

Our Ref: FDC2016/74

Mr Kenrick Cheah  


12 September 2017

Dear Mr Cheah

As you know, on 12 March 2015, the Chinese Friends of Labor ("the CFL") held a fundraising function. That same day, the CFL made major political donations to the Australian Labor Party and Country Labor Party, the grand total of these donations being \$121,655.00.

The NSW Electoral Commission ("the Commission") suspects that the CFL's fundraiser was used by certain persons as a means to circumvent the operation of laws which govern the making of political donations in New South Wales; in particular (but without limitation), those laws which prohibit the making of political donations by property developers. It is an offence to enter into or collude in such a scheme, which offence is punishable upon conviction by a sentence of imprisonment of up to ten years: s 96HB(1), *Election Funding, Expenditure and Disclosures Act 1981*.

The Commission considers that, due to your significant involvement in the CFL's fundraiser of 12 March 2015, you may be in possession of information of significant value for the Commission's on-going investigation of certain persons for serious offences in connection with the CFL fundraising function.

Accordingly, the Commission is willing to give you the following promise;

If you provide a truthful and frank statement in relation to a scheme as described above, the Commission promises not to use the information contained in that statement, as well as the information contained in the interview you have already given to the Commission, against you in any criminal proceedings in any court in New South Wales, except in respect of the falsity of the information or for the purpose of establishing the falsity of evidence given by you as a witness. This promise is conditional upon you also giving evidence truthfully and frankly in any proceedings should you be required to do so (in accordance with your statement).

Please bring this letter to the attention of your lawyer, if you have one, without delay. If you do not have a lawyer, I would strongly urge you to obtain advice in relation to the above. In such a case, Law Access NSW (tel. 1300 888 529) may be able to assist you in obtaining such advice.

If you wish to discuss this letter, please don't hesitate to contact Acting Senior Investigator Peter Baragry on 9290 5429.

Yours faithfully



Hon Keith Mason AC QC  
Chairperson  
NSW Electoral Commission