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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 MONDAY 29 JULY, 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: Thank you, Commissioner. Ms Murnain attends in response to the summons issued to her.

THE COMMISSIONER: Yes, thank you. Just before we get started, Mr Chin you appear for – you seek leave to appear?

10 MR CHIN: Yes. May it please the Commission, I appear or seek authorisation to appear for Ms Murnain. I am instructed by Ms Jennifer Williams of Spark Helmore.

THE COMMISSIONER: Thank you, Mr Chin. Yes, I grant leave to you to appear.

MR CHIN: Please the Commission.

20 THE COMMISSIONER: I direct that the following persons may be present at this compulsory examination. Commission officers, including transcription staff; Counsel Assisting; the witness, Ms Murnain; her legal representative, Mr Chin, and his instructing solicitor, Ms Williams.

30 I propose to make a direction under section 112 of the Independent Commission Against Corruption Act, restricting the publication of information with respect to this compulsory examination. The direction will prevent those present today, other than Commission officers, from publishing or communicating information relevant to this compulsory examination. It will permit Commission officers to publish or communication information for statutory purposes or pursuant to any order of the Commission. The direction may be varied or it may be lifted by the Commission without notification if the Commission is satisfied it is necessary or desirable to do so in the public interest. It is a criminal offence for any person to contravene a section 112 direction. I make that direction under that provision as follows.

40 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 the witness, Ms Murnain, the contents of any exhibits tendered, the contents of any documents that may be shown to her, any information that might enable the witness to be identified and the fact that she 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.

**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 THE WITNESS, MS MURNAIN, THE CONTENTS OF ANY EXHIBITS TENDERED, THE CONTENTS OF ANY DOCUMENTS THAT MAY BE SHOWN TO HER, ANY INFORMATION THAT MIGHT ENABLE THE WITNESS TO BE IDENTIFIED AND THE FACT THAT SHE 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.**

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THE COMMISSIONER: Yes, very well. I'll call Ms Murnain. Thank you, if you wouldn't mind coming forward. Thank you, Ms Murnain, if you wouldn't mind just taking the witness box. If you wouldn't mind standing and my associate will administer the affirmation.

**<KAILA LEAH MURNAIN, affirmed**

**[10.21am]**

THE COMMISSIONER: Thank you. Just take a seat here, Ms Murnain. Would you mind just stating your full name?---Kaila Leah Murnain.

And your occupation?---I am the General Secretary of the Australian Labor Party NSW branch.

10 MR CHIN: Chief Commissioner, may I rise momentarily. May I indicate that Ms Murnain wishes to have the benefit of the section 37(3) of the Act.

THE COMMISSIONER: Yes, very well.

MR CHIN: And would make objection for the purpose of subsection 4. In view of that, may I respectfully seek a declaration from the Commission under section 38 in respect of Ms Murnain's answers?

20 THE COMMISSIONER: Yes. Very well. Thank you, Mr Chin. Ms Murnain, you understand that you are required to answer all questions truthfully?---Yes.

Thank you. And to produce any item or document that you may be required to produce?---Yes.

As you understand or are aware, you may object to answering a question or producing an item and the effect of the provisions dealing with that of the Act have been explained to you?---Yes.

30 In other words, you are entitled to seek the declaration from the Commission if you wish to object to answering questions or produce documents or other items but that you nonetheless must answer the questions truthfully. You understand that, do you?---Yes.

You understand that the only exception to the use of the evidence, that is to say the evidence you give here today, can't be used against you having been given under objection in any criminal, civil or other proceedings. You understand that's the effect of the declaration?---Yes, yep.

40 The only exception to that is that it does not prevent any evidence that you may give from being used against you in a prosecution for an offence under this Act, that's the Independent Commission Against Corruption Act, including, for example, an offence of giving false or misleading evidence. Do you understand that?---Yes.

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Ms Murnain and all documents and things produced by this witness during the course of her evidence at this

compulsory examination are to be regarded as having been given or produced on objection. Accordingly, that being the case, there is no need for her 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 MS MURNAIN AND ALL DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS DURING THE COURSE OF HER EVIDENCE AT THIS COMPULSORY EXAMINATION ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. ACCORDINGLY, THAT BEING THE CASE, THERE IS NO NEED FOR HER TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

20 THE COMMISSIONER: Very good. Well, now Mr Robertson is here as Counsel Assisting for the Commission and has got some questions he wants to put to you. Yes. Thank you, Mr Robertson.

MR ROBERTSON: Thank you, Commissioner. Ms Murnain, you told the Commission a moment ago you're the General Secretary of the Australian Labor Party in the NSW branch, is that right?---Yes, that's correct.

And you've had that role since about January of 2016, is that right?---In, I was elected in February, 2016, and - - -

30 And you acted in the role as General Secretary from about January, is that right?---I believe so.

And you succeed Mr Jamie Clements in that role, is that right?---That's correct.

You were also a member of the NSW Labor Administrative Committee, correct?---Yes.

40 And before you were the General Secretary, you were one of the two Assistant General Secretaries, is that right?---Yeah. Yes

The other Assistant Secretary at that time was Mr John Graham, is that right?---Yes.

Graham, G-r-a-h-a-m, I take it?---Yes.

And that was a role he had from about September of 2013, is that right?---I believe so.

At least it's consistent with your recollection as about 2013, it may be September or at least around about that time.---Or later, yes.

At least you had that role as Assistant General Secretary in 2015, is that right?---Yes. That's correct.

- 10 Can you just explain to the Commission what the division of responsibility and roles were between you, Mr Graham as the other Assistant General Secretary, and Mr Clements as the General Secretary in the time that you each played those roles?---In that period, obviously, it was a very difficult period for the party, and the division of responsibilities was quite unclear. I would characterise it as disorganised, and, and not, not clear.

When you say it's a difficult period for the party, what in particular do you have in mind in that period?---It was an election campaign.

- 20 So you're referring in particular to 2015 at the moment, is that right?  
---Correct.

And that lack of organisation or disorganisation, is that something that applied throughout your period as Assistant General Secretary, the 2013 to 2016 period?---Yes.

- And so do we take it from that, what, you didn't have clear, different portfolio responsibilities within NSW Labor as distinct from Mr Graham?  
---The, the, I would – in the lead-up to the 2015 campaign, the clear  
30 distinction was about my role in overseeing the organisers for the election, for 2015, and that included organising or overseeing the campaigns for marginal seats. So that was the primary difference, I think, between myself and Mr Graham. In terms of any other roles, it would just be as delegated to me by the General Secretary.

- So what about things like fundraising? Was that something that was a joint responsibility or was it separate responsibilities? How did that work?---The, fundraising primarily was not my, my main responsibility. I can speak to my own role here. It wasn't my main responsibility. In fact, my  
40 responsibilities relating to fundraising was fairly limited, in that I would attend from time to time a fortnightly fundraising meeting, where a large number of staff were responsible for fundraising. The majority of fundraising from large donors and those who sought to donate to the Labor Party was largely overseen by Jamie Clements. The role that I played was attending those meetings from time to time, encouraging campaigns to fundraise, and encouraging the staff to play their individual roles.

THE COMMISSIONER: So Mr Clements was, had primary responsibility or oversight of all fundraising activities?---Yes.

And was he actively involved in that role during your period before you became General Secretary?---Yes.

MR ROBERTSON: And so do we take it from that that Mr Clements was at those fortnightly fundraising meetings you referred to a moment ago?  
---He would have been, yes. But my, I recall that he was, although I  
10 couldn't recall the exact dates and which meetings he attended.

But is it right to say that that meeting structure was under his organisation, but you participated in it from time to time?---Yes.

And so at least from your perspective, it was Mr Clements who had organisational control from, for that aspect of NSW Labor at that time?  
---Yes.

Do you presently have or have you ever had any role within Country Labor  
20 as distinct from NSW Labor?---I, I, I, as now or back then?

I'll ask you about now first and then I'll ask you back then.---Now. So the primary role and responsibility for the General Secretary is to oversee both parties, so Country Labor is distinct from NSW Labor in that there are two registered political parties and the party as a whole and the staff in the organisation service both of those parties.

And so does it follow from that that there's not a separate set of staff for  
30 Country Labor versus NSW Labor?---They're all, they all do both, except for the Country Organiser who now only contributes to the Country Labor part.

And so you're presently the General Secretary of Country Labor as well. Is that right?---Correct, yeah.

And that's something that the constitution of NSW Labor identifies as one of the roles that you play. Is that right?---I believe so.

In terms of membership of Country Labor, is it right to say that members of  
40 Country Labor are also members of NSW Labor?---Yes.

Is it also right that there's not a separate form to become a member of Country Labor versus NSW Labor, you fill out the same form?---Yes.

And so is it effectively right that when someone wants to become a NSW-affiliated Labor person, what makes them a Country Labor Party member is not so much them saying I want to be a member of the Country Labor Party as opposed to NSW Labor, it's more where they happen to live. Is that

right?---The rules designate that Country Labor members are those living in a country-designated area, so those members, those members are, need to reside within the electorate specified by the Administrative Committee. So the country-designated areas are specified by the Administrative Committee and so if someone were to sign a form, they would be joining the Labor Party, Australian Labor Party NSW branch and those living in country-designated areas would be members of Country Labor.

10 And so they're in effect, people in that category are in effect members of both of the parties, both NSW Labor and Country Labor. Is that right?  
---I would characterise it more as there's Country Labor, NSW Labor, and then the consolidated organisation, which is the Australian Labor Party NSW branch, but as per the rules, the rules do specify if you're a member of Country Labor you're also a member of NSW Labor.

And it's right that Country Labor at least keeps a separate bank account to NSW Labor. Is that right?---It, it does now. I can't say what used to happen.

20 It's at least done that in the time that you've been General Secretary?  
---Yes.

What about in your time as Assistant General Secretary?---I wouldn't, I could not tell you.

30 When you were Assistant General Secretary did you have any specific role within Country Labor?---My only role was to work as the assistant as the General Secretary. I may have been a registered officer, which meant you could sign nomination forms, but I would actually have to check that so I wouldn't want to mislead.

But is the basic idea that there is a core body of staff who do both NSW Labor and Country Labor activities, but at least for electoral purposes they're treated as two separate parties?---Yes.

Is that fair?---Yeah.

40 And so in a sense would it be fair to describe Country Labor as in effect a party within a party? In other words, you've got an overall group of for example staff, but within that overall group the Country Labor Party fits as, as it were, a party within that broader party organisation?---I don't know that I would characterise it like that. I would say that the staff were to service both parties. I wouldn't, I would not characterise it as a party within a party. Yeah, they, they would service both parties.

Now, I asked about membership before. Just to be clear about that, there's no separate form that says I want to be a member of Country Labor, it's a

standard form that applies to both NSW Labor and Country Labor. Is that right?---That's correct.

But what makes you a Country Labor Party member is the identity of your residence. Is that right?---As per the rules, which every member is sent when they join.

10 And so the Administrative Committee says these particular electorates are going to be treated as country electorates for that purpose and if I happen to live in one of those electorates and I apply on the NSW Labor form, that'll be taken as an application for me to become a member of Country Labor as well, is that right?---Correct.

At the other end of the donations end, how does one distinguish between donations that are being made to NSW Labor on the one hand and Country Labor on the other?---Could you clarify the question?

20 Well, if one wished to make a donation to Country Labor as opposed to NSW Labor, is it the general practice that someone would nominate that in terms before it ends up in a Country Labor bank account?---I can speak for now. I can speak for now. Yes. Now that is the practice, noting we've had to institute a number of reforms in consultation with the Electoral Commission about how we do this. The, the practice now is that if you are making a donation to a state fundraiser, that if you are donating to either Country Labor or NSW Labor, as a donor, you would need to tick a box, essentially as to whether you're donating for NSW or Country, or there would be separate forms entirely for both, for either party.

30 When you say that's the practice now, when did it change?---Oh, I can only speak for while I've been General Secretary. This would have been 2016, 2016, 2016-17, probably beginning of 2017.

So this is a practice that you changed while you were General Secretary?  
---Correct.

40 What was the practice, as you understood it, prior to that change?---I think, and I can't recall the exact practice or policies at the time because I think part of the problem was there were no specific policies that, that we were accustomed to, other than there just needed to be forms available to donors to fill in at functions. Otherwise, they needed to fill it in online, so there's also capacity for donors to donate online.

But does it follow from that, that in the old world before you made the changes, it was possible that someone may have made a donation, intending it to go to NSW Labor and it was in fact booked as received by Country Labor?---It, it – I suppose it's possible.

And are you saying that's something that's not permitted now under your stewardship?---That's correct.

Namely that money can't go into the Country Labor bank account unless you have some formal indication that it was intended to go to Country Labor as distinct from NSW Labor?---That's correct.

10 In terms of those kinds of matters of procedure, before you were General Secretary, who was responsible for those matters? Was that Mr Clements and you in combination? Was it you, was it Mr Graham or is this another example of a lack of clear identity of responsibility?---I would say a lack of, a lack of responsibility and that is why when I became General Secretary I felt the need to clarify some of these matters.

20 Well, let me try and ask you this way. If before you were General Secretary, say in 2015, someone within the staff of NSW Labor wanted to know whether to deposit a particularly amount of money in the NSW Labor bank account, as distinct from the Country Labor bank account, who would they ask?---I don't know the answer to that question. Not myself.

So the best of your recollection, a question of that kind was never asked of you?---I honestly can't recall. I, I can't recall specifics.

30 Well, focussing now on the time that you were Assistant General Secretary, those kinds of matters of administration, dealing with donations, dealing with disclosures and things of that kind, was that a matter that you had any involvement in?---If, from time to time, the General Secretary wanted me to have involvement, I would but as a large part of my role, it wasn't my, that wasn't, I did not see that as my responsibility.

So from your perspective at least, whose principal responsibility was that? ---The General Secretary's to then delegate to the other staff in the office.

Not via you but directly to the other staff in the office, is that what you're saying?---Yes.

40 I also want to ask you about Labor Action Committees. Can you just explain in general terms what a Labor Action Committee is?---Well, there is a rule that covers Labor Action Committees. These were, I'm actually unsure of when they were set up. They would from time to time run campaigns for the party, they would run fundraisers for the party, and they would organise volunteers for elections for the party. They would be run by different groups or different individuals who were members, largely members of the party, and they would be largely autonomous from the party's oversight, except they would occasionally report in on their activities for the Administrative Committee.

You mentioned fundraisers and you've also mentioned that they were largely autonomous. Could you just assist us in understanding to what extent the Labor Action Committees would take care of their own fundraising and to what extent they would be expected to report in to head office and to get approvals and the like from head office?---Back then they would, and I recall that they would largely run their own, their own events, so they would, they would report in on when those events would be, they would submit forms to us for approval on occasion, but certainly not all the time, it wasn't, it wasn't a requirement, they were, it would mainly be to  
10 determine whether the declaration on the form in the word of, in the form of the declaration was legally, legally correct I suppose.

So just pausing there, in terms of approvals, who, when you were Assistant General Secretary, who would be responsible for giving or not giving those approvals?---Again it would be various staff in the office, depending on the event.

Well, which particular staff are you talking about here?---I couldn't, I couldn't tell you. I mean I think everyone at some point has seen forms  
20 come across their desk. From time to time they would come across my desk if it was a, if it was a special guest speaker that they would like help with, but these would just be the draft forms, they wouldn't be filled in.

But to be clear, at least at the time that you were Assistant General Secretary, was there an expectation that before a fundraising event was held for NSW Labor or Country Labor, there would be some kind of approval process at the party office level?---There wasn't an approval process, there would be an expectation that events would be held and we certainly didn't see the forms before every single event or the invites or emails before every  
30 event.

So do I understand you correctly to be saying that sometimes but not always, particular documents were sent for at least comment, if not approval, but not always?---Yes.

And is that because at least at that period of time the Labor Action Committees were given a degree of what I think you called autonomy in order to run their own events?---Yes.

40 But presumably at least at the party office level, and in particular coming up to an election, one would be very interested in knowing what fundraising activities might be going on?---Yes.

So there would at least be some sort of liaison happening between party head office and the individual Labor Action Committees. Is that fair?  
---Yes.

In that period of time, particularly 2015, who would be principally responsible at the head office end for that liaison?---Kenrick Cheah.

And what was his title at that time?---Community relations director, I believe.

Is that also his title now?---I believe so but I would have to check.

10 But he's still in your employ at NSW Labor?---Only one day a week, yes.

He was previously full-time, wasn't he?---Yes.

When did he change to one day a week?---I couldn't tell you.

Do you know what his other four days, three or four days a week are spent doing now?---I don't, I don't know if he's employed now for the other four days.

20 In terms of the fundraisers here for Labor Action Committees, we've talked a little bit about the start of the exercise, and I understand you to be saying that there wasn't necessarily a formal approval process before a fundraiser would take place. Is that right?---There wasn't a formal approval process, no.

30 But that it was at least common that at least the forms that would be filled out, the disclosure forms that would be filled out, would be sent to head office with a view of checking the wording. Or again is that not something that had any established procedures?---There wasn't an established procedure for that, but it, it occurred.

In terms of collecting donations themselves, and collecting money associated with events - - -?---Yep.

And here I'm talking about Labor Action Committee events.---Yep.

Who played the principal responsibility for that? Was that within the Labor Action Committee itself, or within the party office?---Within the Labor Action Committee.

40 And again, is that something that those people were expected to liaise with the party office on during the course of the organisation of the event? ---Expected to liaise with, I, I don't know - I don't, I don't know.

But just to understand how it worked, at least - and we'll focus here in 2015, when you were Assistant General Secretary.---Yep. Yeah.

Do I understand you to be saying that the idea was that the members of the Labor Action Committees would organise the event and would collect the money - - -?---Mmm.

- - - and what, it was their responsibility to ensure that it got to the party office, is that right?---Yes.

And what supervision on that exercise was done at the party office end?---I don't, I - I, I'm not sure. I could - - -

10

Well, for example, was anyone at head office end tasked with the responsibility of ensuring that there was a matching between disclosure forms and cash that's been received?---I, this is, not to my recollection from back then. It wasn't anyone's responsibility.

But presumably it was at least someone at head office's responsibility to issue receipts for donations?---It would have been the Accounts team that provided receipts.

20

And that's the Accounts team within the head office?---Ah hmm.

And to your knowledge and understanding, were there any procedures or rules at that end concerning matters such as ensuring that disclosure forms had been received?---Not that I'm aware of.

Has that changed since (not transcribable)?---Yes.

30

And what are the, in general terms at least, what are the procedures now on that matter?---The forms have to be at every event, including prior, that we would not only prefer to have forms at the event, we would also prefer people to purchase their tickets online, so that we have a very clear understanding of who is attending our events, and that is the same of Labor Action Committees. There, there have been meetings and training with the, of the Labor Action Committees, of members of parliament, to discuss the processes for fundraisers and forms. But more importantly, online disclosure, in terms of who is donating money to the party, is a requirement now for, for fundraisers.

40

You referred a moment ago to the rules regarding Labor Action Committees. Just so we can look at that more tangibly, can we have a copy of the constitution up on the screen, please? If you can just have a look in front of you, there'll be a document that'll come up on the screen in a moment.---Yep.

Do you see there a front page of a document called Australia Labor Party (NSW Branch) Rules 2018?---Yes.

And that's a document with which you're intimately familiar as General Secretary?---I try to be, yes.

At least fairly familiar?---Yes, yeah.

Can we turn, please, to page 55 of that document, and if we scroll down a little bit, there's a heading on the left-hand side called Labor Action Committees, do you see that there?---Yep.

10 And that's at least the start of the rules that you were referring to a moment ago?---Yes.

And if you just have a look there at the objectives of Labor Action Committees.---Yep.

Just read them quickly to yourself.---Yep.

That's consistent with the objectives and tasks that Labor Action Committees perform now, but also performed back in 2015, is that fair?  
20 ---Yes.

But we'd probably add at least one to those set of objectives, wouldn't we, about performing an important role in fundraising as well?---I would, yes.

If you then have a look at the second column on the same page, we might just zoom into the top half of that particular page. Do you see there a heading that says Charter?---Yes.

30 And it says, "The Administrative Committee may draft a charter for a LAC where a group submits a valid LAC application." Do you see that there?  
---Yes.

Now, in terms of that charter, is that actually a written document or is it an approval or what does it mean by charter there?---It's disappeared off the – it would mean, and, it would mean that they would write to us to, to form an LAC and that we would write back to them to grant them permission.

40 So is it fair to say the charter's nothing more than a permission to be a Labor Action Committee, it's not some exciting document on parchment with red seals or anything of that kind?---No. Could I – I will just add something here. At some point in the last few years we've made up a certificate to go with the letter but I could not tell you what we had done before now.

Chinese Friends of Labor is one of the Labor Action Committees of the kind referred to in these rules, is that right?---Yes, yep.

And so we can take it from that, can we, that it has a charter of the kind that these rules are talking about?---The Chinese Friends of Labor was set up well before my times as a party officer but I imagine there, there may be a document but, I mean, we've, there would – I'm, I'm not entirely sure when these rules came into play so I'd probably have to come back and find out for you when, when we introduced these rules around Labor Action Committees.

10 THE COMMISSIONER: So when you said that Chinese Friends of Labor was set up before your time, you mean your time as General Secretary or - - -?---Yes. And, and I, I actually think they've been in operation for well over a decade.

MR ROBERTSON: But it's at least right to say, isn't it, that the Labor Action Committee known as Chinese Friends of Labor only continues to be permitted to exist because the Administrative Committee allows it to continue?---I, I suppose that would be the case, yes, yes.

20 Well, if you have a look at paragraph (h) on the right-hand side, if we just scroll down a little bit, you see there it says, "The Administrative Committee may withdraw the charter." Do you see that there?---Yes, yep.

And so far as you're aware, there's been no suggestion that Chinese Friends of Labor's charter should be withdrawn?---Not as far as I'm aware.

Can I just ask you to have a look at (j)?---(j), yep.

30 "An LAC must, on or before 1 April each year, send an annual financial return and annual," we'll go over the page, "membership return to the General Secretary. Do you see that there?---Yes.

Now, did that happen – I withdraw that. When's the most recent time that you as General Secretary received an annual financial return and membership return from Chinese Friends of Labor?---That's a very good question. I don't recall getting a membership return or finance return.

40 THE COMMISSIONER: Has that Action Committee remained active until today? I'm talking about the Chinese Friends of Labor.---I believe so, yeah. That's the point.

MR ROBERTSON: If we just go back to the previous page to (g) on the right-hand side. Do you see there it says, "The Administrative Committee may approve a set of constitutional rules that LAC must abide by." Do you see that there?---Yes.

To your knowledge, has the Administrative Committee approved any rules either for the Labor Action Committee generally or for Chinese Friends of Labor?---I would have to go back through the Administrative Committee

minutes and look. Not to my immediate knowledge but I can certainly check for you and come back.

Just to understand the money aspect as between Labor Action Committees and NSW Labor, is it generally the case that Labor Action Committees have their own bank accounts or not or does it depend on the particular case?

10 ---So in 2018 we – I'm not entirely sure of the year actually, I can't recall the year. But at one of the conferences we put the rule in about requiring Labor Action Committees to have, if they needed, a bank account with our office and so instead of operating outside of the party, because many of these organisations had been set up for a very long time, sort of a decade, and had run their organisations their own way as more of an associated organisation, not part of the party, we found that the only way to get more oversight over to, in terms of their organisation, in terms of fundraising rather, was to, to ensure that they'd set up the campaign accounts through the party.

20 THE COMMISSIONER: And when did that come in?---I, I don't know, but it's been in my time as General Secretary. Before that there, there, they may have had bank accounts outside the party.

MR ROBERTSON: So just to be clear about that, back in 2015 it was at least tolerated that Labor Action Committees might have their own separate bank accounts that they might control. Is that right?---I, I can't recall but I believe, I don't know what the practice was in 2015 but I, I believe there might have been, yes.

30 But in your time as General Secretary the position has changed to make it clear that Labor Action Committees may need to be under some greater form of control at party head office.---Yes, yeah.

Again back into 2015, does it follow from that that there was some concern at least before your time as General Secretary or perhaps during it, that some money that was otherwise earmarked for Labor Action Committees might not find its way to head office?---Yes, but I can't recall who raised that with me.

40 But just to be clear about that, was the understanding or was the practice before you were General Secretary that Labor Action Committees had control of its own money and would be entitled to decide how to spend it? ---I, I believe so, but I wasn't, I didn't have oversight over it, so it would be hard to tell you absolutely.

But for example from your understanding or recollection at least, would it have been open back in 2015 for a Labor Action Committee to say, well, we've raised lots of money from a particular event, we're going to give some of it to head office but we're going to use other amounts of that money

for different purposes?---I can't recall that happening, but it would have definitely been possible, yeah.

And when you say possible, are you in effect saying that there was a concern that was raised during your time as General Secretary that things of that kind might occur?---Yes.

And there's since been a change in the rules and perhaps the procedures as well to try and minimise the risk of that occurring?---Absolutely, yes.

10

THE COMMISSIONER: In order to see exactly what change was made in that regard, is there some document or report or - - -?---I could go back and have a look. I certainly recall a conference where this was discussed and subsequent meetings of the Labor Action Committees where training was conducted, so, including a report from the governance director who at the time did training for them, so I could go back and find where the changes took place. It may or may not have been a rules change, although I vaguely recall a rules change at a conference.

20

Right. Well, perhaps if you could do that and let the solicitor to the Commission know, that would be appreciated.---I'd be happy to.

Who was the governance officer who undertook that training that you just referred to?---It would have - we've only had two, so governance director is a new role we introduced in 2016/17, there's only two possibilities, I don't recall which one, it would have either been Julie Sibraa, who was our first governance director, or Glenn Bacic, who is our current governance director.

30

Thank you.

MR ROBERTSON: And Sibraa is S-i-b-r-a-a. Is that right?---That's correct, yeah.

And her first name's Julia I think.---Julie, yeah.

Julie, I'm sorry.---That's all right.

40

So I just want to be quite clear about this as best you recall in 2015. Do I understand you to be saying that when a Labor Action Committee organises an event, it is really for the committee to take care of the organisation of the event, and importantly, the collection of the money, rather than that being coordinated out of head office?---Yes. There was, yes.

So how at that point in time was head office able to ensure that the money that was actually raised from a particular event was actually finding its way to NSW Labor, or for that matter, to Country Labor?---There, in my, I can't recall that there was a way other than there was a, there was a liaison officer

who would liaise with the, which was Kenrick, who would liaise with the Labor Action Committees and chase them up from time to time, but that wasn't his only role, so - - -

But how would he know that a particular amount of money was raised from a particular event if he's simply liaising and the Labor Action Committee is bringing in the money itself?---That's a good question.

10 Just in terms of the mechanics of an event like a dinner, does it follow from what you're saying that it was the Labor Action Committee itself that would be responsible for making sure the money comes in with respect of the dinner, or were there people from party head office that would also play a role in that? I'm talking here 2015, to take a particular date.---2015. I can't recall the specifics of who would do what, but certainly the Labor Action Committees would be responsible for bringing in the funds, unless Kenrick was at the function, but even then it wasn't uncommon for money to be coming in afterwards from those committees directly, so individuals who ran the committees.

20 THE COMMISSIONER: But would it be left in the hands of the Action Committee being responsible for bringing in the money after a fundraising event or was it a joint function in the sense they had to report to head office on that matter?---I'm not sure of every occasion, but they would be required to bring in, it was my understanding that they should bring the money in to the party office, either through the liaison officer or directly to the Accounts team, but can I say that was my understanding and not necessarily a policy.

30 No, you're being asked about your understanding I think in 2015 as to how it worked.---Mmm.

And when you say being responsible for bringing in the money, what were the mechanics for actually doing that to implement that requirement?  
---Bringing - - -

As you understood it?---As I understood it, bringing the funds to the party office.

40 And how would it work then?---They would give it to the Accounts Department I suppose, or to, or to Kenrick or to any number of the staff, depending on who was in the office.

And what would happen then?---It would get banked.

I see. So was there a practice about banking after a fundraiser in terms of how that was done? Was it held by the office or was it immediately sent to be deposited or what?---I don't know. The Accounts Department would have known back then. I don't know what the practice was back then, but certainly we have a view now that, I mean we don't, particularly cheques,

credit cards or cash I can speak to now, that we don't, we don't take cash donations over \$1,000 at all, so it's very rare for us to have money coming in like it was back then, so back then I mean I just, I don't know what the practice was with the staff, like I wouldn't be able to tell you. I mean the Accounts staff would be better able to tell you.

10 In 2015 who was in charge of the Accounts Department?---There was a financial controller, her name was Maggie Wang, and there was a, yeah, Maggie Wang.

Thank you.

MR ROBERTSON: There was also an accounts assistant at that time as well, wasn't there?---Yes, there might have been several, but yes.

And at least one of them was a Jenny Zhao, Z-h-a-o. Is that right?---Yeah, yeah.

20 You said that the party now doesn't take cash donations over \$1,000. Is that right?---Yes.

But back in 2015 that wasn't the practice. Is that right?---Yes.

And when did that practice change?---I think sometime in 2017, early 2017/late 2016.

Now, 2015 was an election year, correct?---Yes.

30 And so presumably you as Assistant General Secretary were very interested in the amount of money you would expecting to come in the door by way of donations?---I was interested. I was interested.

You know that there's been an investigation by the Electoral Commission in relation to the Chinese Friends of Labor dinner on 12 March, 2015?---Yeah.

Before that dinner took place did you have any idea as to the amount of money that you were expecting to be raised and given to NSW Labor or Country Labor in relation to that event?---I can't recall.

40 So you don't recall ever being told by anyone, look, we're expecting to make a particular amount of money in respect of that event?---No.

Presumably that's something that either you or someone else in the senior management would be very interested in in the lead-up to the election.  
---Yes.

And so, who at that time would have been responsible for at least having an idea as to the amount of money likely to be coming, and that might be capable of being spent on the election campaign?---The General Secretary.

And so in terms of those matters of, of finances, if I can call it that, back in 2015 - - -?---Ah hmm. Yep.

- - - who was principally responsible for that? Was that Mr Clements, was it?---Mr Clements.

10

And so is it fair then to say that you didn't have a close role on that financial side in or about the 2015 election campaign?---I was kept out of most things except where the secretary wanted me to perform a task.

What exactly do you mean by that? That he - - -?---For example, the - - -

Are you suggesting that the General Secretary was deliberately keeping you out of particular matters other than the ones that he wanted you involved in? ---Oh, I think there was a lot of that going on back then.

20

And one of those matters is, what, finances generally, is it?---Yeah.

Is that also the case with respect to fundraising generally, subject to some of the roles that you've described, such as the fortnightly fundraising meeting you were referring to?---Yes.

And so do we take it from that that Mr Clements was the main person responsible for having an idea as to the financial position of NSW Labor and Country Labor in the lead-up to the election?---Mmm. Yes.

30

Because presumably someone needs to be assessing how much money there actually is to be spent during the course of an election campaign?---Yes.

And your recollection is that Mr Clements played the principal role with respect to that?---Yeah.

And is it also right that he – well, do I understand what you were saying before to be, he really kept you out of that except to the extent that he wanted your involvement in particular tasks?---Yes.

40

The Chinese Friends of Labor dinner on 12 March, 2015, do you recall whether you attended that dinner?---This is an interesting question. I don't recall if I attended that dinner. I do recall the date because it was the how-to-vote ballot draw day, and I was principally responsible for signing off the how-to-vote ballot draw order. So we do how-to-votes, and those how-to-votes have to be signed off by me before going to print. So when I was asked this question previously, I looked back and worked out that it, I was in the office that day, and well into the night and into the early hours of the

morning. I can't say whether I attended or not but it's certainly my recollection that I certainly didn't attend the entirety of that dinner, at the very least.

So your best recollection is that you may have attended at least part of the dinner, but you just can't recall one way or the other?---I, I can't recall one way or the other.

10 What role, if any, did you have in the organisation of that dinner?---I didn't.

Did you play any role during the dinner itself?---Not that I recall, no.

What about following the dinner? Did you have any involvement in, for example, dealing with donations, processing donations, anything of that kind?---I, I didn't process donations. I didn't deal with the donations. I didn't accept the donations. But I, I don't recall much more than that, other than, other than it was an election period.

20 Were you present in the office at any time when donations or other money arising from that event were brought into the office?---I, I, I don't recall so.

Even in the immediate aftermath of the election, were you in the office at any time when significant amounts of cash were brought in?---Not that I can recall.

So you don't recall being in the office at a time when any substantial amounts of money in cash were brought in, by which I mean in the tens of thousands of dollars?---Mmm, no, yeah. No. I - - -

30 You did, though, sign a response to a series of questions that were asked by the Electoral Commission in relation to its investigation concerning the Chinese Friends of Labor dinner on 12 March, 2015?---I don't know.

Let me help you this way.---Show me?

Can we go please, to Exhibit 123, and can we go first to just page 1? And do you see there a notice issued to the proper officer of the Australian Labor Party (NSW branch)?---Yep.

40 Can you see that on the screen now?---Yes.

Does that twig your memory that you might have received?---A little bit, yeah. We get a lot but that's okay.

Let me help you this way. If we go please to page 5 of Exhibit 123, I take it you agree that's your signature about halfway down the page?---Yes, yep.

And can you see there that you're responding to said notices issued by the Electoral Commission, do you see that there?---Yep, yep.

If we just turn the page to page 6. Can you see there a series of questions and a series of responses?---Oh, right. I didn't write the responses but yes.

THE COMMISSIONER: Who did?---Our governance director.

10 Who is that?---At the time it would have been Julie Sibraa.

And you may be asking questions about it but you were, as General Secretary at the time, were as it were taking responsibility for the Electoral Commission's notices?---Yes.

20 And before the reply went back, did you consult with anyone about the matters raised in the notice or that you would put yourself in a position to be able to deal with it?---I delegated that responsibility to Julie Sibraa because she was the governance director. So this is a new role to deal directly with the commission with matters of integrity, with matters relating to donations and certainly separated myself from the responses here.

Is Mr Clements still with the ALP NSW at this time or did he - - ?---As an employee?

Well, in any capacity.---No.

He had left by this time?---He is, yeah.

30 MR ROBERTSON: And he left in about January of, or it may even have been December of 2015, is that right?---Yes, yep.

THE COMMISSIONER: Did you discuss the matters to which the notice related with anyone else in the NSW ALP office?---I only recall Julie Sibraa at the time.

40 MR ROBERTSON: So I just want to be quite clear of the process that you adopted in dealing with these notices. So these notices, as you've seen, were addressed to the proper officer of the Australian Labor Party NSW branch but I take it they came to your notice within fairly short order of them being received?---Yes. I, I believe so. I don't recall when they were received but - - -

But are you saying to the Commission that you effectively delegated the responsibility of answering the questions to others and you didn't take it upon yourself to satisfy yourself as to what the answers to the questions were, is that what you're saying?---Yes.

So to be clear about that, the notices came to your attention at some time but you had a governance director, Ms Sibraa, and you tasked her with the responsibility of responding to the notices, is that right?---Yes.

So just by way of example, looking at the questions and answers on page 6, are you able to say of your own knowledge, that the responses that were given by NSW Labor are correct or do you just not know one way or the other?---I don't know one way or the other.

10 And so is it right to say then that the extent of your role or the role that you undertook in responding to these notices was tasking Ms Sibraa to answer them and then signing the response?---Yes.

THE COMMISSIONER: And you appreciated at the time, given the terms of the notice from the Electoral Commission, that the matter under investigation was, at least on the face of it, a very serious one?---I wasn't sure what to make of it at the time.

20 Well, you could read the notice, couldn't you? Which I think can be shown to you, at page 8.

MR ROBERTSON: And page 1 of exhibit 123, we might start on.

THE COMMISSIONER: You'll see in the second paragraph there, "The nature of the allegations set out"?---And, and that's why it was appropriate to get the governance director to do it, whose job it is to respond.

But you read the notice?---Yes.

30 You're aware of what it was about?---I'm aware, yeah.

Or you were at the time of the responses to the Commission's notice, aware of what it was about?---Yes.

Did you discuss that matter with anyone, that is after this notice was given raising a serious allegation, apart from Ms Sibraa?---I can't recall, to be honest.

40 Well, think about it.

MR ROBERTSON: You must have at least drawn it to the attention of the Administrative Committee, mustn't you?---Oh, yes, yes.

THE COMMISSIONER: Well, who was on the Administrative Committee?---There are 47 people on the Administrative Committee.

Who was the, by your understanding, the person who or persons who were principally involved in the actual establishment and running of the fundraiser?---Of the fundraiser?

Whether they be inside the office or outside the office or both?---I think it's mainly outside the office. Jonathan Yee, Ernest Wong, and there are a couple of other people who I could identify. I will provide - - -

10 Who were they?---Ah, there was a woman, Winky Chow I believe.

MR ROBERTSON: Are you thinking of Pinkie?---Pinkie. Is it Pinkie?

Pinkie, Pinkie Leung perhaps.---Pinkie Leung, yes, I'm so sorry, yes.

THE COMMISSIONER: And the other person?---Sorry?

And the other person?---There was another woman as well.

20 How did you know that those four people were heavily involved in the fundraiser?---At the time I didn't. It's that now I've gone back and trying to recall events from that period of time I have found photos on Facebook or on Twitter.

As at the time the electoral office was seeking information on this matter by way of notice - - -?---Mmm.

- - - you became aware of the fact that the persons you nominated were persons outside the office who had been involved?---Yeah.

30 How did you find that out?---Oh, at the time, well, they were, they were members of the Chinese Friends of Labor.

Yes.---I would have just assumed they were involved.

Well, I'm not asking you what you assumed, I'm asking you how did you find out that they were involved or had been involved?---Oh, I don't know.

You don't know?---I didn't know, yeah.

40 Was it through discussion with somebody?---I don't remember. Possibly with the governance director. Yeah, I'm sorry.

MR ROBERTSON: You must have at least engaged in some investigations at least for the purposes of reporting to the Administrative Committee that the Electoral Commission was conducting an investigation, mustn't you? ---I delegated it to the governance director.

But presumably you or someone made some kind of a report to the Administrative Committee?---I can't recall the exact report but I could, I could check the minutes.

Well, do you recall whether it was you who was principally responsible for giving that report to the Administrative Committee or whether it was someone else?---I don't, I don't recall, I'm sorry, but I can go and have a look if you like at our minutes and provide them to you.

10 Yes, please.---Yeah.

Just going back to page 6 of Exhibit 123, just scroll down and then go onto the next page as well. I just want to be quite clear about this. Are you saying to this Commission that you're not in a position to say whether the answers given to these questions are correct or not, you simply relied on Ms Sibraa's investigations?---Yes.

20 You didn't do any investigation of your own to ensure that what Ms Sibraa was proposing to say to the Electoral Commission was correct or not?---No.

THE COMMISSIONER: What about after the answers were supplied, it became clear, didn't it, at some stage that the Electoral Commission were going to keep investigating this matter?---(No Audible Reply)

Yes?---Yeah.

30 Well, then as General Secretary, did you make it your business to start speaking to people who had some first-hand knowledge of what went on? ---No.

What, you mean to say since these answers were supplied, you've never sought to cross-check and make sure the information that was provided under your name to the Electoral Commission was in fact right or complete?---I believe so, no.

40 MR ROBERTSON: The investigation that the Electoral Commission was conducting, as well as the investigation this Commission is conducting, is obviously a matter of considerable concern for NSW Labor and Country Labor, correct?---Yeah, yep.

But are you saying that in the face of that, you haven't undertaken your own investigations as to what happened in connection with the dinner in 2015? ---No.

THE COMMISSIONER: Have you spoken to Mr Cheah about it?---To who?

Mr Cheah. And if so, when?---I don't know, I don't think so.

Well, only you would know.---Yeah, no, no. I don't believe I have, I don't believe I have. I believe I gave this role to Julie to look into.

MR ROBERTSON: And presumably to report back to you as well?---The response, yes. Just the response.

Well, presumably you've gone further than simply responding to particular questions that the Electoral Commission have asked and you've wanted to know as General Secretary some more detail as to what happened in connection with the event?---I – no. I, I, once it's with an authority, you, you should let the authorities deal with it.

THE COMMISSIONER: But you don't ignore other events, especially if they're made public, suggesting that there's something seriously under investigation, do you? I'm referring, for example, to articles in the print media that, as you're aware, has suggested that this very matter was under investigation. Is that right? Did you see those media articles?---I did, yeah.

20 Did they concern you?---Yes.

Well, did you do something about find out more about this matter so that you could, if necessary, deal with media enquiries or indeed Commission enquiries?---I did take one action, which was to put the funds into, recommended to the party officers, later to put the money into, to return it to the Electoral Commission in the first instance, rather than go and investigate this myself, which to put in context for you all, we've had 13 by-elections, two federal elections and a state election in the space of the two years since, or two and a half, three years since this process started. We've been very busy and we're a very small organisation. So the idea that I would go and embark upon my own investigation into this, when authorities were already looking into it, was not my intention, no. However, to ensure that the party wasn't using funds that may have been, or that were of concern to the Electoral Commission and to the ICAC, we put the funds into an account. We offered to return those to the Electoral Commission as well at one point, and we put the funds into an account.

And at that time did you discuss the matter with any of the four persons you've mentioned earlier?---I don't recall.

40 What about Mr Wong?---I honestly don't remember.

Well, think about it. Since the Electoral Commission first sent the notice to you or to the union, what you responded to under your name, have you ever discussed the subject matter concerning the fundraising question, that took place in 2015, with Mr Wong, Mr Ernest Wong?---I don't recall if this has been – I don't recall.

What about Mr Cheah?---I'm trying to remember. I think he asked for – yes, yes. He asked for, when he was asked questions about it, he asked for legal support and he, but I don't recall much more than that.

Well, on that occasion, did he give you some insight into what had happened about this matter?---I, I don't think so. I don't know.

10 Well, I don't expect you to remember every word he said, but I do expect you to remember the essence of what he was saying on that occasion you just referred to. What did he say about this fundraiser? Whether he was concerned about it and, if so, what his concerns were.---I don't, I don't know, I'm sorry.

Did you make a report on his request for assistance, legal assistance?---I told the governance director, and then had the party officers approve legal assistance.

20 When did this occur?---Well, I'm not entirely sure. Whenever the Electoral Commission were seeking information, some time ago.

Do you know Mr Jonathan Yee?---Yes.

And have you ever discussed this matter with him?---To, I ran into him in the street when he finished an interview here last week or the week before, and - - -

And what was said on that occasion?---He said that it's still going, and I can't talk about it, something along those lines.

30 It, you understood - - -?---The matter.

This matter of the fundraiser?---Mmm. Yep. I literally was walking past him, so - - -

And you've had no other discussions with him about the matter?---No, not that I recall, no.

40 At the time, March, 2015, was it known to you that the ALP NSW had any major donors?---ALP NSW?

Well, yes, the NSW branch.---Sorry, can you elaborate?

Sorry. Well, I'm talking about Labor, the office of which you were General Secretary.---Ah hmm.

Did it have major donors at that time?---I believe so.

Mmm. Do you know who they were?---No. Well, that's a broad question.  
I - - -

It is a broad question.---Yeah. I, I don't, I, well, I was not the one who  
would deal with major donors. The General Secretary would deal with the  
major donors, and that was his preference.

I see. But you're unable to say who they were at this point?---I wouldn't  
have known them.

10

All right. Thank you.

MR ROBERTSON: Have you ever had a meeting with Huang Xiangmo?  
---Yes.

On how many occasions?---Two, maybe three, I couldn't say, but maybe  
three.

20

At the time that you met with him, you knew him to be someone who has  
made substantial donations to political parties in Australia?---In Australia,  
yes.

What were the discussions with Mr Huang, what did they concern?---It was  
- would you like me to go into the specifics, or - - -

Yes, please.---So in, when I became secretary, I, Chris Bowen and others  
introduced me to Mr Huang, and Mr Ernest Wong was there as well. We  
met at his office - - -

30

You mean Mr Wong? Mr Huang, or Mr Wong?---Huang, Huang, Huang's  
office. Yep. Huang's office. And he, and the discussions at that meeting  
were about getting donations for the federal campaign. Chris Bowen had  
indicated that he was a, a good friend to the Labor parties and that I should  
know him, basically. That meeting included a discussion about the federal  
leadership. I, that's all I vaguely remember.

THE COMMISSIONER: Who was there apart from Chris Bowen - - -?---I  
think - - -

40

- - - and yourself and Mr Wong?---Ernest Wong - - -

And Mr Huang.---Chris Bowen, Mr Huang, and one of his advisors. I, I  
vaguely remember. I, I couldn't tell you exactly.

Where was his office at that - - -?---At North Sydney.

MR ROBERTSON: Does the name Mr Xu, Mr Tim Xu, does that ring a  
bell?---Oh, Tim Xu, I could check.

But there was at least one, I'll call him or her, offside of Mr Huang?---Yes.

Was that the first time that you met Mr Huang Xiangmo?---I believe so.

So you don't recall ever meeting him when you were Assistant Secretary rather than General Secretary?---No.

10 Are you aware as to whether that individual ever made any donations to NSW Labor in your time as Assistant General Secretary?---I was not.

But at least at the time that you had to meeting with Mr Bowen and others, you were aware that Mr Huang was a substantial donor, at least to the federal party?---I was aware that he could be a very strong supporter of the party, yes.

So at that point you were aware that he could be but not necessarily that he was, is that right?---Yes.

20 But you don't recall having any meeting with that individual before you were the General Secretary?---No.

THE COMMISSIONER: I - - -

MR ROBERTSON: (not transcribable)

THE COMMISSIONER: Sorry, you go ahead.

30 THE WITNESS: I don't recall. Sorry?

THE COMMISSIONER: You go.

MR ROBERTSON: I'm sorry, Chief Commissioner.

THE COMMISSIONER: You continue.

40 MR ROBERTSON: Was that the only meeting that you ever had with Mr Huang Xiangmo?---No. There was a follow-up meeting where I took my fundraising director with me and we - - -

Who was that?---Veronica Newman.

And around about when was that meeting?---I don't recall.

But it was during the time you were General Secretary?---Yeah.

And so therefore it must have been in 2016 or afterwards?---2016 or '17, yeah. '16, yeah.

THE COMMISSIONER: Are you now aware that he – that’s Mr Huang – had been a donor to NSW Labor in the past?---I, I hadn’t but I had, I had been told that he was a strong supporter.

Who told you that?---Chris Bowen.

A strong supporter of NSW Labor?---Of the Labor Party not necessarily NSW.

10

No, my question is directed specifically to the fact that you’d become aware of the fact, had you, or not, Mr Huang has been a donor to NSW Labor?---I, I don’t recall that, no.

You don’t know?---No. No, I don’t believe so I was aware of that at that meeting.

And you are aware, however, that he has been supportive of NSW Labor? ---Supportive, yes.

20

In what ways?---I was just told supportive.

Sorry?---I was just told he was supportive of us.

Do you know whether he was supporting the fundraiser in March 2015? ---When I knew that or - - -

30

No, no. Are you aware now that he was a supporter.---I’m aware now. I am aware now that he was at the fundraiser in 2015.

And involved in its organisation?---I, I don’t know.

Well, are you aware as to whether he was a donor at that time for that fundraiser?---I don’t know. To clarify, I wouldn’t have been able to identify him at that stage.

Do you know whether there’s any relationship Mr Huang and Mr Clements?---Yes.

40

And how do you know that?---I now know that for a period Mr Clements had worked for Mr Huang and in his building.

When you say worked for him, what do you mean by that?---I, all I know is he worked for him, I had heard from someone.

In what capacity?---I don’t know, I don’t know.

MR ROBERTSON: And that's after he left his role as General Secretary, is that right?---Yeah.

But were you aware of any relationship between Mr Clements and Mr Huang Xiangmo whilst Mr Clements was the General Secretary?---No.

So to be clear about that, the answers you were giving to the Chief Commissioner about that relationship, that's something that you found out more recently?---Yes.

10

After Mr Clements ceased to be the General Secretary?---Yes.

And the particular aspect of the relationship you're drawing attention to is the fact that Mr Clements was employed in one of Mr Huang's organisations, is that right?---Yes.

The second meeting you were referring to before, where was that meeting? ---I believe North Sydney as well, I think.

20

Who else was in attendance other than yourself, Mr Huang Xiangmo and the federal campaign director you referred to before?---It was a fundraising person. She looked after our business dialogue so I was introducing her to the donor. I don't - - -

So did you tell us what the name of that individual was?---Yes, I did, yeah.

What was her name again, sorry?---Veronica.

30

Veronica, I'm sorry.---We were discussing donations. He was discussing -- this was the follow-up meeting and he was discussing donating to the federal, to our federal campaign account for the federal campaign and which he wanted to contribute to. So he had maps out and sort of there in terms of which seats he wanted his donations to go to.

So was the focus of that on federal seats as distinct from state seats, was it? ---Oh, yes, yes.

40

And why were you intimately involved in that as the New South Wales director as distinct from being a federal party officer?---I run the federal campaign as well for, for New South Wales. So I run New South Wales federal, New South Wales state and local government campaigns. I do all three.

And so are you saying that that meeting had nothing to do with state donations, it only had to do with federal donations?---That's correct.

Why was that?---Because by this time I had been, it was clear that he was a property developer.

When did you first find that out?---I don't recall, I don't recall, to be honest. Sometime after I became General Secretary but before I met with him.

Before you met with him on the first occasion?---Yes, yeah.

10 And other than Veronica, you, Mr Huang Xiangmo, who else was at that second meeting?---I, I don't remember. I don't know who came in and out. He had, to clarify, he had a young male and female staffer, I wouldn't know who they were, he had Eric Roozendaal working for him at the time as well, he, I don't know if he came into that meeting though, so I'll just tell you everyone that I came across and I know I came across those people going to that meeting, I just don't know if they were in it, yep.

Presumably there was a translator present as well to assist in discussing with Mr Huang?---Yeah, either the boy or the girl, yeah.

20 THE COMMISSIONER: Just in relation to those two discussions you had at North Sydney, can you just put a time line on both of them? When was the first and when was the second, the follow-up?---2016, 2016 before the federal election, both of them would have been in very short succession, just before the federal election.

MR ROBERTSON: Were they the only meetings you've ever had with Mr Huang Xiangmo?---Meetings, yes, yes, yeah.

You qualify that by meetings. Does that mean you've had some other contacts?---He was at, he was at our federal fundraiser that I recall.

30 When abouts was that?---Would have been 2016, and I was later, I later went to the races and he was at the races as well., and that was, I think they're about my limited interactions with him.

So just to be clear about that, as best you can now recall you've only had two formal meetings with Mr Huang Xiangmo, the two you've identified in North Sydney.---I believe so.

There may have been a bump into at one or more events.---Yes.

40 But there's been no other contact that you can recall other than what you've just identified?---Correct.

THE COMMISSIONER: What was the relationship as you understood it between Mr Wong and Mr Huang?---They knew each other through the Chinese community. That was to the best of my knowledge.

So far as Chinese Friends of Labor was concerned in 2015, who were the driving forces behind that group, as you understood it?---A couple of the

people I've named before, so Ernest, Jonathan, who else, and, and the two, two ladies, Pinkie and Floris.

And Mr Ernest Wong had been first elected to parliament when, are you able to help us?---I can check my records but I think - - -

It's all right. We can check that.---Yeah.

Thank you.

10

MR ROBERTSON: I just want to make sure I understand some of the answers you gave to some of the Chief Commissioner's questions a little while ago.---Of course.

I think you said you had some discussions with Mr Cheah about, this is Kenrick, Kenrick Cheah, about the investigation that the Electoral Commission was undertaking, at least insofar as Mr Cheah asking for some legal assistance. Is that right?---Yes.

20

Did those discussions go any further than that, or was it restricted to the matter of legal assistance?---I don't recall. I believe it was restricted. I don't recall the conversation.

And to be clear, that was in connection with the Electoral Commission's investigation - - -?---Yes.

- - - not more recently when this Commission, the Independent Commission Against Corruption's been involved, is that right?---Yes. Yep.

30

You also mentioned in response to some of those questions, a reference to Mr Wong, that's Ernest Wong.---Ah hmm.

Have you had any discussions with Mr Wong regarding either the Electoral Commission's investigation or the ICAC's investigation?---Not, I haven't had dealings with him since he was, since we didn't put him on the Upper House ticket again. So since this investigation, certainly not. But I'm unsure if I spoke to him about the first investigation.

40

Did you have any dealings with Mr Wong following the Friends of Labor dinner? So I'm thinking about in 2015, say, April, May, June of 2015? ---It's hard to tell. Possibly.

So you may well have had some meetings with him?---I don't, I don't remember.

So you may have, you just don't recall one way or the other?---Yeah. Yep.

And do you have any recollection before the Electoral Commission was asking questions of the Labor Party, and whilst you were Assistant General Secretary, do you recall having any discussions with Mr Wong regarding either the Chinese Friends of Labor dinner or money that might have been received in relation to that dinner?---Sorry, could you ask the question - - -

I'm sorry, that was very long.---Sorry. Yeah.

I'll start the question again.---Yep.

10

In 2015, while you were Assistant General Secretary - - -?---Yep.

- - - did you have any discussions with Mr Wong regarding the Chinese Friends of Labor dinner?---I don't recall if I did or didn't. I, I, it was a very long time ago. I don't recall if I did or didn't.

Well, did you have any discussions with him or anyone else regarding the amount of money that may have been raised in connection with that dinner? ---I recall, I recall a fundraising meeting, I do recall that. I recall Jamie  
20 talking about it, saying something along the lines of, "This was a good result," or something, and that was about it, really.

And do we take it from that the fundraising meeting was after the event had happened?---Yes.

Do you recall roughly how long after the event, knowing the event was 12 March, 2015?---I don't.

30

Any other discussions of that kind with anyone else, be it Mr Wong, Mr Cheah, Mr Clements, or anyone else?---There were – Mr Clements, only in the meetings, the public-facing meetings, he would say things to the effect of, make sure there were forms, to all the staff. I, I can't recall if it was about this specifically. That was in, that was 2015, immediately after and before the dinner. People would report in at that meeting about their events, so they would talk about those meetings. So it's quite probable that people talked about this particular function, about when it was going to be held, and I recall vaguely that those discussions were had and that those discussions were had not only before but also after.

40

Just in relation to Mr Clements saying, make sure there were forms, can you just explain the context of that?---So, he, there was one thing that, mmm, was, that was expected. It wasn't a policy, but he would frequently say things like, "Make sure there are forms from that dinner," and direct back, directed back at the staff.

And we're talking now about ALP head office staff as distinct from broader groups including your volunteers? Is that - - -?---Yes, he could have sent it to volunteers, but I wouldn't have been privy to that. I wasn't involved.

But that instruction that he's giving, that's an instruction directed at who, specifically?---The whole team.

Oh, when you say the whole team, who would you be responsible for ensuring the forms were received?---Oh, this is, ensuring the forms were received, normally the person who accepted the donation.

10 But looking at that practically, does that mean the Action Committee, does that mean the member of the Action Committee who has procured it, does that mean the person who has ended up with the cash at the end of the night? What does that actually mean?---The person who, the person who has the donation and hands it to the party for banking.

So to the extent that there was a procedure or at least an expectation the person who was actually bringing it into head office is expected to ensure, at that time, was expected to ensure that there were forms concerning that money?---That was about as – yes.

20 So to be clear, those forms needed to be forms that matched the amount of money received?---Yes.

So if there was \$10,000 for example, you'd want to have a sufficient number of signatures that indicate that, in total, \$10,000 was intended to be donated, is that right?---Yes.

30 Just back to Exhibit 123 and if we can go first back to page 6 and if we can scroll down and onto page 7, that's the document I took you to a moment ago. Since this response was given under cover of the letter that I showed you on page 5, have you become aware of any reason to think that any of these responses were either wrong or incomplete? If we just go back to the previous page, I'll give you an opportunity to read it back to yourself so you can recall what was said under cover of your signature.---Can we move to the next page, please?

In fact, can I propose this course to you, Commissioner.

THE COMMISSIONER: Yes.

40 MR ROBERTSON: If it's a convenient time to adjourn briefly, I will give the witness a copy of Exhibit 123 and we'll identify the particular responses and then I'll ask her a few questions about that.

THE COMMISSIONER: Yes. Look, I think that's very appropriate. We might take a short break anyway. We haven't had a morning tea adjournment. So what I'll do is I'll resume in about 15 minutes time, is that suitable?

MR ROBERTSON: May it please the Commission.

THE COMMISSIONER: So we're going to adjourn. That will give you the opportunity of just reading through that form, two page form at your leisure and then we'll resume, all right?---Thank you.

I'll adjourn.

10 **SHORT ADJOURNMENT**

**[11.48pm]**

MR ROBERTSON: Ms Murnain, during the adjournment I gave you a bundle of documents. Correct?---Ah hmm. Yeah.

And you've had an opportunity to look through that material?---Still am, but yeah, yeah.

20 So have you had a sufficient opportunity to look through the material?  
---Yes, yeah.

And let's go back to page 6. Can we have that on the screen, please. This is the one that I've taken you to a few times.---Ah hmm.

30 Having reviewed what was said under the cover over your signed letter in response to the questions of the Electoral Commission, is there anything, based on what you now know, that you would regard as being either wrong or incomplete in the answers given on pages 6 and 7 of Exhibit 123?---(No Audible Reply)

Just focussing on pages 6 and 7 at the moment, if that assists.---Yeah. In terms of what I now know?

Yes.---So item 4.

40 THE COMMISSIONER: It's question 4, is it?---Question 4. Only that the, that, and I preface this by saying I don't recall at what point I heard this or who from, but that the, who handed the donations to the ALP. Obviously later I had heard that that, that, that Jamie had handed it to Kenrick but I can't recall how I know that. Someone at the time must have told me.

MR ROBERTSON: Well, can I just ask you to focus on question 2.---Yes, yeah.

It says, "Please provide the name/s of the persons who handed the donations to the ALP on 9 April, 2015." Do you see that there?---Yes.

And the response is, "Kenrick Cheah."---Yes.

Now, at that time Mr Cheah was a full-time employee of NSW Labor. Correct?---I believe so.

And he still is an employee, but I think you said one day a week?---Yes.

Now, you must have realised, mustn't you, that that question is directing itself to the question of who was actually bringing in the donations to the ALP office.---Right.

10

Do you agree with that?---Reading that now, yes.

And so it's not directed to an ALP employee but rather someone who is bringing it into the office. Do you agree with that?---I agree with that, yeah.

So you'd at least accept, wouldn't you, that the response of saying Mr Cheah doesn't seem to be directed to the question that's being asked. Correct?---I would now agree with that, yes.

20

As best as you know, who was the person who brought in the donations to the ALP on 9 April, 2015?---I don't know the answer to that question.

So you weren't present when that happened?---No, I don't believe so, no.

You don't recall on 9 April seeing anyone counting money in ALP headquarters?---No.

At that point in time did you have a separate office within headquarters or did you have a space in an open-plan area?---An office.

30

And does that office have a view over the open-plan part of the office? ---No.

THE COMMISSIONER: You were saying earlier about the Action Parties and the like that following a fundraiser the expectation would be that funds raised would then be appropriately processed. Is that right?---Yep.

40 And do I take it what you're really saying there was, or would include for example, that moneys raised, particularly at the time we're speaking of back in 2015, cash moneys in particular, wouldn't be just left lying around but they would be banked as soon as possible after the fundraiser date. Is that right?---Yes, especially if the funds came to our office, keeping in mind that they wouldn't always come to our office.

No, but if they were funds raised and ALP head office staff were involved in the function and processing the eventual banking of the funds, that would you'd expect be done promptly?---I would, yes.

What was, what became apparent to you was one unusual feature of this matter that was under investigation by the Commission, was that the fundraiser took place on 12 March, 2015?---Yes.

And yet the moneys said to have been raised were not banked until 9 April, 2015.---Mmm.

10 That would have immediately struck you as being quite inconsistent with due practice or processing?---So two, two things on that. I mean in my opinion it's a long time, but obviously at the time I wasn't aware that that money had come in later - - -

I'm not suggesting that you were aware at all.---Yeah, yeah, but I - - -

But I'm just simply looking at the objective facts.---Yeah, I would, I - - -

20 It would have struck you as being odd or at least inconsistent with expected practice. That's some almost 28 days later the money were banked. Correct?---Frequently the LACs would drop in money after fundraisers, however three weeks is a long time.

So are you saying you're agreeing with what I put to you, that it was inconsistent with established practice for processing funds raised by way of donations for them not to have been banked as quickly as possible?---Yes.

The day after?---Yes.

30 And when the Electoral Commission were asking you questions, or when I say you, I'm sorry, the proper officer the questions, they made it clear, didn't they, that the investigator named in the notice had a suspicion, and that was that any cash political donations made at the function were in fact not made by persons in effect disclosed, but rather for somebody else? ---Ah hmm.

I mean that was the essence of the allegation, wasn't it?---Yes.

40 So that what was really being said by the investigator is, I suspect that there was a scheme here that was disguising the true source of these donations. Is that right?---Yes.

So the answer to question 1 provided to the notice, page 6, is plainly not even anywhere close to what the question was seeking, was it?---Looking at it now, no.

Well, why wouldn't have struck you at the time? You're not talking about an ALP person, you're talking about somebody, this is what the suspicion was pointing to, was behind the payment of these donations. Well, knowing that the allegation was that some 28 days or thereabouts later this money

came in that was coming in not from nominated donors, it was coming from some other source, you understood that was the allegation?---I – yes.

Or suspicion?---Yes.

I'm just troubled as to how that answer would have been provided, nominated by way of response, Kenrick Cheah, who was an employee of the ALP as Mr Robertson's question made clear to you, when really the question was not directed to - - -?---The employee.

10

- - - an internal employee processing the funds, but rather where did the money come from.---Yeah.

So did that not strike you as odd when you read that response?---Yes.

Did it at the time strike you as strange?---No. No, I relied on the information provided to me.

I think you frankly can see it now, looking at it?---Yes.

20

It's not an appropriate response?---Yes.

Same with question 4, is that right?---Yes.

That response is not appropriate?---Yep.

MR ROBERTSON: Is it fair to say, sitting there now, you're not in a position to answer question 1 or question 4, is that the effect of your evidence today?---Yes.

30

So you don't know either from your own knowledge, or from things that you've been told, who the true source of the donations handed in on 9 April were, is that right?---Not from my own knowledge, but I read newspaper, so - - -

So is it fair to say then, either from your own knowledge, or from things that have been told to you by your staff, you are not in a position to answer either question 1 or question 4 sitting there today?---No. No, I'm not.

40

THE COMMISSIONER: Again, I'm a little puzzled as to why, knowing what the allegation was, as now discussed, you wouldn't have said, "Look, I want this looked into so that we can give a full and frank answer to the Electoral Commission," knowing that, in effect, the suspicion related to what was being put up as a scam scheme which breached the electoral rules.--- I believed in, in giving the responsibility to the governance director that that was what I was doing. I also acknowledge that this was around the period of another number of by-elections in December. I think there, there was a by-election the day before this. So we were, on average, having a by-

election every eight weeks. My main responsibility was to run those campaigns as the General Secretary and I restructured the office to set it up so that the political arm of the party has less to do with matters of governance, essentially. In hindsight, obviously, I perhaps should have done something else.

10 Look, my question's not directed at all to embarrassing you in any way. What it's directed to, when you came to realise the seriousness of the allegation or suspicion held by the Electoral Commission, that you wouldn't have spoken to those who were involved in the fundraiser and that's why, in particular, I'm asking whether you did in fact try to get to the bottom of it as best you could by speaking to Mr Wong, for example, who was prime mover it seems behind this dinner. So doing the best you can, can you recollect whether he ever gave to you an account of what happened at these dinners and with these donations?---I can't recall.

You can't. You say you still don't?---Yep.

20 MR ROBERTSON: Can we go to page 13, please, Exhibit 123, which you also have in front of you in hard-copy, Ms Murnain. We'll just flick back to page 12 first. So as well as responding on behalf of NSW Labor, you also respond on behalf of Country Labor, correct?---Yes.

And if you turn to page 13, we see a similar set of questions and a similar set of answers.---Yes.

And what you've told us about the responses to the questions on page 6 apply equally to the questions on page 13. Is that right?---Yes.

30 So for example with your Country Labor hat on, you didn't engage in your own investigations, you left it to Ms Sibraa. Correct?---Yeah, yes.

And you now realise that the answers to question 1 and question 4 at least are not answering the question that the Electoral Commission was directed to. Correct?---Yes.

But sitting here now you say that you are not in a position to answer from your own knowledge either question 1 or question 4?---Yes.

40 And you're also not able to answer it based on what you may have been told by officers of either NSW Labor or Country Labor?---Yes.

If we can go then to page 20. And so do you see there a further letter signed by you in relation to notices issued by the Electoral Commission?---Yes.

Page 20 using the numbers on the bottom?---Yes.

If we go then to page 21, did you take the same approach or a different approach in responding to this aspect or the Electoral Commission's inquiries, in other words did you undertake your own inquiries or did you just leave it to Ms Sibraa?---I left it to the governance director.

Which was Ms Sibraa at the time. Is that right?---Yes, yeah.

10 Now, having the benefit of this material now and an opportunity to look at it over the adjournment, is there anything on this document that you would regard as being wrong or incomplete or misleading, based on anything you now know?---I'm sorry, I'm just trying to understand what this is, that's all.

Let me help you this way. If you go to page 18 you'll see a notice of 10 August - - -?---Yeah.

20 - - - which is asking for certain documents to be produced, but if you also go to page 16, a couple of pages before, you'll see a series of questions being asked by the investigator and your letter starting on page 20 seems to be a response to those questions.---Yes, yeah. I don't, I don't see any issue with this, so I'm not entirely, I don't understand what's being asked of me, I - - -

Let me be clear on the question.---Yeah, yeah.

Now that you've had the benefit to re-read this material, is there anything in the responses on page 21 or 22 that you now regard as being wrong, incomplete or misleading?---(No Audible Reply)

30 I'm not suggesting to you there necessarily is, but I just want to confirm that there's nothing that you need to add or supplement by reference to this document, based on what you now know.---Only, only that I'm not, no, I don't think so, only that this, that we said that the money was all accompanied by a form filled by the donor, I do recall that there weren't – if it's all for the one dinner, which it all looks to be, so we sent a lot of correspondence with the Commission and sort of trying to understand the sequence of events here. 12 March, 2015. So, only that, to the best of my knowledge, I'm, I'm – sorry, I'm just double-checking, I don't want to – only that I don't know if the forms all came in at the same time as that money, on page 21.

40 So you're drawing attention to the - - -?---Item 3.

- - - question number 3 at the end (not transcribable) forms.---And, yeah, so they may well have had the names and addresses, but I'm, I'm – there was frequent, we frequently had to chase up forms after functions. And I vaguely recall after this one, like every one, that someone, I'm not sure who or when, told me that there was, there were forms missing from this particular dinner. But I don't know whether that relates to that \$19,000.

Do you recall how close to the dinner that was? Was that within a couple of weeks?---I, within a couple of weeks, probably.

Do you recall who it might have been who said that to you?---No, I'm sorry.

Okay, I'll just clarify one thing about the answer to question number 4.  
---Mmm. Number 4, yep.

10 Looking at the cell on the right-hand side of the response cell.---Yep, mmm.

About halfway through the cell, "However, as it was during the time of the 2015 state election, there were also casual staff employed who may also have done this", do you see that there?---This, that's true.

So do we take it from that that in 2015, there was casual staff who were capable of issuing receipts?---Yes.

Is that how we should understand that?---Yes.

20 And does that mean that casual staff had access to the NSW ALP accounting system?---That's probably a question better for the Accounts team, but I believe so, yes.

So as best you can now recall, in relation to 2015 - - -?---Yep. Ah hmm.

- - - it might not just have been the full-time Accounts people who could issue receipts, but there may well be others who could issue receipts from the accounting system?---Yes. As it says here, there, there were also casual staff who have, may have also done that. So - - -

30 THE COMMISSIONER: Can I ask you this, at the time we're speaking of, that's March, April, 2015 - - -?---Mmm.

- - - was there at the ALP head office, a lock-up facilities to secure cash moneys or - I'm talking about large amounts of cash money.---Mmm.

40 Or was money not kept on the premises and was banked as soon as possible?---I, from my limited knowledge, the, I would imagine - oh, I imagine the Accounts team would want to bank money as quickly as possible, and despite the fact there was lots coming in, they would have been very efficient. The only place that money could have been kept was, the General Secretary had a safe in his side room that only he had access to. So, but I couldn't tell you whether there was any money in that safe or not.

Was he the only one who had a key to the safe - - -?---Yes.

- - - or was there somebody else as well?---No-one else had access.

And I take it from what you said, the accounting staff, to your knowledge and observation, were usually efficient at getting the money banked as soon as possible after a fundraiser?---Yes.

Did you come to know that Mr Clements had a friendship or a relationship with Mr Huang?---Yes.

When did you come to know that?---Um - - -

10 Or were you aware of that at the time?---In 2015?

Well, yes, when he was General Secretary.---No. I wasn't aware of it in 2015. I didn't know who he was in 2015.

Well, when did you become aware?---2016.

And how did you become aware?---He, Mr Huang mentioned it at the meeting we had.

20 In what sort of terms?---That, sort of, you know, Jamie was his good friend, sort of, capacity.

Good friend of?---Of Mr Huang. So the interpreter, sort of, said, "I was a good friend of Jamie's."

And did you become privy to some information which indicated, indeed, he was a friend of his?---Only that he'd worked for him or that he is, as lawyer he was practising from his building. I recall a conversation with Eric  
30 Roozendaal where he had indicated to me that Jamie was working for Mr Huang.

Perhaps I'm not making myself clear. Did you become aware of the fact that Mr Clements and Mr Huang had a friendship whilst Mr Clements was still General Secretary?---No.

Had you never heard that?---No.

Are you aware of any financial assistance that Mr Huang might have ever  
40 given Mr Clements?---I don't know specifically with him.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20

[REDACTED]

[REDACTED]

[REDACTED]

30

[REDACTED]

[REDACTED]

[REDACTED]

40

[REDACTED]

MR ROBERTSON: Could I just go back on one thing we discussed before the adjournment. I think you said you couldn't recall whether you attended the dinner on 12 March, 2015?---Yep.

Let me see if I can jog your memory. Can we put up on the screen, please, a photograph and can we zoom into the top left-hand corner, please. Do you

recognise yourself anywhere in that photograph focussing on the top left-hand corner?---No. I'm not in that photo.

Do you recognise – I'm just going to grab the pointer. Can you see a cursor on the screen now?---That's Sophie Cotsis. She's an MP.

And do you recognise the gentleman to her immediate left?---Her, her left?

10 Her left, which is the right, from the right if you're looking at it.---Okay.  
That is, that is Huang, Mr Huang.

And between Mr Bowen I think we can see and Ms Cotsis.---No, to his right is Ms Cotsis.

Yes, yes.---Yes.

20 And can we please have up the letter of 28 July, 2019. Now Ms Murnain, the Commission wrote you a letter on 17 July identifying a series of questions that I might ask you today.---Yeah.

Do you recall that?---Yes.

And you've prepared through your solicitors a response to that letter.---Yes.

I'm just going to get that brought up on the screen for you.---Can I also get a copy of it, if that's - - -

30 The letter of 28 July, 2019. Now, can I just make sure I understand the process that you undertook to provide the responses that was provided yesterday I think. So you've undertaken your own inquiries in order to answer those questions. Is that right?---Yeah, yeah.

Unlike the responses to the Electoral Commission, you haven't left it to others to do?---Some of it I have left to others because I can't answer them myself.

40 But you've at least spearheaded the inquiries yourself and you've satisfied yourself as best you can that what you say, what's said in this document is correct. Is that right?---Yes. Do you want me to just – yes, I've got it here on the screen.

And so just so I understand the process, you received the letter of 17 July and then you've made inquiries with your staff with a view of answering these questions as best you can. Is that right?---Not all of them, because I was instructed to stop on Friday and - - -

Instructed by who?---Our - - -

Don't tell me any legal advice you were given but do tell me who instructed you to stop working on it?---Oh, not to stop working on it, to stop talking to people about it, because I think there was a concern that I was talking to too many people about it.

Is that – so who gave you that instruction?---My legal counsel told me to stop asking staff questions. I can keep asking them questions. I went straight to the governance director for most of it, to our IT director, Tony Beuk, and I did, I tried to do a search of the drive myself as well.

10

So let's just test that in the context of the particular questions. So if you have a look at question number 1, which is towards the bottom of the screen, which is asking for a list of persons at the function of 12 March, 2015.---Yeah.

And if you have a look at 1.1 your answer is that you haven't been able to find any records. Do you see that there?---Yes.

20

Now, does that mean you're satisfied that there are no records or is it simply that in the searches that you've conducted you haven't found any records? ---Just that the searches I haven't found them, because I wasn't able to talk to people.

And who would be in a position to conduct the searches that would be necessary in order for you to give a more confident response to that question?---I thought you had already done them and taken all the document that could have been done. Our IT director is overseas. I can ask him to do another search for it.

30

Well, just to be clear, the search that you say you caused to be conducted, who did that search, was that you or someone else?---The governance, the governance director for that one, but I also did a quick, quick glance at the drive to see if I could find anything.

But is what you're saying is that it's possible that a more fulsome search could be done by the IT director for example?---Or that the list isn't on our drive and that someone else has it.

40

Well, jumping back to something we discussed before, would a list of persons who are attending an Action Committee function, such as a committee of Chinese Friends of Labor, would a copy of that list ordinarily be kept at head office at least in 2015?---Possibly not.

Who would usually be responsible for keeping track of who's paid, who hasn't paid, and who's said that they're going to attend a particular function?---The Action Committee, the Labor Action Committee.

And in the context of 2015, with Chinese Friends of Labor, who is that likely to be within that Action Committee?---I don't know. I mean, Kenrick or Ernest will be able to tell you who was helping organise it.

So you'd expect it to be one of those two, either Mr Cheah or Mr Wong?  
---No, I'd expect it to be neither. I'd expect them to be able to tell you who was looking after the list.

10 But at least as at 2015, keeping track of who's coming and who's not coming wouldn't necessarily be done at head office, is that what you're saying?---Yeah, that's right, yep.

1.2, you there say you're aware that Mr Clements was one of the speakers at the function. How were you aware of that?---I went to Twitter and I typed in the date and I found a picture which I forwarded – I can provide you with a copy of it, if you like – to our governance director and see, well, it wasn't part of this request that we could provide it to you. There was a picture of a, of a flyer from the dinner that had the three speaker's names on it.

20 And when you say towards the end of it, "and was in attendance at that function," you're referring to Mr Clements there, right?---Yes, yep. I was simply searching to try and work out if I was there and who else I could provide to you in terms of the photos that we found online.

What about Mr Cheah, do you know whether Mr Cheah was at the function?---I believe he was but at the time I had no idea. So now, now I obviously do.

30 Just explain that qualification you were giving?---At the time I wouldn't have known who was at the dinner but - - -

And when you say at the time, you mean back in 2015?---In 2015, yep, yep.

But you at least would have expected him to be there, wouldn't you, in his capacity as effectively the liaison with Action Committees?---Yes or no. He didn't always have to attend every function.

40 If you can turn to the next page, please, to item number 2. There you refer to another search that you caused to be conducted. Was that also a search conducted by the governance director?---That was conducted by the governance director and the finance director because I don't have access to the bank accounts or MYOB or anything.

And do we take it from that that you have positively established that there was no raffle on that occasion or are you simply saying that you haven't been able to find any evidence of a raffle taking place?---Oh, evidence. That we can't find evidence of moneys being banked from the raffle or, or any state or federal – to clarify we've checked our federal accounts as well

because occasionally at functions you would separate, you would have a state fundraiser but you might have a federal raffle and so that money would be deposited in the federal account. So we had to go through our state accounts and our federal accounts and it doesn't seem to be that a raffle has been deposited.

10 Just to be clear, back in 2015, would it be open to an Action Committee to say, right, we're making a lot of money for the Labor Party from this particular event which we're going to make sure it gets to head office, but there's other bits of money from, say a raffle, say an auction, say from something of that sort which we are actually going to keep and we're going to spend in some other fashion. Is that something that Action Committees were either permitted to do or at least tolerated in doing at that time?---I believe so, yes.

So to be clear, that's something that was - - -?---Would have been tolerated.

20 Yes, so not necessarily permitted but perhaps tolerated, right?---There might have been a raffle and it might have gone to their bank account and then they would have spent that for something else. So - - -

So it was at least tolerated, if not permitted, in 2015 that a Labor Action Committee might have an event where some of money goes to NSW Labor, perhaps some of it goes to Country Labor and perhaps some of it goes somewhere else?---Yes.

30 As a matter of practice at least, was that arrangement ever the subject of asking for approvals from head office or is it something that was just done? ---Just done.

40 And was it directly permitted by head office or was it something that was simply known about but no one did anything about?---It was more discovered later that this was a function of what they were doing. We had some reviews which I'm not sure whether we provided the documents, which I'm happy to provide them as well, governance reviews including conversations with people about their LACs. We discovered it later, which is why we now require them to fundraise through the party, and through party accounts. Back then, I don't, I, I believe that those activities were frequent. So the Labor Action Committees started as external, autonomous organisations, not necessarily under our control. And despite the fact that the rules moved on, their banking arrangements didn't. And so that has now been rectified. They do not bank through their own accounts, well, they're not supposed to under the rules, or they could get kicked out of the party. But back then, oh, I think there just wasn't an awareness of, of how, how Labor Action Committees were managing that money.

So just to be clear about that - - -?---Mmm.

Was it known at the time that arrangements of that kind were in place, that is to say, that there'd be events where not all of the money would find its way into Labor coffers, if I can use that term?---I knew - - -

Or was this something that was later found out?---It was sort of later found out. But as a principle, people could bank money in their own account. So it wouldn't have – you're right, it would not have always ended up at the party back then.

10 But then it would be, if it was banked in their own account, then it would simply be a matter for the Action Committee to decide how they were going to spend that money?---Yep.

Which they may well spend on Labor activities in the broader sense of the term, or possibly not.---Well, this is why we changed the way we run them.

The governance reviews you're referring to - - -?---Mmm.

- - - who ordered those to be conducted?---I did the majority of them. One  
20 of them was done during the, the problems with the organisation we'd had. We'd had some structural organisational problems for a very long time, and cultural issues as well. The first review, if I remember it correctly, was auspiced by the Administrative Committee after Jamie was the Secretary, and it was designed to look at, it may have even well happened while he was still there, but it's the Tarrant-Tierney report into rules and, and goes into some detail about governance on these matters. Then John Whelan and Simone Farrar came in during the period where Mr Clements was sort of leaving the organisations due to some other serious matters. And they, they interviewed staff, and after that, we asked them to provide a report to the  
30 Administrative Committee about recommendations on office structure, because these issues were identified during that process that people didn't understand their roles or their responsibilities or their obligations. And so, Tarrant and Tierney's report went to the rules of the party, auspiced by the Administrative Committee. The Whelan-Farrar review was conducted by the party officer, well, auspiced by the party officers during the period where Jamie was leaving the organisation. And the, there was another one by Jane Needham and Renée Bianchi, which was about how women were treated in the party, which was auspiced by me. The, the Tarrant-Tierney report was under the Administrative Committee, probably under Jamie, and  
40 it was delivered under me. And Whelan and, Whelan and, I'm trying to remember her name, Farrar, their report was delivered while I was secretary. And then I made them, I asked them to do more work about how we would improve the organisation's governance, which is why we ended up with a governance director, why we, we ended up changing the way we do things, which I'm happy to go in more detail if you wish.

To the extent that those reports concerned matters of donations and funding what was the principal impetus for that? Why, what gave cause to the

Administrative Committee and to you to ensure that those are matters that were reviewed?---I'll give you an example. Obviously there were issues about who was being accountable, who was responsible for checking things. No-one, we couldn't really identify who was responsible for what. And staff were never trained when they took their jobs. You had people who were ill-equipped to play their roles in the organisation, much less would keep up-to-date with the legislative changes that were required, and we were getting more and more letters from the Electoral Commission about breaches of the Act. And so much of this has to do with fixing the structure of the organisation to deal with that. There were also examples of cash being deposited in our account. One specific example which made me incredibly worried, when I was, and it took me not only to go, finish those reviews and continue their work, but do additional items of governance changes. We would find that, you know, \$4,000 or \$2,000 would be deposited in our account from the Martin Place bank straight into our campaign account and we could not tell where that money was coming from and it took us months and months to track back who was in the bank, to the point where we'd have to get copies of video footage to try and find out who was donating this money, because our campaign account is on all of our pieces of material. So there was issues about governance, structure, accountability, who it would go to, and a lot of, a lot of these matters have raised more I believe in terms of what we need to do to fix some of our structures, but back then it was primarily due to the questions raised by the Electoral Commission and the fact that when questions were asked during some of these reviews, you know, there wasn't anyone to answer the question.

And those reviews led to a number of changes, including changes to the rules of the NSW Labor Party. Correct?---Yes.

Before I forget, Commissioner, I should tender the Australian Labor Party (NSW Branch) Rules 2018.

THE COMMISSIONER: Yes. What's the exhibit number? 130? Yes. The Australian Labor Party (NSW Branch) Rules 2018 will be admitted and become Exhibit 130.

**#EXH-130 – AUSTRALIAN LABOR PARTY (NSW BRANCH) RULES 2018**

MR ROBERTSON: May it please the Commission.

THE COMMISSIONER: Sorry, just before you go on, you're speaking about a number of reviews going on and I take it that from what you've said a review or reviews were looking into the question of what I might term the

integrity in the management and processing of donations, funding issues, amongst other matters.---Yes.

And that review or reviews were underway before Mr Clements left the organisation?---One was, yes.

10 Which one was that?---Tarrant-Tierney, which was about the structure of the organisation. So that was the Administrative Committee and the state conference. The Whelan-Farrar report came out of the interviews that they conducted while Jamie was there, but the report was well afterwards in the scope of their - - -

That's the Whelan and?---Whelan and Farrar report.

The Whelan-Farrar. Now, without going into details, do I understand from what you said that Whelan-Farrar review was looking into issues which arose out of concerns about what I might generally call the Clements administration?---Yeah.

20 In particular the management or perhaps lack of management, proper management, by Mr Clements himself?---Yeah.

And there was a report, is that right, that came out of that?---There was, yes, and I can - - -

And you can provide that to the Commission?---I can. Happy to provide all of it.

30 And does that report, from your recollection at least, discuss Mr Clements's responsibilities in discharge of his office?---It certainly goes to the fact that he, in their opinion, may have neglected some of them, but it also recommends a new structure on how the office runs, and it, and that's why we now have a governance director.

40 And did the criticism of, if that's the right word, of Mr Clements's administration and in particular his personal conduct relate at least in part to matters associated with fundraising activities?---I, I'm not, I actually don't know. I don't want to mislead, but there was, there were a lot of matters and I imagine that fundraising was part of it.

In the course of that review was the fundraising activities in March 2015 amongst the matters reviewed?---I, I don't - - -

You don't know?---No. I should say that they are, they were lawyers and so they interviewed people in the office and staff may well have raised matters with them.

MR ROBERTSON: Back to the letter on the screen.---Yep, sorry.

Question number 3. Can I direct to the answer to question 3.1.---Yep.

Do we take it from that that at least as at 2015, head office didn't keep records of who was working or was not working on a particular day?---Yes, that's right.

10 And is that the case also for volunteers? There may have been a volunteer in the office but there's no record of that individual necessarily being there on that particular day, is that right?---That's correct, yep.

20 And so we can infer who would have been working in each payroll period, because they would have been paid, which is what you've done in point 3.2, but we can't know from your records whether there were particular volunteers, unpaid volunteers, in the office on any particular day. Is that how we read that?---Yes. That's correct. And just to clarify as well, we provided the documents of everyone who was on the payroll, but we wouldn't be able to tell you who was not, who was in the office and who wasn't in the office.

20 So the list in 3.2 tells us everyone who's been paid within a particular pay period but it doesn't confirm where they might have been on a particular day in that pay period and, indeed, there may well have been people who had done work for the benefit of NSW Labor but hadn't actually set foot in the office in that particular time period?---Oh, yes, or much ever. Some of them were employed to assist the leader, things like that. So lots of these positions, particularly after an election, many of these people would not have been in party office.

30 Then turn to page 5 of this letter, please, and you'll see question 7 and 8 refer to a user described as Temp 1. Do you see that there?---Yes.

40 What enquiries did you make with a view to answering those two questions?---I asked the governance director to email Tony Beuk. And I know I keep saying governance director but there's a reason for that, it's so that there's a record of what I've asked him to do, which was a system I set up so that even if I wasn't in my job, the General Secretary would have to go through someone to find out information about the office, if that makes sense. So, so I asked him and then he forwarded me an email from Tony Beuk who indicated that we wouldn't, like, we cannot tell who on that day used that login for MYOB.

But focussing on question 8, are you saying you are not in a position to ascertain who set up the Temp 1 user?---On that day, no.

Do you know who established Temp 1 as a unique user, as in who set up the user ID?---I don't know.

Who would know that or who might know that?---Well, we asked Tony, the IT director and he, he doesn't recall when it was set up either. It's a longstanding login. He's provided a technical response to this if I am, I am happy to submit the email to you so you can read it, so you can understand the technical whatever.

That would be helpful. And his title is IT director, is it?---I think so, yes.

10 And so you asked him about questions 7 and 8 but, what, you didn't ask him about questions, you didn't ask him to assist in the search in answer to the other questions, is that what we understand you to be saying?---Oh, Tony. Do you, can we just go back? I'm not sure what else I would have asked.

Let's go back to page 1. I think you told us that when you caused for the search that you refer to in item 1.1 on page 1, you asked the governance director but you didn't ask the IT director, but I may have misunderstood what you said?---Yeah. 1.1, yeah, didn't ask the IT director for that one, no, I haven't but I can, I can do that but if he, he provided everything to you when you came to our office. So I imagine, we'll do another, well I can ask  
20 him to conduct another search if I'm allowed to speak to Tony.

I think the Commission will write to you separately.---Okay.

We've got some follow-ups from some of the matters that I've been discussing and probably including that.

THE COMMISSIONER: What is his name?---Tony Beuk, B-e-u-k. I've been making him work while he's overseas so he's back next week.

30 MR ROBERTSON: Back to questions 7 and 8 on page 5. So just to be clear about the inquiries you undertook for 7 and 8, that was with the governance director or Mr Beuk?---Yes.

But no one else.---No one else.

Can I just direct your attention to question 9.---Yes.

Which was about officeholders et cetera in the early part of 2015.  
---Yes.

40 And then you set out in a couple of pages a series of individuals. Can we just turn to page 7, please, and we get all the way down to Q(q) for Quebec.  
---Yes.

Those individuals, the Q(q), R, S(s) and T(t), do you know what their roles were at the relevant time?---I don't. I don't, but I could ask people.

And then one further follow-up question. When did you first become aware that on 9 April, 2015, some \$100,000 in cash had been delivered to ALP head office?---I'm just trying to think, when that \$100,000 had come to the ALP, when we started, that \$100,000, I think when we, I'll just clarify by saying I knew there had been money that had been received for the dinner, and that's what I had known from the office, from the fundraising meetings, that \$100,000 had been received by the office, that specific amount, I would have been aware that large amounts of money, I was aware that large amounts of money were received from the dinner at the fundraising meeting because there's a report in on how much comes in, and that would have been around that time.

THE COMMISSIONER: Around what time?---Around the time of April, sometime in April or May, early May, that \$100,000 had, or, or that, that more than, I mean it was six figures at the time, I wasn't quite sure how much had, had come to the party office from the dinner, and it was sometime around that period.

MR ROBERTSON: Just to be clear about that, I think you told us before that the fundraising meeting that was after the dinner on 12 March was probably within a few weeks of the dinner?---Yeah. Sometime April or May, I don't remember.

And so at least at that point in time you knew that a large amount of money had been received in relation to the Chinese Friends of Labor dinner?---Yes.

At least at that point in time you knew that there was a large amount of money that had been received in cash. Is that right?---No, I wasn't, wasn't clear on how the money was received, that wasn't, that information wasn't given to me. I do recall conversations back then about there not being forms for everybody from the dinner, that's all I do remember, but I don't recall whether that was before or after the 9<sup>th</sup>, now that I'm looking at the dates, and, but I do remember there being a large sum of money that was fundraised from the dinner and that it was, and I remember Jamie in the meeting being very happy about it.

Was that the kind of level of money that would have been expected to come from an event like that?---It wasn't uncommon for large amounts of money to come in from fundraising opportunities with Friends of Labor groups.

But was this ordinary or out of the ordinary in terms of, to use your terms, a six-figure sum coming?---A six-figure sum, it wasn't, it wasn't, it wasn't, it was ordinary for large figures to come in and you could see how, with over 600 people, or a lot of people you could get to that figure, but it did, it did stand out.

THE COMMISSIONER: When you say ordinary, do you mean frequent or not, or you don't mean frequent?---I don't mean frequent but I mean - - -

We're talking about 2015.---Yeah, and, and big events of more than 600 people you would expect to raise a lot of money for.

MR ROBERTSON: But this was more than just a lot of money, wasn't it? This was an out of ordinary amount of money to be received from a single event, wasn't it?---Even if I thought that at the time, the culture of the office wasn't to ask more questions. So, I think - - -

10 Well, what exactly do you mean by that?---That you would go to the meetings, people would report in, the General Secretary would make comment and, and I remember the figure, I didn't think it was out of – I didn't think it was out of, out of the ordinary at the time, to be honest, but, but obviously looking back at it now, it's a lot of money.

When you say that, what led you to change your view or expectation about that, if you didn't regard it as out of the ordinary at the time but now you seem to think it was?---The media stories about how the money came to be with us.

20

So that's not so focussed on the amount of money, is it, that's more focussed on the circumstances in which it came to exist?---Yes, yep.

But are you saying that receiving that sort of level of money, a six figure sum from a single event, was not something to you being particularly surprised when you first found out about it?---No, I didn't think so, no.

30 In advance of the dinner, did you have any expectation that that sort of money would be likely to be received, a six figure sum?---I think we talked about this before, I don't remember what my expectation was, but again those, those meetings, you would talk about what you would expect to raise. I don't know if this one was spoken about beforehand or not.

So would anyone have reported to you on the expected money that one would expect from the various events that were happening in the lead up to the election?---Through the fundraising meetings, they'd report to the team, yes.

40 Who would they be? Who would be doing that report?---All of the staff. So the people who would attend these meetings included organisers, the assistant secretaries, the General Secretary, the finance team on occasion, not all the time, the fundraising office, like, the person who was in charge of fundraising for business dialogue and those sorts of events. Kenrick would attend, as well as, there was a person in the digital team whose name I can't remember, so I'm searching the list here, but the digital team would attend as well. So it was quite big meetings.

So who would it have been that would have been reporting expectations in relation to the Chinese Friends of Labor dinner?---Kenrick Cheah.

And he would have done that by reporting that through to the committee?  
---Yep.

Which I think you told us met every couple of weeks or so?---It was their scheduled fortnightly meeting but it certainly didn't happen every fortnight.

10 THE COMMISSIONER: I'll just ask you this. Mr Huang again. Do you know whether he was a member of the Labor Party?---I don't, I don't. I can find out for you.

Did you have any belief one way or the other at the time as to whether he was a Labor Party member?---No. I didn't know who he - - -

If it'd be assumed for the moment and this assumption may not be right, that as at the time of this dinner, he was not and never had been a member of the Labor Party, was it however, well known he was a property developer?---I  
20 didn't have any clue what who he was back then. I mean if someone had stood him in front of me I wouldn't have been able to tell you who he was.

He was at the dinner and he, I think you indicated, was supportive of this function, is that right?---Well, I've seen a photo that he was at the dinner.

That's your understanding based on that?---Yeah.

So if he wasn't a party member at the time, if you'll assume that, and he was a property development at the time, can you assume that, do you know any  
30 reason why he would be at this dinner in support of the Labor movement?  
---And this is only speculation. The federal leader was there as well, so there could have been – and there wasn't though, so, because I've done a search, well not me personally but I've had a search done. You would frequently have federal and state leaders together and you would have donations from the state party go to the state branch if they were state donations or if they were federal donations, they would go federal. So if he was a federal donor, he well could have made a contribution to the federal campaign. But again, can I be clear, I've had, like, I've had the office to  
40 have a look and I can't find that.

But this was not a federal event?---Um - - -

This was for the state party, wasn't it?---Well, that, that is my assumption looking back at it, honestly. It looks like, on paper and in photos, that it is a federal, state event. There were state candidates, and - - -

And at the time of this, during March, property developers were prevented from being donors, is that right?---Ah hmm. Yep.

Do you know if he was a donor?---I, oh, to the dinner?

Mmm.---Well - - -

Well, based on what you've been told, because I appreciate you wouldn't have, that you don't have firsthand knowledge, I gather from what you've said.---Yeah, I, I mean - - -

10 Do you have information which indicates that he donated?---I don't, but I can go back through the list of names. I mean, I don't recognise most of the names in the list, but I could try and - - -

Oh, I wouldn't worry about that at the moment. Yes. I see the time. I'm sorry, I've been utilising your time.

MR ROBERTSON: No, not at all. I only have a few questions left, if you're happy to sit on.

20 THE COMMISSIONER: Yes, all right.

MR ROBERTSON: I just want to try and understand one thing, though. ---Yep.

It comes out of some of the questions that the Chief Commissioner was just asking you.---Yep.

30 At least as at 2015, how does one know that a particular sum of money, that's intended as a donation or perhaps is purchasing a seat at a dinner is supposed to be allocated to NSW Labor, Country Labor, or the federal party?---Mmm. Mmm. Good question. A variety – I don't think there was a specific way back then. I don't, I actually don't think – I think that's part of the problem with this period and the way everything was run is that there wasn't a set way to do things. I mean, I think I've said, I said this to you before, that I thought there were a variety of ways it could be done, but the problem was it wasn't always done that way.

40 And so at least at that point in time, if a prohibited donor wanted to – a prohibited donor under the state legislation - - -?---Yep.

- - - wanted to make a donation, and it found its way into NSW Labor, it may simply just be recorded as being a federal donation?---It, yes.

And similarly, if someone wanted to donate, say, \$10,000 - - -?---Ah hmm.

- - - which is twice the limit that was in effect in 2015, one might okay \$5,000 of that to NSW Labor and \$5,000 of that to Country Labor?---I don't know what the practice was back then. So, like I, again, I don't know how

that was dealt with. I know that now if you were to do that, you have to talk to the donor and make sure that they intend to donate to both, if you were to give 10 grand. And but, yeah, but back then, I can't - - -

So just to be clear about that, as at now, under your stewardship - - -?  
---Mmm. Mmm.

10 - - - one wouldn't bank money into the NSW – I withdraw that – wouldn't bank money into the Country Labor account unless there was an express indication that the money was intended for Country Labor?---Yeah.

Is that fair?---Yep, absolutely.

And that might be on a particular piece of paper, or it may be the result of picking up the phone to the donor and saying, for example, “You're not allowed to donate \$10,000 to NSW Labor” - - -?---Yep.

20 - - - “but did you want to donate 5,000 to NSW Labor and 5,000 to Country Labor” - - -?---Federal. Mmm.

- - - “or perhaps donate the lot to the federal party?”---Yeah.

Is that fair?---Yes, under the legislation, it says that if you over-receive a donation of \$5,000, whatever, you can, you can give that money federally, but we don't do that unless we check with the Commission and the donor first.

30 You've mentioned a couple of times the fundraising committee - - -?---It's not, yeah.

I'm sorry, the fundraising meeting.---Fundraising meeting.

The fundraising meeting.---Yeah, it was a bit lax.

Were minutes ever kept of those meetings?---No. No.

40 But presumably, there was at least some email exchanges, perhaps, between meetings.---There were tables of figures about how much was raised, but they weren't ever for a specific event, they were more just, they were, it was divided by – and I don't, I mean, you'd have more of this stuff than I would – but Labor Action Committees and, you know, business dialogue and what each line item for the budget would fundraise. So they didn't have minutes, but they had, like, a report on total figure for the election.

So is it a fair summary that there may be some documents that were prepared for the purposes of those meetings and by way of reporting to the people in the meetings, but there weren't formal minutes of the kind that you might have in a more formal committee, is that fair?---Yeah. Yeah.

Yep. I would just add though, after the state election, I'm not sure how much reporting there was going on, because they moved straight into disclosures, so they sort of don't spend as much time on reporting back on fundraising. They sort of spend more time on disclosures. So, so if there was this document – I mean, we've looked for it, but I, we can't find it. So if it existed - - -

10 But there was at least one meeting after the election in 2015, is that right?  
---There was at least one meeting, but it, it, there might not be a document from it. Like, they genuinely, the Finance staff genuinely were overcommitted to getting disclosures done at that time, so it, yeah. It, like, the period after an election is horrible for finance teams, so - - -

But I think what you're drawing attention to is that the focus on getting money in is obviously in the immediate lead-up to the election?---Yeah.

20 And immediately after the election the focus is on dealing with the aftermath of the election, both the political side and the administrative side. Is that fair?---Yeah, that's absolutely fair. Our, my, our concern after 2015 was the political aftermath of what had happened and getting candidates and MPs, or MPs then trained, but yeah, it was a pretty terrible time, anyway.

That's the examination, Chief Commissioner.

30 THE COMMISSIONER: Well, thank you, Ms Murnain, that completes your examination today. I just remind you that I have made an order under section 112 of the Act which prohibits you from communicating to anyone the fact of your being here today or anything discussed here today or any evidence you've given. You understand that I do so because it's important to remind people of their legal obligations lest they even inadvertently act in breach of the section 112 direction.

Thank you. You may step down.

MR ROBERTSON: I'll just deal with one formal matter if I can, Commissioner.

THE COMMISSIONER: Yes, yes.

40 MR ROBERTSON: I should formally tender the letter from Sparke Helmore Lawyers dated 28 July, 2019, and the letter from the Commission of 17 July, 2019, to which it responds. Perhaps that might be conveniently marked as one exhibit?

THE COMMISSIONER: Yes. The letter from Sparke Helmore 28 July, together with the response by the, to Sparke Helmore, the response by Sparke Helmore, 17 September – sorry, 17 July I should say, 2019, will be

together marked as one Exhibit, Exhibit 1A and 1B. I'm sorry, 131A and 131B, thank you.

**#EXH-131 – LETTER FROM SPARKE HELMORE LAWYERS TO PAUL JOHNSTON DATED 28 JULY 2019 AND LETTER FROM JOHN HOITINK TO KAILA MURNAIN TITLED ‘SUBJECT: REQUEST FOR INFORMATION’ DATED 17 JULY 2019**

10

THE COMMISSIONER: Thank you.

MR ROBERTSON: May it please the Commission.

THE COMMISSIONER: Anything else? Then you're free to go, Ms Murnain.

THE WITNESS: Thank you.

20

THE COMMISSIONER: I'll adjourn.

**THE WITNESS EXCUSED**

**[1.22pm]**

**AT 1.22PM THE MATTER WAS ADJOURNED ACCORDINGLY**

**[1.22pm]**