

**INDEPENDENT COMMISSION AGAINST CORRUPTION PUBLIC INQUIRY
INTO OPERATION AERO**

WITNESS STATEMENT OF KENRICK CHEAH

I, **Kenrick Cheah**, of [REDACTED], state as follows:

1. I am the Community Relations Director for the Australian Labor Party, New South Wales Branch (ALP). I have been employed by the ALP since 2013.
2. I was born on [REDACTED] in Sydney, Australia. I hold a Masters of Communications Management (UTS) and a Bachelor of Social Science (UNSW).
3. I was served a Summons to Appear and Give Evidence in respect of Operation Aero. On page 1 of the Summons, the purpose of the investigation is identified, namely:

Whether, from January 2015, officials of the New South Wales Branch of the Australian Labor Party, members, political donors and others have entered into or carried out a scheme to circumvent prohibitions or requirements under Part 6 of the *Electoral Funding, Expenditure and Disclosures Act 1981* relating to political donations.
4. Other than this, I know virtually nothing about the nature of the inquiry including what it is I am alleged to have been involved in (if anything).
5. On or about Thursday 22 June 2017, I participated in an interview with the New South Wales Electoral Commission. I was asked questions about
 - (i) A Chinese Friends of Labor dinner at Eight Modern Chinese Restaurant on 12 March 2015; and
 - (ii) The receipt of \$100,000 sometime after the dinner on 12 March 2015.
6. I also participated in a private session with ICAC in which I answered some questions in respect of these matters. I have not been provided with a transcript of that interview or any feedback since giving it.

7. I set out my knowledge of what I understand the issues to be in paragraphs 3 and 5 above.

The Nature of my Position at the ALP

8. I have been employed as the Community Relations Director at the ALP since 2013. I work out of NSW Labor's offices in Sussex Street, Sydney. On a day to day basis, my position reports to the secretary and assistant secretary of the ALP. In 2015 I was working full-time at head office (I now work only 1 day a week at head office).
9. My job involves liaising with the community, co-ordinating advertising, translations and assisting the ALP in raising funds. As part of this job, I often attend events organised by Labor Action Committees (for example, Arabic Friends of Labor and Italian Friends of Labor). There are approximately 16 Labor Action Committees, and each of them might have 1 to 2 fundraising events each year. At or around election time, it is not unusual for many of these events to occur in order to raise funds for the election.
10. When I attend these fundraising events, I typically liaise with the person in charge of the Labor Action Committee. My role is to oversee the event and make sure that things run smoothly.

Event at Eight Modern Chinese Restaurant on 12 March 2015

11. Ernest Wong as the convenor of Chinese Friends of Labor was the person in charge of the fundraising event of Friday 12 March 2015 (**Event**). He was a member of the Upper House in the NSW parliament at that time. The Event was held in the lead-up to a State election held on Saturday 28 March 2015.
12. For some fundraising events I assist the organising Labor Action Committee by liaising with the restaurant. On this occasion, Ernest Wong was the direct contact with the restaurant (I understood he knew the owners). I recall I received at least one email about menus and pricing from the restaurant manager before the Event. I do not recall ever meeting the restaurant owner or manager to discuss the booking, prices or menus prior to the Event.
13. On that evening, the ALP had forms made up for the purposes of donations. These forms included some marketing specific to the event and the Chinese Friends of Labor.

The purpose of the form was to ensure compliance with the electoral legislation. There is a space for payment details. Donors can pay by cash, cheque or there is a credit card option on the form. There is also a space for a declaration to be signed by the donor to ensure the donation is legal (that is, the donor declares they are not a prohibited donor including, for example, a builder or developer, or involved in gambling, alcohol or tobacco sales). I refer to the forms as “declaration forms” below.

14. My name appears on the booking form for the Event because I work at ALP office and attendees sometimes send their booking forms to the ALP office in the mail. The run sheet and order of proceedings for the Event were organised by the Chinese Friends of Labor.
15. I do not recall anything particularly unusual about the Event. I attend many events with a number of Labor Action Committees and this was fairly typical, however given that it was in the lead-up to a State election, all the events held around this time were probably better attended than is typically the case. There were approximately 50 tables and 500-600 people in attendance at the Event.
16. I recall on this evening I did what I typically do, that is to meet and greet guests and to generally oversee the function. It is a very busy time for me. I recall the dinner was from around 7.30pm to 10pm. It was a sit-down dinner.
17. I recall a number of other people were dealing with donations that night. Chinese Friends of Labor volunteers handle the reception and money collecting duties. Raffles are usually handled by NSW Young Labor volunteers. I cannot recall if we held a raffle draw that night.
18. It is very unusual for donors to donate prior to these functions, and it is even unusual for them to donate during the course of the function. In my experience, most donors donate towards the end of the function or after it. That is, some donors make pledges at the functions and then the people within the Labor Action Committees will follow up these pledges and seek donations in the days that follow the function.
19. I recall that Ernest Wong brought in some donations about a week after the Event to the ALP's Sussex Street offices. I understood these to be the donations made in connection with the Event. Ernest handed me the declaration forms that the donors had

filled out. I recall that around \$19,000 was raised from the Event and handed over by Ernest. This included cash, cheque and credit card forms.

20. My task was then to reconcile the amounts donated with the declaration forms that had been filled out by the donors. I then passed on the money to the finance section within the ALP. After this occurs, the finance section then issues a receipt to the individual donors. I am not involved in that process.

The \$100,000

21. I recall that some weeks after the Event (and possibly after the State election on 28 March 2015), Mr Xiangmo Huang came to the ALP offices. I had never seen him come to the ALP offices before this occasion.
22. I do not have any personal relationship Mr Xiangmo Huang. I presume he knows who I am, but we don't talk. My relationship with him has been limited to simply nodding my head in acknowledgement whenever he passes me at a function or the like.
23. On this occasion, Mr Huang walked past my workspace and through a door which led to the office of the Secretary of the ALP. After some time (approximately 20 minutes or so), Mr Huang left the ALP offices. I did not speak to him.
24. The then ALP Secretary, Mr Jamie Clements, then walked up to my workspace with an Aldi plastic bag. He said words to the effect of:
- “Here is some donation money and forms. Check the forms. If it is all ok, then give it to finance”.
25. He then walked away. The time this occurred was after lunch (approximately 2.30-3pm).
26. I recall that the money in the Aldi plastic bag was mainly in \$100 denominations and tied together with rubber bands. I proceeded to commence to count the money by hand. I did this at my workspace. The area of the office where I work is open plan and I counted the money at my work area in full view of other staff.
27. I recall I was very busy that afternoon and did not finish the process of counting the money and checking the forms before the banks closed for the day.

28. I recall leaving the office when it was dark outside (so around 5.30 to 6pm). I took the money home with me because I was not aware of any secure facilities at the ALP offices. When I left the office some ALP staff were still there and said "be careful" to me (referring to the fact I was carrying the bag of money).
29. I brought the money back to the ALP offices the next morning and continued the process of counting it and checking the forms. I finished the process sometime that morning (that is, the day after the money was given to me).
30. There was exactly \$100,000 in cash. There were also 20 forms accompanying the cash indicating that the donor had made a payment of \$5000.
31. I do not now recall whether there were 20 different names on the forms or whether there were at least 10 names with donations made by a single person to two different entities, namely the ALP and also the Country Labor Party. In my experience it was not uncommon for donors to make donations at or around the same time to each of these organisations using a form for the ALP and one for the Country Labor Party.
32. I recognised the name of "Jonathan Yee", who I knew to be the President of the Chinese Friends of Labor, and his family (I recall seeing the name of his brother and possibly his mother). I do not recall recognising any of the other Chinese names on the 20 declaration forms.
33. In my experience, it was not unusual for a person and another member of the person's family to donate at the same time. The ALP has around 300 branches and it is not unusual in my experience for a number of family members to be on a single branch, and for them to each make donations.
34. I did not think there was anything unusual about the forms. I checked that the amounts were below the permitted amount, that the person filled out the details on the form, made the appropriate declaration, and then signed it. I was satisfied these things occurred on the 20 declaration forms. I see a lot of these declaration forms, and these looked normal to me.
35. I was shown the declaration forms in the course of ICAC questioning and the "\$5000" entry was pointed out to me as being in very similar handwriting. It is not something I picked up at the time when I was checking the forms nor was I looking for it. I had no reason to believe that anyone would be trying to do anything untoward.

36. On a typical week, I might process hundreds of declaration forms at around election time.
37. [REDACTED]
38. [REDACTED]
39. The \$100,000 was a lot of money to be given to me in a single amount, but it was just before or just after a State election so I thought that was the reason for it. In my experience, at around election times, donors are encouraged to “max out” their donations – that is, give as much as is legally permitted. So receiving this many donations in the amount of \$5000 wasn’t common, but because it was at around election time, I did not think there was anything wrong with it.
40. After I finished reconciling the forms with the cash received, I handed the cash to Jenny Zhao in the finance section. I did this before lunch (on the day after Mr Clements gave me the cash). I recall that I saw Jenny later that day, and I believe I offered to walk her to the bank with the cash, however I think she said something like she had already banked it.
41. I had no other conversation with any person in respect of the \$100,000. I did not ever speak to Mr Huang throughout this entire process. The only conversation I recall with the ALP Secretary in respect of the money was the one identified above at paragraph 24 when he handed me the money.
42. I **attach** a diagram of the ALP office layout and the path Mr Huang took to speak to Mr Clements. The dotted line indicates the route I saw that Mr Huang took from the entry to the Secretary’s office.

43. I know absolutely nothing of any “scheme” or otherwise to circumvent prohibitions or requirements under Part 6 of the *Electoral Funding, Expenditure and Disclosures Act 1981* relating to political donations.
44. In my experience, all of my colleagues are very honest and hard working and we regularly discuss the importance of complying with the legislation when it comes to handling donations.
45. The facts set out in this statement are true and correct to the best of my knowledge, information and belief.

DATED: 26 August 2019.



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Kenrick Cheah



