, on how we read this table. I take it from what you've said the column towards the right-hand side marked FCC, that stands for Friends of Chinese Community. Correct?---Yeah.

And so this is you making a note as to payments received or to be received in relation to the Chinese Friends of Labor dinner in 2015 that were going to

be deposited not in a NSW Labor or Country Labor or Australian Labor Party Federal bank account, but rather in a Friends of Chinese Community Incorporated bank account. Correct?---Yes.

Now, Friends of Chinese Community Incorporated I take it is not a Labor Action Committee. Correct?---Yes.

You're agreeing with me?---Can you drag down, I didn't see the - - -

10 Just listen to the question I've asked.---Okay, sure.

Friends of Chinese Community Incorporated is not a Labor Action Committee. Correct?---No, it's not.

It doesn't otherwise form part of the Australian Labor Party in any of its manifestations. Correct?---No, it's not.

20 It's in the nature of a private organisation for the benefit of the Chinese community generally - - -?---Yeah.

- - - rather than the Labor Party specifically. Correct?---Yes.

And am I right to say that the column marked FCC is identifying money that was received or to be received in connection with the 2015 event but which was deposited or to be deposited in the Friends of Chinese Community account. Correct?---Yes.

30 And if we then turn over to the next page, sorry, before we do that, on the preceding page, and you'll see the column headings, so Payment, on the left-hand side, what does that mean, does that mean payments received or payments to be received?---Which one?

On the far left-hand side, the column marked Payment.---Far left-hand?

Yes.---That would be the payments from those tables.

40 But does that mean that that money has been received or does that mean that the money is to be received?---Some of them to be received, some of them to be, have already received I think.

And then - - -?---I can't remember, yeah.

Then the next column, is that the table number? Is that what we take that column to mean?---It would be the table number, I assume, yeah.

And then the large column is the individual or organisation that has booked the table or the seat, correct?---Yes. Yes.

The next column says Cash. What does that mean? Does that mean cash that's actually received or to be received? What does that mean?---Probably to be received.

To be received?---To be received or received, I don't know. I can't remember. So that will be probably people, people paying cash or, yeah.

10 And then we've talked about the FCC, Friends of Chinese Community, column. What about the CFL column? I assume that means Chinese Friends of Labor?---Yes.

And what does that mean? Is that money that is to be deposited in NSW Labor or Country Labor bank account? Or does that mean some money that's going to be deposited elsewhere?---Probably Labor, yeah, probably Labor.

Probably but - - -?---Yeah, because I don't think Chinese Friends of Labor would have account at all.

20 And then we have a Pay column. I take it that's a record of people, of the amount that has in fact been paid by people.---Yeah. Yeah.

And then there's a Form column. What's that a reference to?---If they have signed the form, I think. But that, usually I don't keep record of it.

And when you say a form, you mean a disclosure form, do you?---A disclosure form.

30 And that's a form that involves someone attesting that they're not a prohibited donor and that they're not donating above the relevant cap, is that right?---Yeah.

But looking at the first two items, that's in relation to money going to Friends of Chinese Community, correct?---Yes.

40 Why did you need a form in relation to money being deposited not in a political party bank account but a bank account that's not associated with a political party?---I can't, I can't remember that, but probably because they, it's a wrong input or whatever it is. I can't remember.

Well, when you say a wrong input, what do you mean by that? A form may have been obtained even though it shouldn't have been obtained?---Yeah, yeah. I'm not sure if they have signed the form at all. When I say yes, it's probably just like, you know, put it there if they have signed the form. I, I, I, I won't be able to have any recollection of that because I didn't collect money from them.

We'll come back to the question of collection of money separately, and we probably won't get there today, but I'm just trying to understand the form column. You've put yes because you have sighted a form from those individuals? Is that what we understand the word "yes" to mean in that column?---Yes, if we have provided any forms to them, I suppose rather than sort of like (not transcribable) sighted if they have signed the form. Unless it showed in the form that it's declared as such.

10 Well, to be clear, is your payment registry, when form says "yes", does that mean that you have received a form from that individual or does it mean you've sent a form to that individual or does it mean something else?

---Look, I would not have any recollection of that because usually I don't do registration of all these forms at all. I would always ask the volunteers to make sure that they would, they would put the forms in for them to sign, and I assume that was what it is. But then when I look at it, probably if that's the case, then I just haven't got the chance to reconcile the forms yet.

20 So is it right to say, sitting there now, you can't recall why you put "yes" in the column adjacent to a Mr Auga, is that right?---Yes. Yes.

If you just cast your eye down a little bit further. On the right-hand side column there's a line item saying Prospect Campaign Account. Do you see that?---Yep. Yep.

And that's in the row where the purchaser is Chinese Youth League. Do you see that there?---Yes.

30 Why does that say Prospect Campaign Account?---I would not, I, I can't remember. Probably they wrote, because I think there was actually a wrong print of all those forms, where one of them will be for Prospect campaign account, and they probably just sign off and they put a cheque or whatever it is to it.

40 Is it the case that some of the profits raised from the Chinese Friends of Labor dinner in 2015 didn't go into a general campaign account, as in the general political party campaign account, either NSW Labor or Country Labor, but rather to a specific seat campaign account like the Prospect campaign account?---No, I would not have any idea of it, but that, I think (not transcribable) the head office is going to look at those cheques or cash, whatever it is, and the form that is signed, then they put it into the right account. I've got no control.

So you're saying it's quite possible that some of the profits from the event ended up in an electorate-specific account - - -?---Yes.

- - - but you can't assist us one way or the other - - -?---Yep.

- - - as to whether it in point of fact happened in this case, is that a fair summary of your evidence?---Yes.

Can we then go to the next page, and I take it that this is simply a continuation of what was on the previous page, is that right?---Yes.

And what does, do you recall what highlighting in yellow versus red versus blue means?---Probably some money that's owed or, you know, whatever it is, I think. I can't remember.

10

And if we can go, flick down another page, and then flick down another page to page 44. If we can just zoom in a little bit on the top of the screen. Can you see, Mr Wong, there's some black text with a red background, which is fairly difficult to read on the screen, and there's two figures, \$12,200 and \$4,080, do you see that there?---Yep.

20

Now, the \$12,200 figure is a figure that it's the bottom of the FCC column, the Friends of Chinese Community column. Now, do we take it from all of that, that at least \$12,200 of the revenue associated with the Chinese Friends of Labor dinner was not deposited in any Australian Labor Party or Country Labor Party bank account, but rather in the Friends of Chinese Community Incorporated bank account, is that correct?---Well, it shows, it shows (not transcribable) yes.

30

Well, are you accepting that you made arrangements, as identified in this payment registry, for at least \$12,200 arising from the Chinese Friends of Labor event in 2015 to be deposited not in an Australian Labor Party or Country Labor Party bank account, but rather a Friends of Chinese Community bank account?---Yep.

I tender the document that I had up on the screen a moment ago - - -

THE COMMISSIONER: Yes, very well.

MR ROBERTSON: - - - which is the payments registry volume 3A, starting at page 39 and continuing to page - - -

THE COMMISSIONER: 41, is it, or - - -

40

MR ROBERTSON: Oh, 45, I think.

THE COMMISSIONER: 45.

MR ROBERTSON: 45, Commissioner.

THE COMMISSIONER: The payment register, pages 41-45 of volume 3A, in respect of the, yes, the payment register, that will be admitted and become Exhibit 184. Thank you.

**#EXH-184 – EMAIL FROM ERNEST WONG TO ‘EKCWONG’  
WITH ATTACHMENTS ‘BUDGET’ AND ‘PAYMENT REGISTRY’  
DATED 16 MARCH 2015**

10 MR ROBERTSON: Chief Commissioner, I’m mindful of the time. And I’m mindful that the Commission proposes to adjourn at midday.

THE COMMISSIONER: Yes.

MR ROBERTSON: I’m also mindful that the issue that you raised and I’ve raised in relation to Mr Cheah is one that should be dealt with, and I would apprehend I could deal with it in about 20 minutes.

THE COMMISSIONER: Yes, very well.

20 MR ROBERTSON: It’s now apparent that I should indicate, in light of what’s fallen from Mr Wong, that it’s likely that I’ll have to recall Mr Cheah, but my submission is that I should deal with the narrow issue, that - -

THE COMMISSIONER: The single issue.

MR ROBERTSON: The single issue, that you shouldn’t permit any further cross-examination or re-examination of Mr Cheah today, but that there may need to be another occasion for some further evidence from Mr Cheah, and that’s a convenient time for any further cross-examination or re-examination.

30 THE COMMISSIONER: Yes, very well. Well, we’ll proceed on that basis.

MR ROBERTSON: Before we finish with Mr Wong, just to round out, your evidence will continue on Monday morning, Mr Wong. I’d like you to carefully consider the answers that you’ve given to the Commission during the course of today, and in particular, whether you have given truthful answers during the course of this morning. And early on Monday morning, I’m going to ask you whether you adhere to all of the evidence that you gave to me this morning.---Sure.

40 Do you understand that?---Yep, I do, thank you.

THE COMMISSIONER: Mr Wong, that is being put to you as an opportunity for you to reconsider and have the opportunity of, if you feel you need to go back to any of the answers you’ve given and revisit them in any way, you will have that opportunity on Monday.---Thank you.

Thank you. You may step down. You are free to go today. If you'd come back and be ready to start on Monday at 10 o'clock, thank you.---Thank you.

**THE WITNESS STOOD DOWN**

**[11.40am]**

THE COMMISSIONER: Yes.

10

MR ROBERTSON: I then recall Mr Kenrick Cheah.

THE COMMISSIONER: Re-administer the affirmation. Thank you Mr Cheah. Mr Cheah, you took an affirmation the last time, we'll readminister that.

THE COMMISSIONER: Just take a seat thanks, Mr Cheah. On the last occasion Mr Cheah gave evidence I made a declaration under section 38, that declaration will continue to apply to today's evidence. Yes.

MR ROBERTSON: Mr Cheah, you prepared a statement on 26 August, 2019, correct?---Yes.

10

You weren't asked to prepare that statement by the Commissioner, you and your legal team decided to prepare that statement, correct?---Yes.

And you gave instructions for that statement to be provided to me on the first morning of the public inquiry, correct?---Yeah, yes.

20

When you prepared that statement, you considered the matters very carefully that you thought the Commission might be interested in and you did your best to provide your best recollection in relation to those matters, correct?---Yes, yes.

You weren't knowingly attempting to keep any particular relevant information back, correct?---No, no.

You were doing your best to provide a full and frank series of answers on the matters that your statement was dealing with, correct?---Yes, yes.

30

Can we have please a copy of that statement on the screen, that's Exhibit 160. Mr Cheah, can you now see a copy of the statement in front of you? ---Yes.

And can we turn please to page 5 of that statement. Can I ask you to refresh your memory concerning photograph 28 of that statement?---Yes.

And I'm going to describe that discussion as the "be careful" discussion. ---Okay.

40

Do you agree that the first time that you told this Commission or the Electoral Commission regarding the "be careful" discussion was when your statement was provided to me just before the commencement of the first day of the hearing? Do you agree with that?---As opposed to when I have for a private hearing, is that what you mean or - - -

I suggest to you that the first time that you ever said that when you left the office, "Some ALP staff were still there said, 'Be careful,' to me, referring to the fact that I was carrying a bag of money." The first that that matter was dealt with by you before this Commission was when the statement was

handed to me just before day one of the public inquiry, is that right?---I think so.

That wasn't something that you said to the Electoral Commission, for example, correct?---I don't recall.

You don't recall whether you did to not?---Yeah.

10 But you're not suggesting that you recall telling either the Electoral Commission or this Commission of the "be careful" discussion that appears at paragraph 28 until it was written down in your statement of 29 April and you gave some evidence about it on 29 and I think 30 April?---Sorry, sorry, repeat that?

I'll cut that up, I'll cut that up. Do you agree that the first time that you said to this Commission or to the Electoral Commission that there was a meeting or discussion to the effect of that, spoken about at paragraph 28 of your statement, was when this written statement was given to me on 26 August and you gave some evidence about that on the 26<sup>th</sup> and I think also  
20 The 27<sup>th</sup>, do you agree with that?---I believe so, yeah.

Now, is it fair to say that despite giving the close consideration that you gave to your statement, when you were working on that statement you couldn't recall who the ALP staff were that you refer to in the second to last line in paragraph 28. Correct?---Yeah, I wasn't categorically sure at the time.

Well, you weren't really sure at all because otherwise you would have put it in your statement. Correct?---Right.  
30

Can we then please have the transcript of the morning session in day 2 on the screen, and can we start on page 111, please. You'll recall, Mr Cheah, that on 27 August, which was Tuesday, the second day that you were in this public inquiry, I asked you some questions about paragraph 28 of your statement. Correct?---Yes.

And if you look just towards the bottom of the screen, the second to last line, I was pressing you to try and identify who the people, the person or the people were that you referring in paragraph 28. Do you remember that?  
40 ---Yes.

You then suggest that you were pretty sure, is your words at the bottom of 111, that Kaila was one of them. Just turn over to the next page. "I'm pretty sure that Kaila was one of them." Do you see that there?---Yes.

And then you and I ask a number of, I ask a number of questions and you answer, but can you just have a look at your particular answers, so first about

line 5, do you see you say, "I think so." Do you see that there? Maybe just read that question and your answer to yourself.---Okay.

And then at line 9 I'm asking you how sure you are, and you say, "I'm pretty sure." Do you see that?---Yeah.

And then at about line 25 I say, "Do you have a specific recollection of that now?" And you interrupt and say, "No, no specific," and then my question continues, "Speculating as to what have might happened?" And you say, "I'm  
10 speculating." Do you see that there?---Yes.

And you say, "I don't have a specific recollection of the exact conversation but I'm giving you the best recollection or most likely occurrence of what has happened." Do you see that there?---Yes.

Now, I'm not in any way seeking to criticise you for that answer, but what I want to suggest to you is that you were right in saying that you were speculating as to who the individuals or individuals were who said, "Be careful," and in fact you don't have a specific recollection that it was Ms  
20 Murnain. Do you agree with that?---Ah - - -

You've tried to draw an inference based on what you know about surrounding events, that it was Ms Murnain, but your true recollection, you have no true recollection that it was Ms Murnain, you're speculating or guessing what is the most likely occurrence of what has happened. Is that fair?---I think the speculation was more to do with the fact that there were three to four people around and I can't remember who everybody was.

But I'm, as you've seen and you've refreshed your memory, I was asking  
30 specifically about Ms Murnain. So if you have a look at line 13 for example. ---Yes.

Have a look at that on the screen.---Yes.

I'm trying to be clear.---Yep.

And I'm asking you whether Ms Murnain knew and I was seeking to exhaust you recollection, and I appreciate it's very difficult to remember events that happened some time ago. Do you see that there?---Sure, yes.  
40

And what I'm suggesting to you is that you sitting in the witness box were drawing an inference, drawing a conclusion, you were speculating as to who it was that said, "Be careful," and that you don't actually have a specific recollection that it was Ms Murnain, you're speculating about that, but you just can't be sure that it was Ms Murnain. Is that fair?---I remember her saying, "Be careful," and I associated that with be careful because I was carrying a large sum of money.

No, let me be clear what I'm asking about. I think I understand your evidence to be saying you have a recollection of someone saying, "Be careful," is that right?---Someone who I think was Kaila.

But that's what I'm focussing on. What I want to suggest to you is that although you have a recollection of someone within ALP staff saying, "Be careful," first you can't be sure that that was actually Ms Murnain, correct? ---I can't be a hundred per cent sure, you mean, or like - - -

10 Well, we'll do it in part. But you're, you're not sure that the person who uttered those words was Ms Murnain, correct?---I'm quite sure. As I said in the earlier, in the earlier line of questioning.

Well, what I want to suggest to you is that what you said at about line 37 was in fact correct, you were speculating as to that matter, and to be clear I'm not criticising you about this because I was seeking to exhaust your best recollection and I think at one point I might have even asked you to speculate.---Okay.

20 Because I was seeking to explore who the ALP staff were. So to be clear, I'm not criticising you for using the word speculating.---I understand, sir.

But what I'm suggesting to you is that in point of fact you were speculating – you have a recollection of saying, "Be careful," but you're speculating or you're drawing a conclusion or guessing as to whether or not it was Ms Murnain, do you agree with that?

MR DIXON: Well, could I object to that, Chief Commissioner. In fairness it was put by reference to line 37 that the witness had used the word  
30 speculate and he was asked to accept that that was true in respect of his evidence as to who said, "Be careful." That's not what line 37 says. That's talking about what Ms Murnain knew, vis a vis the \$100,000 being - - -

THE COMMISSIONER: You said 37. 27, you mean?

MR DIXON: I thought he said 37, I beg your pardon.

THE COMMISSIONER: In any event, you're talking about lines, about 27  
40 or thereabouts? That's your point?

MR DIXON: I beg your pardon, I heard 37.

MR ROBERTSON: I apologise to my learned friend if I said 37. I was, I was intending to refer to 27.

THE COMMISSIONER: But I think Mr Dixon's point is that the specific context there has to be taken into account in saying what he is – when he said, "I am speculating."

MR ROBERTSON: Without doubt. Perhaps I should try and make that point.

THE COMMISSIONER: Perhaps, could I just put this. Mr Cheah, matters such as who said what can be every important, as you will appreciate, and the evident difficulty of trying to recall who in a group of people working in a particular place said anything becomes more difficult as time goes by and we're not talking about over three years, right?---Sure.

10

And as it's been pointed out to you, some work was put into preparing your statement, Exhibit 160, and your attention was drawn to paragraph 28 and there's absolutely no mention there of this alleged conversation or, if it did take place, who said the words. There is absolutely – you have provided no information on that, as you've already said, correct?---At the time of putting that together?

20

MR ROBERTSON: I'm sorry to intervene, Chief Commissioner, paragraph 28 did refer to a meeting although it didn't identify the individuals involved in the meeting.

THE COMMISSIONER: That's what I intended to do, sorry.

MR ROBERTSON: I apologise for intervening.

THE COMMISSIONER: I think the point was that there's no mention of which staff members were there to which paragraph 28 is addressing. ---At the time of, yeah, at the time of putting that statement together, correct.

30

And that's the episode we're now discussing.---Yeah, I know, yes, sir.

So that it would be reasonable to conclude, you correct me if I'm wrong, that the reason why you didn't mention who was there, which staff members were there and who said what is simply because at the time you prepared your statement you just didn't have that recollection in your mind.---That's true, yes, yes.

40

Right. And I think it's been pointed out at earlier times when this particular matter's been discussed with you, for example with the Electoral Commission and so on, you never volunteered any information along these lines about this alleged conversation which Ms Murnain is recorded about at page 112 of the transcript, again for the same reason, at the time the Electoral Commission investigated you I take it you just didn't have any recollection who said what at that time.---That's correct.

Or what was exactly said.---Right.

All right. So I think what's being put to you here is there's a series of questions when you say, and you're asked to respond to questions, for example on page 112 when you're asked whether Ms Murnain had any idea what was in the bag or whether you had a substantial amount of money, you didn't say yes, she did, because she saw me and I showed it to her, you just said, "I think so." And that's not being critical of you, but that's the best answer you could come up with at that time. Is that right?---Yes.

10 But it's not based on any actual recollection, because as you say, you haven't possessed a recollection of these matters - - -?---Yeah, that's true.

- - - when you came to make your statement on 26 August.---That's fair, yes.

All right. So that whether you call it speculation or not, I think what counsel is putting to you is that the answers we see involving Ms Murnain on page 112 of the transcript are really based on matters you've sought to infer or deduct from other matters rather than saying this is my honest and true recollection of what was actually said. Is that fair?---Yes. I can say,  
20 yeah, that's correct. I can remember the words being said to me, "Be careful."

Yes. All right. Yes.

MR ROBERTSON: I think that deals with the matter that I wished to raise on that topic.

30 THE COMMISSIONER: Yes, very well. Yes, thank you. Well, then, if anybody wants to revisit this matter at a later stage they should give written notice and I'll consider it.

MR ROBERTSON: Nothing further from my part.

THE COMMISSIONER: Now, Mr Cheah, unfortunately there may be other matters that arise that require you to return, but you'll be given due notice if that's the case.---Yes, sir.

Thank you for your attendance here today.---Thank you.

40 Thank you.

**THE WITNESS WITHDREW**

**[11.57am]**

THE COMMISSIONER: Are there any other matters we need to deal with?

MR ROBERTSON: Not from my part.

THE COMMISSIONER: Thank you. Then I'll adjourn until Monday 10 o'clock.

**AT 11.57AM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[11.57am]**