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COMPULSORY
EXAMINATION

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

COMPULSORY EXAMINATION

OPERATION AERO

Reference: Operation E18/0093

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 22 AUGUST, 2019

AT 3.15PM

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, Mr Dastyari attends in response to the summons that's been issued to him.

THE COMMISSIONER: Yes, thank you. Mr Bodisco, do you seek leave to - - -

MR BODISCO: Yes, for the record I do.

10

THE COMMISSIONER: I grant leave to you to represent Mr Dastyari. Thank you, Mr Dastyari, if you wouldn't mind coming forward.

MR DASTYARI: Thank you, Commissioner and Counsel, for moving around the times to be able assist my (not transcribable)

THE COMMISSIONER: No, well, Mr Dastyari, I record the Commission's appreciation for making yourself available on short notice, and regrettably we were unable to give you more notice than that.

20

MR DASTYARI: No, no, of course, you've got the hearing next week. I understand.

THE COMMISSIONER: Now, I think – do you take an oath or an affirmation for the purpose of - - -

MR DASTYARI: I'll take the affirmation, yeah.

THE COMMISSIONER: Would you mind standing and we'll do that.

30

MR DASTYARI: Of course.

<SAM DASTYARI, affirmed

[3.19pm]

THE COMMISSIONER: Thank you. Just put on the record your full name, thanks.---Mr Sam Dastyari.

Thank you. Mr Bodisco?

10 MR BODISCO: Commissioner, could I take the standard section 38 declaration.

THE COMMISSIONER: Could you speak into the microphone? Thank you.

MR BODISCO: I'm sorry. Might I on behalf of my colleague place on record my anticipation that we'll be taking the standard section 38 declaration.

20 THE COMMISSIONER: Yes, certainly.

MR BODISCO: Thank you.

THE COMMISSIONER: That's been explained to Mr Dastyari, has it?

MR BODISCO: It has.

THE COMMISSIONER: I'll just deal with some formal matters before we get underway, thanks, Mr Dastyari.---Yes.

30 I direct that the following persons may be present at this compulsory examination – Commission officers, including the transcription staff; the witness, Mr Dastyari; his legal representative, Mr Paul Bodisco.

40 I intend to make a direction under section 112 of the Independent Commission Against Corruption Act. I'll say briefly what that direction entails. The effect of a direction under section 112 restricts the publication of information with respect to this compulsory examination. The direction will prevent those present today, other than Commission officers, from publishing or from communicating information relevant to this compulsory examination. It will permit Commission officers to publish or communicate information for statutory purposes or pursuant to any further order made by the Commission. The direction may be lifted or varied by the Commission without notification if the Commission is satisfied that it is necessary or desirable to do so in the public interest. It is important that I note that it is a criminal offence for any person to contravene a section 112 direction. And I now propose to make a direction under that section.

Being satisfied that it is necessary and desirable in the public interest to do so, I direct pursuant to section 112 of the Independent Commission Against Corruption Act that the evidence given by Mr Dastyari, the contents of any exhibits tendered, the contents of any documents that may be shown to him, any information that might enable Mr Dastyari to be identified and the fact that he has given evidence today shall not be published or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission.

10

BEING SATISFIED THAT IT IS NECESSARY AND DESIRABLE IN THE PUBLIC INTEREST TO DO SO, I DIRECT PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT THAT THE EVIDENCE GIVEN BY MR DASTYARI, THE CONTENTS OF ANY EXHIBITS TENDERED, THE CONTENTS OF ANY DOCUMENTS THAT MAY BE SHOWN TO HIM, ANY INFORMATION THAT MIGHT ENABLE MR DASTYARI TO BE IDENTIFIED AND THE FACT THAT HE HAS GIVEN EVIDENCE TODAY SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION.

20

THE COMMISSIONER: Mr Dastyari, just a couple of comments to you. Firstly I've been requested to make a direction or a declaration under section 38 and I understand you have an understanding of what that means? ---Yep.

30

It means in effect that you do have a form of protection against the evidence being utilised in the future in any proceedings, be they criminal, civil, administrative proceedings or any other form of proceedings, and there is only one exception to that, that I need to advise you about, and that is that the evidence can be admitted in relation to any proceedings for an offence under - - -?---Yep, yep.

- - - this Act, the Independent Commission Against Corruption Act, such as giving false evidence. Except for that it does provide you with the protection to which I referred.

40

On the basis of the application made by Mr Bodisco on behalf of Mr Dastyari and he having an understanding of the provisions of section 38, I proceed to make a declaration under that section. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Mr Dastyari and all documents and things produced by him, if any, in the course of his evidence at this compulsory examination are to be regarded as having been given or produced on objection. That being

the case, there is no need for Mr Dastyari to make objection in respect of any particular answer given or document or thing produced.

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

THE COMMISSIONER: Mr Dastyari, I'll ask Mr Robertson, Counsel Assisting, to ask you some questions and we'll go from there. Thank you.

20 MR ROBERTSON: Mr Dastyari, you're a former general secretary of the Australian Labor Party NSW Branch. Correct?---Yes.

And your successor was Mr Jamie Clements?---Yes.

And his successor was Ms Kaila Murnain. Correct?---Yes.

You were a senator in the Australian Parliament between 2013 and 2018. Correct?---Yes, a brief period.

30 During that period, what was your mobile telephone number?---0-4-[REDACTED]-[REDACTED]-8-5.

Do you still maintain that telephone number?---Yes.

Do you recall what service provider you use with that telephone, is it Telstra or Optus or someone else?---I currently use Telstra. It was taken over by the parliament for a while because it was my parliamentary phone, so I'm not sure who they use. I think it's Telstra, yes, I suspect it was Telstra the whole way through.

40

In terms of the physical device, the physical device that you presently use - - -?---Yeah.

- - - how long have you used that physical device?---You mean the actual handset, handset?

The actual handset itself.---A year.

And so I take it then in say 2015-2016 you would have been using a different handset?---I, I, I would take that, yes.

But it's the same telephone number that you use?---Yes.

In 2016, if you were driving yourself in your own personal vehicle from your then office in Sydney - - -?---Yep. Yep.

10 - - - which car would that have likely to have been? What make, and did you recall the - - -?---Yeah, it was like a Mitsubishi Outlander is the car I had at the time, which was my wife and my car, we kind of share. Oh, no, no, no, no, sorry, sorry. For a brief period before then, there was like a black Holden – no, no, it was a Volkswagen, sorry. It was a black Volkswagen Polo, I think it was, that I had for a couple of years.

20 So you had that vehicle in 2016, for example, as best you can now recall? ---As best I recall, yeah, 2016, I had that vehicle, and there was another vehicle which was my wife's car, which was a Mitsubishi Outlander, and we kind of swapped between the two, depending on who was doing the kid pickup and drop-off.

Do you happen to recall the registration numbers of either of those vehicles? ---One of them was [REDACTED], and the question about the, the black Polo, I think it was a Polo or Golf, I, I can't recall, do you, do you want me to get back to you on that, or if you guys, if you put it to me I can probably remember it.

30 For the time being, we'll run with that, but I assume that both of those vehicles must have had an e-TAG or similar thing for tolls?---They definitely would have. Yep.

Do you recall whether the accounts for those tags were in your name or your wife's name?---I, I honestly don't remember, we'd joint, we had joint accounts at the time, so we'd pay together.

And do you recall what provider for the e-TAG or equivalent it was?---I don't, I don't. I think it was E-Toll, but I don't recall.

40 I asked you a moment ago about Ms Murnain.---Yep.

How would you describe your relationship with Ms Murnain?---I would describe it as incredibly close, up until recently, we kind of drifted apart in terms of lifestyle changes. Like, I, I kind of drifted away from politics.

THE COMMISSIONER: So back in 2016, you would have been of senior standing and then - - -?---Yeah, no, no, and, look, to be honest, and, and we were very, very close.

So was she sort of a mentor of yours or something like that, or what, how would you describe your relationship?---Look, considering her success has far exceeded mine, it would be arrogant to use the word that she was a protégé, but she was certainly a very close friend, and someone who I, I very proudly, was very proud of having mentored.

MR ROBERTSON: So focusing on 2015, for example, at the time that she was assistant general secretary.---Yep.

- 10 Did you still have that kind of close relationship with her?---You, we were, like we were so close, I'd probably, like, I don't think a day would go by when I wouldn't speak to her four times.

THE COMMISSIONER: So how did you come to know her in the first place?---Okay. So Kaila was a, if you guys have got a few minutes, I first got to meet Kaila when I think she was 15 or 16. She was a delegate to the young, the ALP Nat Conference, she was from Narrabri up in northern NSW. Her mother was the perennial Labor candidate, and because she was this young girl coming through, I was an up-and-comer at the time in Young Labor, and it was my job to manage, I think I was a, may or may not have been working at the NSW ALP in kind of different roles at the time. But at the ALP conference, she was put under my guidance to kind of take care of her, introduce her to Young Country Labor kids. We became close friends then. We stayed friends. She kind of came through under me in Young Labor. I convinced her to leave Kristina Keneally's office when she was Premier and take a job up as a junior organiser at the ALP, and she was always kind of a very, very close friend of mine, and up until realistically about a year ago.

- 30 MR ROBERTSON: And in terms of the change in the relationship, is that because of a particular event, or is it just because one's taken different paths in life?---Oh, tiny bit of both. Largely because, largely my doing, in fact, to be honest. I kind of, you know, it's well-documented, my political downfall. I had, went through a few mental health issues, and I kind of decided the best thing I could do is kind of detach myself as much from politics. So I kind of drifted apart from Kaila and others after that.

40 So you're not saying you've had any sort of run-in or anything like that, just you've simply moved apart?---No, no, we disagree on some things, like, you know, I was, you know, for instance, you know, more recently, she was supporting someone different than me for the, for the leadership of the NSW Labor Party, but they're very minor kind of things. Our friendship more drifted, I think, in part because I just, I, I moved on with my life, and this was all a reminder of a, a dark period in my life.

In the time of 2015 and 2016 when she was assistant general secretary first and then general secretary, do we take it from what you said before that you

were at least a sounding board and perhaps a source of advice as to what she might do in her capacity as assistant general secretary?---Yes, yes.

And so you had regular conversations during the course of which she might ask you for advice on certain matters?---I say beyond regular, I'd say I'd be surprised if it wasn't every day.

10 So in that period 2015-2016, you would have spoken perhaps at least daily, perhaps many times on a particular day?---I would say that every day is different so I didn't necessarily speak to her every single day but it would not be uncommon if we spoke four times in a day.

And was that generally for the purpose of being a sounding board in the way that I've identified as to party matters or was it broader than that?
---Everything. It was party matters, it was advice, it was guidance, it was friendship, it was everything.

20 So it's fair to say, is it, it was a close personal relationship but it was also in the context of party and other matters?---Yeah. I mean, I MC'd her wedding. I MC'd her wedding, yeah.

I'll ask you some more questions about Ms Murnain separately but can I ask you about a couple of other people.---Sure.

Mr Ernest Wong, you know who that is?---Yeah, of course.

30 He was a member of the Legislative Council. What's your relationship either now or in the past with Mr Wong?---Oh, look, now, I don't even have a relationship with him at all and I haven't I think spoken to Ernest for a very long period. But previously Ernest ran Chinese Friends of Labor, kind of either officially or figuratively. It's always a bit complex, it's always an opaque organisation, which I'm sure you've come to learn, about who exactly hold what title but essentially Ernest ran it and I met Ernest many, many years ago.

And at least in that capacity, he was known as a very busy and successful fundraiser, is that fair?---Prodigious is the word I would use.

40 And that's at least part of the explanation for his status in the party when he was a member of the Legislative Council, namely his ability to fundraise, is that fair?---Yeah. That's very fair.

In 2015 and 2016, how would you describe your relationship and dealings with Mr Wong, Mr Ernest Wong?---By 2015/2016, look, the nature of me being at that point in Federal Parliament and Ernest being in the State Upper House meant that I didn't have that kind of contact I did with him, for instance, when I was party secretary and he was running Chinese Friends of Labor but I would say they were always friendly, always polite always

cordial, but just naturally, the nature of things, and I had seen the functions, the Chinese functions and events around Sydney, but I was in Canberra half the year, he was in Sydney. He was in parliament here, I was in parliament there.

Next, I take it you know who I'm referring to if I refer to Mr Huang Xiangmo?---Unfortunately I do.

10 And you're referred a moment ago to some of the publically noted matters which I think you described as being connected with your downfall I think is the term that you used.---Yeah, yeah. Self-inflicted.

Can you just explain your dealings in general terms with Mr Huang in that period of 2015 to 2016?---Yeah. Look, I, to be honest, so my dealings with I'm her probably more earlier than that because of the nature of being the party secretary and (not transcribable) party secretary and Jamie Clements obviously being party secretary, around 2015/2016, I would, to be honest, kind of, mostly try and, you know, whenever there was a fundraiser or an even or whatnot, if they needed me to help try and raise some money, I
20 would do that but those kind of responsibilities was mostly passed on to Jamie Clements and the New South Wales branch. I kept, you know, a level of kind of interest and involvement but it, progressively declined for myself being party secretary.

But in the period in 2015 and 2016, you knew Mr Huang to be a property developer or at least someone associated with a property developer?---Yeah, definitely. And he was, he ran the Yuhu Group, which was another property developer.

30 And you knew that at that point in time property developers were prohibited donors on a state level, albeit not on a federal level?---Yes.

I want to ask you now about a conversation that you may have had with Ms Murnain in September of 2016.---Yep.

Now, to help give you the bearings, in 2016 Ms Murnain is now the general secretary rather than the assistant secretary, she was elected to that position in I think February of 2016, so it's a few months into the job, but towards
40 September of 2016, and I want to ask you whether you recall that on a Friday evening in our about September 2016 Ms Murnain giving you a call and being very distressed about something that she had just been told by Mr Wong, Mr Ernest Wong.---Yep.

Just take as much time as you want.---Yeah, yeah, no, no, I remember this, yeah, I remember this.

What do you, what do you remember about a call of that kind?---Okay. So this is, right, can I just paraphrase by saying I woke up this morning not

having thought about these matters for many, many years. I haven't had, you know, kind of visible, like, I just want to be very clear because I don't want to be, under kind of I'm giving you guys anything other than the absolute truth, because I literally, three hours ago I wasn't coming in and I consciously put all these things to do with any of these people out of my mind for the past few years thanks to a lot of therapy.

10 And can I make clear, if you want, if at any time you want just some time to think about any of the questions that I'm asking to give you an opportunity to remember things, all you need to do is say so.---Okay. So this is again my recollection of what had happened at the time. And I've got to place the context of what was going on with me at the time. So around September 2016 there had been a, I had resigned from the Labor Party front bench over a scandal related, which eventually led to my political downfall, related to the relationship, overly familiar relationship with the, the donors that, you know, I take full responsibility for and I, I accept I was completely at fault for and I paid the price for. So that was the kind of context at the time and the headspace. Kaila and I were talking very, very regularly and frequently at the time. I think to be honest a lot of that was, I think she was very
20 worried about my welfare and kind of where I was at and I was in a really bad headspace at the time, round that time, September 2016. If you look back on the dates I think you'll find 6 September of 10 September was around the time I resigned. And I remember Kaila saying to me about this thing with Ernest or whatever at the time. She was very concerned around a whole series of matters to do with, the way I think she told me was, you know, what documents and whatnot had been left or not been left relating to, relating to all the disclosures that had happened previously and I can't remember exact specifics of it but I think she was worried that there was
30 like a, using my language, not hers, the LP accounts and donations were a shit show and she was whinging to me about how everyone had abandoned her and she'd been left alone in the LP party office and we all moved on to our other careers and she was there to clean up the pieces.

And you're pretty sure that these conversations were in 2016 at the time that she was general secretary?---They were constant, but yeah, around that time as well, yes.

40 And do we take it that there was a number of conversations on this particular topic area, not just say one or two?---I mean there was a number around these topics generally. I think she – yes, is the answer.

As best you can now recall, do you recall what advice or suggestions you gave to Ms Murnain regarding those concerns?---Look, my advice to her would have been, cover your arse, like protect your arse and make sure you tell everything to Ian Robertson and make sure you get the lawyers in and don't worry about the expense of the party of getting really good lawyers.

And Ian Robertson is a partner of the firm Holding Redlich?---Yep, he's the party's lawyer.

And he's been the party's lawyer for a substantial period of time?---From well before I was there. I mean from what I remember, again, guys, like, this is, you're asking me about a specific conversation with someone that I would have had maybe 500 conversations with many years ago, but I remember her being very worried about a lot of these matters and my advice to her was just pay for lawyers.

10

Can I try and help you a little bit more with the specific conversation that I want your assistance with. Towards the middle of September of 2016, perhaps 16 September, 2016, I wonder whether you have any recollection of Ms Murnain giving you a call or otherwise making contact with you, perhaps by text message, being very concerned, she being very concerned and very stressed about something and you driving down to the - - -?---Yes, yes.

20

- - - vicinity of Parliament House, State Parliament House I mean, and you having a discussion, perhaps in your vehicle - - -?---Oh my God, I remember, yes, no, no, yes, yes, yes, yes. Okay. Yes.

30

Now, doing the best you can, what's your recollection of what I'm trying to draw attention to?---Yes, no, no, no. Okay. This is, oh, okay, this is what I remember, right. And again, I don't, please, I just want to stress I don't – she had left Ernest's office, had had a, I'm paraphrasing words here, freak-out about that Ernest had informed, Ernest, she'd been very vague with me about the details of it all, but she had some freak-out that, with Ernest in Ernest's office. I was not in a good headspace at the time and I think her and I were planning to catch up anyway around that time or that night. I picked her up from parliament and drove her back to her office, and that's when she, she kind of expressed a whole lot of concerns about everything with the party, she was in tears, she was pretty vague about everything, but it was mainly around the fact that she, her relationship with Jamie, which I'm sure you guys are well aware was not, was very, very poor at the time, I imagine it's still poor, and, and I think she just wanted some comfort and love from a friend.

40

But just in relation to that last matter with Mr Clements, of course, we're talking about 2016, Mr Clements resigned in 2015, so he's in a sense out of the picture, or not entirely out of the picture, he's no longer - - -?---No, no, I think Jamie resigned in 2016, didn't he, not 2015. 2016.

Ms Murnain first became general secretary at the start of 2016.---Yeah, but I think this, like, the whole drama between Kaila and Jamie went on for a long period. Like, it's not, yeah.

THE COMMISSIONER: I thought you, when you started to answer this question, you said she'd left Ernest's office.---Yeah.

She had a freak-out.---Yeah.

10 She informed and then was (not transcribable) - - -?---Yeah, okay, so this is what, this is what I remember, right? There was – I'm trying to remember the exact specifics here because I don't want to, I don't want to kind of think, this is, there was some issue with Kenrick and Ernest and to do with this whole, with disclosures and issues. I can't remember specifically if it was about election funding or not, but it was – can you give me a minute? I just want to remember. So what date did Jamie leave?

20 MR ROBERTSON: Towards the end of 2015, and Ms Murnain was acting general secretary in January of 2016 and was elected in February of 2016. ---Yeah, yeah. Look, okay. So she left Ernest's office. I was meant to meet her already but then she messaged me and I came and picked her up in my car and we drove around the city and around town for about an hour, hour and a half I think, from memory. We had a long deep and meaningful conversation. She talked me out of quitting from parliament at that point in time. Terrible advice. I talked to her about sticking through and seeing things through politically. She had an altercation with Ernest where she had felt Ernest had tried to put a proposition or something to her that she was responsible or that she'd agreed to things. It was all very, very vague, and at the time, to be honest, I probably wasn't in the headspace to be concerned about her because I just, you know, resigned from the front bench two weeks earlier, and I just remember her being very, very distressed.

30 Is it possible that when you drove around, you dropped her off to somewhere other than her office?---Definitely possible. I mean, can you tell me where you think it was?

Well, I'm just trying to get your best recollection before I say much more. ---Look, I mean, if it was, my memory, oh, well, my thoughts would have been it would have been one of three places from what I can remember. I thought it was her office. Could have been back to parliament. Could have been to her house at Randwick or Eastlands or wherever she lives.

40 But it was at least clear that she had had, I think to use your words, a freak-out following some discussion with Mr Ernest Wong?---Yeah, either that night or in the close vicinity. I don't know if that was that day or that point, but I remember that came up in the conversation because she was so distressed.

And do you recall if you gave her any particular advice as to what to do regarding that particular matter?---My recollection would have, no, I don't. I think from that I said, "Make sure you talk to Ian."

THE COMMISSIONER: What makes you think that?---Sorry?

What made you say that? I'm sorry, what's your recollection based on, that you think - - -?---Oh, just because my advice always is talk to Ian because Ian got me through so much and Ian was normally like, when you freaked out about something or upset or you're concerned, the best thing to talk to, is talk to Ian Robertson. And just because I'd been in that situation before when I'd been uncomfortable or stood over or whatever with branch officials, I always – that is my recollection of what I would normally say in those circumstances but what I said specifically three years, ago, oh, like - - -

MR ROBERTSON: So I just want to make sure I understand, this is best you can now recall, you think it's likely that you had a discussion with Ms Murnain that involved what you've described as a freak-out that was towards the middle of September, 2016?---Yeah. Can I rephrase that? Freak-out's not the word. Kaila was very, very distressed over a matter to do with Ernest Wong, yes. I mean, freak-out, probably I don't want to diminish her emotional state.

No, no. And doing the best you can, you think she probably sent you a text message saying that she wanted to speak to you?---Look, I mean you said that, or called me, or we spoke.

You recall being in a vehicle that you were driving in together?---Yeah. I remember driving her out.

And therefore dropping her off to somewhere but you're not quite sure where that would have been?---Well, my memory was I dropped her back at the office, you're telling me obviously that wasn't the case. Well, not telling me but, yeah.

Well it may or may not be the case, I'm just trying to get your best recollection.---No, I don't, I honestly, like, sorry, sir, I just don't, I mean - - -

And your best recollection is that it arose from some issue concerning Mr Wong, Mr Ernest Wong, and Mr Kenrick Cheah?---Yeah. I, it was slightly broader than that. She, Kaila made it clear that the issue with, at the time, was she felt that she'd been left a, all these issues relating to funding disclosure, donations, everything and everyone kind of walked away and left the party in her hands and she was just venting with me.

Now does that mean she is complaining about something that may have happened before she was general secretary but she's left dealing with the consequences as it were by becoming general secretary at the start of 2016? ---Yes.

And did you say that your best recollection is that it had something to do with funding or donations or you're just not sure?---Yes, yes. I mean, in hindsight, I now think it may have to do with this specific matter, at the time Kaila was not that, from what I recall, she wasn't that clear with me.

10 Do you think it would assist your recollection for us to adjourn briefly just to have a think about the details of the meeting that we're talking about in about September of 2016 or do you think, noting that it's some time ago, you've not exhausted your memory?---Yeah, look, to be honest I just, yeah, I don't remember that much more about it. It was, you know - - -

THE COMMISSIONER: Just it's important to try and get things in sequence, and I appreciate the difficulty remembering particular matters when they occurred sometime ago. I just wanted to clarify as to timing. You spoke of an occasion when she left Ernest Wong's office, you said, "I was meant to meet her," which she was meant to meet you or her meant to meet you, she then, I think you said you picked her up?---Yeah.

20 Sorry, I'm going to go back. I think you said then you picked her up, drove around for about an hour and she tried to talk you out of resigning. Now, can you remember, what was the date you did in fact resign?---Oh, the year later.

Oh, I see. So - - -?---So that was, so the story in the media with me had broken around 6 September, I think I resigned from the Labor Party front bench and I was looking at, I was considering, I was at the point of considering kind of resigning from parliament itself at the time.

30 So when did you move from the front bench?---About a week or two earlier. In September of - is that right?---It may have been end of August.

Of what year now?---That year.

2016?---Yes, yes. And I resigned from parliament - - -

August 2016, thereabouts?---Thereabouts. August/September 2016.

40 And are you able to locate in time this occasion when you were driving around and she trying to talk you out of resigning, by reference - - -?---Oh, I would say this is this incident.

Hmm?---This all happened on the same - so, so let me, Mr Commissioner, can I, can I place it in kind of broader context?

That's okay, no, as you've been invited, if you like, just to take a pause, stop and think through these matters, if that would help you, I'm happy for you to have five or 10 minutes or whatever you want, just to put things in

context. Really, I just want to understand the chronology of events, that's all.---Yeah. Okay.

And I know it's difficult.---Let me, let me have a go, and then if you feel that, if I feel at the end of that, I'm, I haven't, then I'll take a few more minutes, if that's okay?

Yes, very well.---Is that okay, Commissioner? Sorry. Thank you. Okay. So, over that period, and we're talking of a period of, of about two months, I was in constant contact with Kaila. We constantly, we would talk many, many times a day, and a lot of those conversations centred around my welfare, my headspace, where I was at, what I was doing with my career. Prior to that, I'd been a big supporter of hers, and kind of backer of hers, coming through parliament. After that point, she was kind of helping me. I remember this incident specifically because it was slightly different from many of the conversations we had over that period, because those conversations of that period almost entirely revolved around me, my marriage, what was happening in my life, where I was at mentally, you know, all those kinds, it was always about me. And I remember specifically Kaila getting in contact with me, and I, from what I remember, I think we were going to catch up anyway at some point, but I remember getting her from around parliament, her being incredibly distressed about a conversation she'd had with Ernest. It all, she was being incredibly vague in the conversation. I now have a theory on what had gone on at the time, but I did not know this at the time. And I believe my advice was at the time, "You need to talk to Ian Robertson about all of this, and make sure you've, you know, you're talking to Ian and you're going through Ian with all of it." That's my very, very broad kind of recollection of it. Some of that now, though, is tainted by what I now know, which I did not know at the time.

Well, when you say, tainted by what I now know, what's that a reference to? ---Okay. So, Kaila's language to me in that conversation was being very, oh, from what I remember, being very careful, and was saying things like, "Oh, you know," complaining about Ernest, complaining about Chinese Friends of Labor, and saying that, "Oh, look, you know, they're funding, you know, there's funding issues, there's disclosure issues, I tried, you know, Ernest raised them with me, and he shouldn't have," and – she was very upset. I now subsequently can put two and two together and go, oh, that was in reference to enquiries and other things that were going on at the time. I wasn't aware of that then, but I, my advice to her would have been, "You got to go, you got to go to Ian." From what I recall.

MR ROBERTSON: I just wonder whether this assists, because I want to exhaust your memory as best we can.---Yeah, yeah, definitely.

Would it help for me to note that Ms Murnain appears to have been in Canberra on the morning of 16 September, 2016, which is the date that I'm talking about, and spoke to you, it seems, from Canberra, a couple of times

by telephone, and then flew to Sydney in the middle of the afternoon on that day, and probably gave you a telephone call at the airport, and it seems that you may have had a few other calls during the course of the afternoon?
Does that assist you at all in - - -?---No, I mean, that, that, that - - -

- - - recalling what happened on the day?---If you got a track record of our conversations, that probably wouldn't have been that infrequent. So was it a, what day of the week was it then?

10 A Friday.---Okay. And so, I wasn't in, I don't know if Federal Parliament was sitting that week. Oh. Okay. Check the dates. There may have been the ALP National Executive if she was in Canberra. And if there was the ALP National Executive, then that would explain why we would have spoken that much on that day. I'm not sure if that is or isn't the case, by the way. But Kaila tended to come, if she was there on a Friday – what time did she leave? What time is the plane conversation?

In Sydney, it seems that she had a discussion with you at the airport at about 3 o'clock in the afternoon or thereabouts.---Yeah, okay.

20

But it's still your best recollection that in that evening - - -?---Yep.

- - - of that day or at least around about that period, you had a discussion of the kind that you have identified?---Yeah. My, my recollection is around that time there was a conversation that I felt was out of the ordinary with all the regular conversations and Kaila and I had been having and the reason it stuck out it was out of the ordinary was the focus of the conversation, unlike so many other conversations we'd had, was about her being distressed, not about my state of mind. And I recall that conversation was specifically
30 around a conversation she'd had with Ernest and that she, while being quite vague with me, seemed to feel that she had to do with Chinese Friends of Labor, funding disclosure issues and I believe my advice would have been, make sure you're talking to Ian, make sure you're talking to Ian, make sure you're talking to Ian.

In terms of persons or organisations referred to in that conversation, and again doing the best you can, you referred to Mr Ernest Wong.---Yeah.

I think you've referred to Mr Kenrick Cheah.---Yeah.

40

You referred to Chinese Friends of Labor.---Yeah.

Do you have any recollection of any other particular individual or organisations being discussed in that conversation?---Oh, look, I assume Jamie would have come up as well.

Before I move on to the next set of questions, do you want some further time just to reflect on whether you can recall anything else about the

conversation that we've been discussing or do you think you've now exhausted your recollection?---Yeah, look, look, to be honest, I think I've now exhausted – I mean obviously because we're talking about funding disclosure stuff, it may have involved Electoral Commission and that as well, but mainly I think it was about talking to Ian Robertson. Oh, so you said Chinese Friends of Labor, didn't you?

I did say Chinese Friends of Labor.---Yeah.

10 THE COMMISSIONER: Could I just ask you incidentally, when was the last time you've ever spoken to Kaila?---So I - - -

Prior to today I mean or - - -?---Oh, no, I haven't spoken to Kaila in – we had about an exchange a couple of weeks ago.

Ah hmm.---About three or four weeks ago.

Was there any discussion on that occasion of this donations issue?---No, no, no.

20

And I said communications, apart from phone calls - - -?---Yeah.

- - - prior to today, have you had any email exchanges with her or SMSs that you can recall?---I sent, I wrote her a - - -

And if so, when approximately?---Yeah. A couple of weeks ago we had an exchange where I sent, yeah, we had an exchange about three weeks ago.

30

Ah hmm.---And that was the first bit of contact we'd had over a long period.

And you haven't had any more contact by email or SMS, other than that some time ago?---Not recently, no.

Okay. Thank you.

MR ROBERTSON: What about Mr Ernest Wong, any recent contact with him?---I don't think I've spoken to Ernest in a year and a half, maybe two years.

40

And Mr Kenrick Cheah?---Maybe a year and a half, two years. Maybe a year.

I asked you about vehicles on that evening, do you recall which of the two vehicles that you identified that it would be likely to be?---I'm so sorry, I really can't. If you tell me I can tell you if it was my car or not.

And can you just remind us of your wife's name?---Helen.

Keeps your surname or a different surname?---Yes, she keeps my surname.

During the course of that conversation that we've discussed, was there any mention of the name Huang Xiangmo?---Look, I don't recall specifically but it wouldn't be surprising if that came up.

10 So to be clear about that, it's possible that there was a reference to Mr Huang but you don't have a specific recollection of her raising Mr Huang on that evening?---I don't specifically recall her raising Mr Huang at that point but considering the context we were in and the fact that I had resigned from the Labor Party front bench only weeks earlier because of my relationship with Mr Huang, it wouldn't surprise me at all if that came up in that conversation.

Can I just help you with the chronology this way. Media reports were that you resigned from the front bench on 8 September, 2016.---Okay.

20 Which was about the date that you identified to the Chief Commissioner earlier I think.---Yeah. So all these things were happening at the same time and to place in context, a lot was going on at that point in time, a lot was going on in my head and mind at that point in time, which is why I recall this conversation as much as I do was because it was different than the constant chats I was having with Kaila.

30 During the course of that discussion was there any suggestion by Ms Murnain that donations may have been made to the Labor Party on behalf of other people? In other words, someone might have said that I made a donation but I didn't, it was in fact made on behalf of someone else?---16 September.

16 September, 2016?---Yeah. Sorry, I'm just - - -

No, please take as much time as you need and I appreciate I'm asking you these questions cold in respect of something that happened some number of years ago.---Yeah. And the context being at the time there was a lot going on as well. Yeah. I, okay, I'm trying to remember if it was then or later. Can I use the bathroom and just take a few minutes? I just want to kind of think about this because.

40 THE COMMISSIONER: All right.---Okay.

Well, we'll do that.---Just the specific question, just so I can kind of get my head around this.

We'll adjourn for five or 10 minutes. If you need more time, let us know. ---No, I won't need any more than that.

MR ROBERTSON: Before we do, I think the witness just wants me to clarify that last question just so he can reflect on it.---Yeah. So it was around 16 September.

10 So what I want your assistance with is whether in the meeting that seems to have happened on 16 September, 2016, whether there was any mention by Ms Murnain regarding Mr Huang and I think your answer is at the moment, it may have been discussed but you don't have a specific recollection but also whether there was any reference to what I'll describe as pretend donors, in other words, someone who says that they've donated money to the state party but in fact the true source of the money is someone else.

THE COMMISSIONER: All right. We'll take a break. Thank you.

SHORT ADJOURNMENT

[4.02pm]

20 THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Mr Dastyari, you've now had a further opportunity to reflect. Does that refresh your memory as to any matters?---Yeah. Yeah, look, not really. Just on reflection, to just clarify, and I, I just can't stress enough that I'm desperately trying to be as assisting as possible with this inquiry as I can. I definitely recall the conversation broadly. I recall it because a very distressful and difficult time in my life. It was different from all the other conversations that I had. I recall collecting Kaila Murnain from the parliament and driving around in a vehicle with her. I recall her telling me that she had some kind of an altercation or issue or dispute or
30 uncomfortable conversation – I'm using my language, not hers – with Ernest that had clearly distressed her. I recall her telling me it was broadly to do with Chinese Friends of Labour and funding issues more generally. But beyond that, the specific granularity of the conversation, you know, at the time it didn't seem obviously that significant, and also I think in part coming at a time when there was a lot of other things going on. I'm not saying the things you put to me weren't said, but I just, I'd be doing a disservice if I said I remembered that, the granularity of that conversation.

40 When you refer to funding issues, do you mean donations or do you mean something else when you say funding issues?---I, no, no. Donations.

And is it right to say that, doing the best you can, you can't recall whether Mr Huang Xiangmo was referred to or not?---I can't recall whether Mr Huang Xiangmo was referred to or not, but it wouldn't surprise me if he was.

And is it the case that you can't recall one way or the other whether there was any reference to what you've described as straw donors?---Look, I, I, I

don't recall the, I don't recall having a conversation that was at that level of granularity. It was more a general Kaila was – from what I remember, Kaila was generally outlining she was very, very distressed, and she had an uncomfortable exchange with Ernest. She was quite vague about what exactly, as I recall, quite vague about everything and I believe my advice to her at the time, my general advice, would have been, I'm using my language not hers, "The best way to cover your arse with everything you do in the party office is make sure you tell Ian everything."

10 Now, if she did mention the issue of straw donors to you, that would have been a matter of concern to you, presumably.---Sure. Yeah, again, I mean, yes, I mean, again, well, concern to me in what way? I mean, I mean, I would have been worried about Kaila and the party but not me personally, no.

What I'm just wondering is whether if that was a matter that was discussed, you would be more likely to remember that, or whether what you're saying is it was a difficult time in your life and it may well be that something of that nature was discussed, you just can't remember one way or the other.
20 ---Something of that nature in a different context would certainly have been a bigger deal, whereas something of that nature eight days after what I felt was my entire life imploding in front of me probably was less significant than it would otherwise have been.

Following that discussion in what would seem to be mid-September 2016, do you recall having any further communications with Ms Murnain regarding those same matters?---Kind of, yes. Yes. I mean, generally there was a continuous conversation that Kaila and I had over a very long period of time, which is very generally about her feeling that the party's funding
30 disclosure issues were going on forever, and that Jamie had, in her words, in her interpretation of events, that Jamie had left a mess for her to clean up. And that was an ongoing, general conversation that I can't point to a specific (not transcribable) but that was her general, that was a frame of many conversations.

Do you recall whether she ever got into specifics? For example, identifying a particular individual or group of individuals as having done anything inappropriate or improper?---Yes. I knew that there was an ongoing NSW
40 Labor investigation by the Australian Electoral Commission that was ongoing, it was costing a lot in legal fees, and that Kaila was very frustrated and angry about it. And so, yes.

How did you become aware of that investigation?---I can't really pinpoint exactly how and when I became aware of that, but let's just say it was a big ongoing thing in the Labor Party. I was a former general secretary. It was involving a whole bunch of people in the party office. There was paperwork going back and forth. I was the kind of person who understood election funding bits pretty well because I'd been party secretary, and

because I was Kaila's sounding board, there was an ongoing kind of conversation where Kaila would talk to me about things that were happening that she could tell me about within the party. And so I can't, I can't tell you this is the day I knew this thing was happening, but I generally knew of this thing happening over a long period.

10 And when you say there was paperwork going back and forth, is that a reference to paperwork between the party and the Electoral Commission, or some other paperwork going - - -?---Yeah, no, I probably used that word – sorry?

When you're saying back and forth, the paperwork, I'm wondering who's the back and who's the forth.---I assume just the commission and the party and the returns not getting signed off and questions being raised and audits and all these kinds of things. It was a, it, it was not a secret in senior levels of the Labor Party that there was an electoral issue matter that, you know, was being resolved, and Kaila's complaint to me more broadly was her frustration, part of it personal, with her predecessor was these things are going on forever.

20 Towards the start of this examination you said that you have a theory as to what happened "based on what I now know". Could you just identify in general terms what that theory was but, more importantly, what you say you now know that influences that theory?---Oh, easy. I mean, what I now know is that there is this inquiry that starts on Monday about these matters specifically, and when Kaila was outlining to me – in what I thought at the time were broad terms – concerns around disclosure and this and that, when I later find out that there was a notice from the Electoral Commission and then it got referred to ICAC (not transcribable) then I go, okay, well that
30 must have been broadly about that. But I mean, again, I am making the mistake of placing hindsight on earlier conversations.

But I'm not asking you not to use hindsight. I'm now asking you, based on what you now know, and you identified that you have a theory as to what happened and you said based on what you now know, can you just assist us in what that theory is but more importantly what additional information - - - ?---Oh, I mean, what I meant by that was that - - -

40 THE COMMISSIONER: Just a minute.---Oh sorry.

MR ROBERTSON: But more importantly what you now know that has led you to that particular conclusion?---Oh. Well, what I – sorry. Let me be very clear. What I meant was I now believe in hindsight that that conversation in the car with Kaila and her issues regarding funding to do with Ernest and others, specifically related to the events that we are, this ICAC inquiry is obviously about. But that was not the - - -

By which you're focussing on Chinese Friends of Labor function in 2015, is that right?---And related ones. I'm not sure what exactly you guys are looking at but, but yes. But I can't tell you the specific of the granularity of that conversation.

10 THE COMMISSIONER: Have you had any conversation with either Kaila Murnain or anyone else as to what they believe or understand did happen in relation to the donations for which the fundraiser in March 2015 was held?
---Yeah. So well before all this ICAC, I'm using that frame before, when
this was an Electoral Commission matter, I recall over that period, because
of the inquiry relating to the Electoral Commission, Kaila was always very
uncomfortable with it, the fact that the Electoral Commission was looking
into it, the fact that they were audited or whatever the process is that they
were using and that it was costing the lawyers and costing the party a lot of
money to go through those mechanisms. Kaila, I don't think, Kaila was
never not forthcoming in her concerns and her view of Jamie Clements and
what she felt was, I'm using her words, the mess that had been left to her.
She, she specifically outlined what she specifically thought happened, not
really but she thought the whole things was a smoking mess that had been
20 left of her plate and that was a general view of everything in the Labor Party
including our sexual harassment policies, all these internal matters, finances,
everything.

MR ROBERTSON: Has anyone every suggested to you that Mr Huang Xiangmo may have any have any relevance to this question of donations on a state level in or about 2015?---Yes.

30 Who suggested that to you?---A bunch of journalists around Sydney. So probably, like, Kate McClymont from the Herald and others.

THE COMMISSIONER: Anyone within Labor?---I mean, did, I mean, now, I mean, it's hard, hard to place it in context because everything to do with Ernest and Chinese Friends of Labor can now not be seen through not being through the prism of Huang Xiangmo, right? So I'm trying to recall if anything at the time, apart from what's been in the media now, has related in terms of that. Whether it Huang Xiangmo or not specifically, there was certainly a concern because it related around party circles because of the Electoral Commission enquiry into this matter, that something dodgy had happened at this fundraiser, and the rumours going around were that, oh,
40 you know, people paid the, paid in cash, and donations, and there was some kind of thing there. But specifically, do I, yeah, you could easily deduce that, Huang Xiangmo's involvement, but no, not specifically, that I recall, no.

So to be a bit more precise, apart from the occasion you've spoken about in or about 16 September, 2016, when you spoke to Kaila and she was very distressed - - -?---Yep. Yep.

- - - moving on from that, to subsequent times, either later that year or the next year or any time up to now, has Kaila spoken to you about what did happen in this fundraising exercise you were concerned with?---No. But she did speak to me about, and I was generally in the know, either from her or others at party office, I can't remember specific dates and whatnot, about the fact that everyone was suspicious, because of the Electoral Commission enquiry into this Chinese Friends of Labor event that, well, obviously is the focus of this enquiry, and that there was a proposition that had been put by the Electoral Commission or others that these weren't real donors. I mean, 10 that was not, there was a whole enquiry into the party, and they were producing legal documents and sending them off and, you know, this was an ongoing matter for a year or so. I think returns hadn't been signed off on. This was an ongoing thing within the Labor Party over that period, and, but where that money did or didn't come from, I, I'm not aware of where it did or didn't come from.

So Kaila had never been, never communicated specifically to you her knowledge about who the real donor or donors was or were?---I don't recall a specific conversation where Kaila specifically said to me that Huang 20 Xiangmo was the person who did XYZ. I'm not sure where she would have that information from anyway, that's a matter for her. That being said, the implication that there was something improper or something she was uncomfortable about was definitely there, and the proposition or idea that Huang Xiangmo may or may not have been involved wouldn't have been that far from the surface.

All right, thank you.

MR ROBERTSON: And why wouldn't have it been that far from the 30 surface?---Because he was the largest donor I think at the time to the Labor Party, and he was intimately tied in with the Chinese Friends of Labor. I mean, you couldn't have a situation where you divorce he, Chinese Friends of Labor, and that (not transcribable)

Well, what do you say the relationship was between Huang Xiangmo and Chinese Friends of Labor?---I would, with, I would say he would be a financial patron of it.

And was that via any particular individuals? Did he have a particular, to 40 your knowledge, relationship with particular individuals within Chinese Friends of Labor?---Oh, of, of course Ernest. I mean, everyone had the relationship with Ernest. All relationships in Chinese Friends of Labor around that time was through Ernest.

Yes. So to be clear about that, you had knowledge of, in effect, a relationship between Mr Ernest Wong and Mr Huang Xiangmo in the period that we've been discussing?---Oh, of course. Yeah. Huang Xiangmo was a very significant donor to the Labor Party, a very significant representative at

the time of the Chinese community in Sydney, and Ernest was the head of Chinese Friends of Labor, and a Chinese representative in the parliament. Yeah, yeah, definitely.

And he was a known and cultivated donor at least on the federal level from the Labor Party's perspective?---Undoubtedly.

10 Is that because, from your observations, a particular political view in favour of the Labor side, or is there some other explanation as you apprehended, for Mr Huang's largess in making donations at least at the federal level? ---Well, look, I, at the time and now are two very different propositions. At the time, I thought he was a significant Chinese community figure who liked to donate big to political parties to make himself more important within these Chinese community in Sydney, and get photos with politicians, and do the kind of things that increase your class and status in environment. In hindsight, I now have serious questions about whether or not he was, either directly or indirectly, an agent of influence for the Chinese Government.

20 Do we take from something you said earlier that at least in the period around 2015 and 2016 all or most fundraising efforts associated with the Chinese community would either go through Mr Ernest Wong or at least Mr Ernest Wong would have some involvement, knowledge or participation in?---Unequivocally yes.

THE COMMISSIONER: Do you know whether Mr Wong [sic] had a relationship of some kind, of any kind, with Mr Clements?---With who, Mr Wong?

30 No, I'm sorry, Mr Huang, the - - -?---Yes, yes.

We're talking about the billionaire.---Yeah, yeah, no, no, I mean so Mr Huang. Yes. So essentially what happened, I'm paraphrasing things more complicated. So take a step back. Mr Huang was a very, very big donor to the Labor Party. He was a very big donor, probably outside the trade union movement, the biggest donor. In end of 2013 I went off to Federal Parliament, Jamie succeeded me as party secretary, and then Jamie then effectively maintained the relationship as the, the donor relationship that I previously had, Jamie maintained that throughout with, with Mr Huang. So it kind of went from me to Jamie, that relationship.

40 Did they have a personal relationship, a friendship or - - -?---Look, it's, to, to, to be honest - - -

Do you know or - - -?---Yeah, yeah, I mean yes.

- - - you don't? I don't want you to speculate.---To be honest, Commissioner, as, as, as, as you can appreciate with these things, it's, it's always the grey between what's a professional relationship and what's a

personal relationship, whether you're friends, whether you're, who's working who, who's the donor, who's having dinner, who's doing this and that. Right. So it all gets blurred in together. I came to the conclusion a relationship was closer than I realised when after he left the party office he went to work for him.

And you understand he became employed by that company or - - -?
---I don't know if by him or around him or there were some media reports about sharing an office. To put this in context, look, no surprise to this
10 inquiry. Jamie and Kaila's relationship deteriorated quite massively over the events leading to Jamie's departure. I was very close to Kaila and so that strained my relationship with Jamie over that very long period of time.

MR ROBERTSON: Is it fair to say from what you've said before that if Mr Huang had made a donation to the Labor Party, either on a federal level or on a state level in 2015 or 2016, that's a matter that Mr Ernest Wong would be likely to have either cultivated or at least known about?---Look, all I can say is in the period that I was party secretary, which was around 2013, up to
20 2013, that would certainly have been the case. What happened after 2013 I can't tell you specifics of every single donation that Mr Huang made. He was making a lot of donations but as a general principle Ernest Wong had the relationship with Mr Huang in no small part because they spoke the same language.

When is the last time you've had any dealings either directly or indirectly with Mr Huang Xiangmo?---I had a conversation with him around August/September 2016.

And that's the last time you've had any contact - - -?---Last contact I had
30 with him.

- - - directly or indirectly with him?---Yes.

You've referred on a number of times to, as it were, your standard advice to Ms Murnain being, make sure Ian knows.---Yeah.

Being a reference to Ian Robertson of Holding Redlich. Correct?---Yes.

Do you recall whether after the meeting that seems to have happened
40 between you and Ms Murnain in or about, on or about 16 September, 2016, whether she reported back to having, reported back to you to say, well, I've spoken to Ian and this was the result of that exercise?---Oh, yeah, I'm, what time would I pick her up?

Well, you may have picked her up in the evening perhaps around 7.00pm or late after - I'll withdraw that. You may well have picked her up around about 7.00pm on the Friday evening, 16 September.---Could I have driven her to Ian?

I'm - - -

THE COMMISSIONER: I don't think we can help on that.

MR ROBERTSON: I won't be answering that question. I'm asking for your assistance, indeed, on (not transcribable).---No, I'm just, I'm trying to recall these things, right. So going back, right, Kaila's, I'm going to, this is just for, to help you guys, so I'll use my language, right? Kaila was shitting herself, right? She was very distressed, she was very upset, she was very, you know, she's not in a great state about a conversation. It surprised me because, again, every conversation to that point had been about me and what I was going through and my emotional situation. She was being quite vague about the specifics of it all and what exactly had happened, from what I recall, and I believe my advice generally is always, "Go see Ian," and if she's that distressed, I may have tried to take her to see Ian then and there. Because as my previous personal lawyer when I was party secretary – the party's lawyer, not my lawyer – I had a very close relationship with Ian as well, who by the way did not return my calls today.

10
20

So just to understand that.---I'm joking. I'm joking.

Sorry - - -?---I'm joking (not transcribable) this all happened very quickly. So I may have driven her to go see Ian.

THE COMMISSIONER: Sorry, the reference you just made to a telephone call with him - - -?---Oh, it was in jest. I was very close to Ian, but - - -

Yes. You're not saying that you have in fact communicated with him recently?---I tried to call Ian Robertson about 12 o'clock today when I was given the summons, to, and, to find out whether or not I could get a lawyer to come in with me. Ian didn't return my call, it was very short notice, and I subsequently went and organised another lawyer.

30

Can I just interrupt. You spoke about how, the fact that she, Kaila, was very distressed - - -?---Yep.

40

- - - on this occasion in September 2016, which you said, you said she said she'd had some sort of altercation or - - -?---With Ernest at Parliament House, yeah.

Had you ever seen her as distressed on any other occasion to what she was on this occasion?---Yeah, to be honest. To be honest, yes, but normally it was around – you've got to understand, a lot went on in the Labor Party of that period. There was sexual assault claims. There was the resignation of a party secretary. There was a lot of gender issues that Kaila had to confront, being the first female secretary. There was a lot of instances where, you know, dominant male trade union secretaries didn't give her the respect she

deserved for her position, and a lot of that led to private frustration, and I was a personal, private vehicle where she could vent that stuff to, because she can't sometimes call powerful male figures in the Labor Party. So I'd seen her really distressed before. Usually this level of distress was only related to when she felt that she was being treated differently as a woman.

MR ROBERTSON: When's the last time you've actually spoken to Mr Ian Robertson?---I called Ian when this inquiry became public. So when this inquiry became public, around 30th or 31st of July, there was a Sydney Morning Herald article, and because Mr Huang Xiangmo's name was mentioned, my name got mentioned in it. I called Ian, and Ian and I, I would say, have a, oh, a, we had a close professional relationship which ventured into being gossip friends. I called him at that point in time and said, "Mate, my name's in the press in this inquiry. What on earth's going on? Why is my name in there? Do I have, what's going on," blah, blah, blah. And he said to me, he goes this is, look, the press release is what the inquiry's about. As far as he knows it's specifically about this matter and that if I end up needing representation, call him in the party office and they will do it, but he pretty much, view was "This is nothing to do with you."
20 But I, I was, I was calling him to vent that my name had been put in the paper for an event that I felt had nothing to do with me.

But other than that information you've just summarised, did Mr Robertson give you any other information?---None. None that I recall. Nothing of any more significance. (not transcribable) time I hadn't spoken to him since then was, I think I may have spoken once to him last year, and then once when the ICAC raids happened in the ALP again my name got dragged into the media and I called Ian saying, "I want to sue them all," and he laughed and said, "Don't."

30 Other than the matters that we've discussed today, are there any other matters of which you're aware which you consider may assist the Commission in its inquiries into the question of whether there are, to use your terms, straw donors in connection with donations made to the Australian Labor Party or the Country Labor Party on a state level?---Yeah, not, not, not that I'm aware of, and, and just to stress, this event in question, you know, I wasn't at it, wasn't involved, wasn't in the party office at the time. I just, I, I've, obviously I've read the reports. The bit that's flabbergasted is that, that I can't understand, is that money could legally
40 have been accepted if that was the case into the federal campaign account, and the fact that if that isn't what happened, I don't, to me what's incomprehensible about this entire enquiry, to be honest, is that, is if the series of events that have been purported are true, they could have just accepted the money into the federal campaign account, which is what, how you normally take money from prohibited donors or people about the limits, because there's, as I understand, there's two potential issues, right? There's prohibited donors, and there's caps. They're two separate things, as I'm sure you know better than me. The federal rules allow you to take that

money. That was the bit that just shocked me about this whole thing, and as I heard reports around it, I was, personally I was quite sceptical, because I thought, you can just take the money to the federal account. That's what you do with (not transcribable). Like, it's just a known, like, they're just two accounts.

10 And that was your practice when you were general secretary, I take it?---Of course, I mean, yeah, you, the rules, the rules are very, very clear. You take, they're not, let's be clear, prohibited state donors are not prohibited federal donors. You take the money, accept the money into the federal campaign account, and you fully disclose it.

That's the examination, Chief Commissioner.

THE COMMISSIONER: All right. That concludes the examination for today. Mr Dastyari, I want to thank you for attending on very short notice today.---Thank you. No, no, thank you, though.

20 Thank you. You're free to go.---Thank you.

MR ROBERTSON: I suggest he not be formally released from his summons yet, in case there's any matters that we need to readdress.

30 THE COMMISSIONER: All right. Mr Dastyari, that's really just a failsafe in case something comes out of the woodwork and we don't have to reissue another summons, but if, when it's clear, we won't, if we don't need to trouble you again, one of the Commission officers will advise you of that fact. Do you understand?---Yeah, no, thank you. And thank you again for squeezing around my times, because I had the kids tomorrow arvo.

No, not at all. That's fine. Thank you.---Thank you.

Thank you for your attendance also here, Mr Bodisco. Nothing you wanted to add?

MR BODISCO: Thank you, thank you for having us. No, no, no real - - -

THE COMMISSIONER: All right. Thank you. I'll adjourn.

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THE WITNESS WITHDREW [4.37pm]

AT 4.37PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.37pm]