

Sunny Duong jailed for having political connections while Chinese

In November 2020 Melbourne businessman and former Liberal Party candidate Di Sanh “Sunny” Duong, then 65, became the first person to be charged under the Turnbull Liberal government’s 2018 foreign interference laws. Duong’s “crime” was to hand a cheque for \$37,450 raised by a Chinese diaspora community organisation of which he was president to his local Member of Parliament, then-Acting Minister for Immigration Alan Tudge, as a donation to a children’s hospital. The court found that Duong had done so “with the intention of preparing for or planning an act of foreign interference” on behalf of the Communist Party of China (CPC). In plain English, that means he was found to have curried favour with Tudge in order *potentially* to influence him towards policy positions favourable to China, at some unknown and unknowable time in the future—what the American author Philip K. Dick, in his famous dystopian novella *Minority Report*, would have called a “pre-crime”. In February this year, Judge Richard Maidment sentenced Duong to two years and nine months in prison (out of a potential maximum of 10 years), with release after 12 months on a four-year good behaviour bond.



Sunny Duong donated \$37,450 to the Royal Children’s Hospital as a sign of goodwill from Australian-Chinese in the middle of COVID when AustraliaChina relations soured. Photo: Screenshot

The judge’s sentencing remarks, subsequently [posted online](#), make clear however that Sunny Duong’s actual “crime” was to have been a politically active Chinese-Australian, at a time when the Morrison government and federal law enforcement agencies needed to make an example of someone in order to justify their police-state powers and maintain the climate of anti-China hysteria they had created. Moreover, it is only because of the latter that the evidence he was convicted on, and that which the judge cited to justify imposing a relatively harsh sentence given Duong’s age and familial responsibilities, carries any weight whatsoever. Wittingly or not, Judge Maidment has thus set a dangerous precedent whose effect—as intended by the authors of the case—is not only to criminalise a whole array of legitimate business, social and diplomatic contact with China, by Australians of any ethnicity; but worse, to implicitly outlaw all 1.4 million Chinese Australians from engaging in the democratic process at all, lest they be locked up for something as simple as talking with any friend or family member, anywhere on Earth, whom the Australian authorities can paint as being “associated with” the CPC or any Chinese governmental or state-owned entity.

Unlikeliest ‘communist infiltrator’ ever

Anyone who reads Judge Maidment’s remarks would have to concede that Sunny Duong is just about the least likely foreign agent imaginable, who prior to his “offence” in April 2020 had never shown any sign of being, nor had any reason to be loyal to the PRC or sympathetic towards communism—indeed, quite the opposite. “You were born in Saigon, Vietnam in 1955”, Maidment stated. “You are ethnically Chinese. Your family had resided in Vietnam for three generations prior to the Vietnam War. They were very poor, but slowly worked their way out of poverty through employment in business. You were a young adult by the end of the Vietnam War. Your father had been employed as a manager at an international wine and biscuit company, which was shut down by the communist government.” Though Duong’s family was not directly targeted, they were subject to the same general discrimination as other ethnically Chinese people and institutions; in addition to which, “discrimination against those perceived to have been entrepreneurial was widespread”.

“In about 1976”, Maidment went on, “you were removed from your family and sent to a remote province to work as a labourer in the countryside. You remained in that position until you fled Vietnam in April 1979. The boat journey from Vietnam was apparently a terrible experience in which you shared a boat with approximately 600 other people. Those who died on the journey were thrown overboard. Rations were insubstantial for the week-long journey to Thailand. During that time, the boat was attacked and robbed by Thai pirates. You were assaulted and slashed with a knife for refusing to give up your father’s watch, which was a treasured possession.” After six months in a refugee camp in Thailand, Duong was accepted into Australia on a refugee visa. He spent the next several years working six days a week at a drycleaning shop and attending night classes to learn English, before opening his own textiles manufacturing business in 1985, which operated for some

seven years before shutting down during the Hawke-Keating Labor government's deliberately engineered recession in the early 1990s. "The issues associated with your business prompted an interest in politics and you joined the Liberal Party", Maidment said. "You joined the Richmond Branch and were elected President of that Branch in 1992. You held that position for 17 years. In 1996, you ran unsuccessfully for election to the Parliament of Victoria, apparently at the urging of the then Premier of Victoria [the arch neoliberal Jeff Kennett]."

'United Front' furphy

The *Australian Alert Service* has documented how the nation's mainstream media have universally been wittingly complicit in the government and intelligence establishment's McCarthyite propaganda

snow-job against China from 2016 until the present.¹ It is therefore wholly unsurprising that none of them bothered to mention any of this context in their reports on Duong's sentencing, lest they humanise him in the eyes of the public and/or raise doubts about the plausibility of the charges against him. Instead they uncritically accepted, as had the judge and jury, the prosecution's argument that despite having every cause to be highly sceptical of, and perhaps to bear a lifelong grudge against communism; and despite having for almost 30 years been a member in very good standing of Australia's most avowedly anti-communist political party, Duong had abruptly flipped in 2020 to become a dedicated agent of the CPC.

Nor is he alleged to have done so because of any financial inducement or *quid pro quo* of any kind, but rather through some species of brainwashing exercised by the CPC via its United Front Work Department (UFWD), through which— so the story goes—it conducts "foreign interference" via Chinese diaspora groups worldwide, such as the "Oceania Federation of Chinese Organisations for Vietnam, Cambodia and Laos" of which Duong was president at the time of his "offence". As Maidment quoted the prosecution's argument back to Duong: "there can be no doubt that Mr Duong has taken to heart the connection to the motherland that the United Front Work System is designed to incubate in people just like him. He has become exactly the sort of patriot that the system is designed to create, and it's become part of who he is. ... It's now become a cast of mind that [you are] in no position to shake off." Leaving aside the question of whether Mr Duong were susceptible to such hypnotism, however, that argument in any case relies upon a fundamental and presumably deliberate misrepresentation regarding what the UFWD is, and does, in the first place.

The expert witness who described the UFWD and its "system" to the court was reportedly an unnamed "intelligence operative", presumably meaning an officer either of an Australian federal intelligence service (whose identities are protected by Commonwealth law) or one of their foreign "partner" agencies. The *Australian* newspaper reported 21 November 2023 that according to the witness, the UFWD has a "global remit" from China's Ministry of State Security (MSS) to target "Chinese community groups and leaders, [and] overseas students", with whom it seeks to "build close relationships with them so they operate with guidance of the CCP [*sic*]", in order to meddle with "the political systems and affairs of [the] foreign countries" they reside in. As the AAS reported at the time, the same lie was first put about for public consumption in Australia in a June 2020 report titled "The Party Speaks for You" published by the Australian Strategic Policy Institute (ASPI), the ostensibly "independent, non-partisan think tank" funded by the Australian, US and allied governments, multinational armaments manufacturers, and NATO (among others) to cook up war propaganda

against China, Russia and other geopolitical targets of the Anglo-American empire.² The report's lead author, then-23 year old ASPI analyst Alex Joske, credited the idea for the report to his mentor Peter Mattis, a "former" US Central Intelligence Agency officer and prominent spokesman for the Washington foreign policy "blob".

In reality, we reported, the term "United Front" merely refers to the process by which the CPC and China's eight other official political parties (yes, you read that right), business peak body the All-China Federation of Industry and Commerce, and various religious, ethnic and other groups participate in what China calls its "socialist consultative democracy". The UFWD is the body tasked with furthering this process, including via outreach to the global Chinese diaspora (and thence to its host countries). It is a subset of the Chinese People's Political Consultative Congress (CPPCC), which is roughly analogous to the House of Representatives in a Westminster parliamentary system like Australia's; and it reports to the Communist Party's Central Committee, the nation's executive government. In other words, aside from its scale (and the same may be said of most things pertaining to China), international "united front work" differs little if at all from the informal diplomacy every nation conducts—and from which the authors of Sunny Duong's persecution intend that Australia should cut itself off.

'Terrifying' precedent

The implications of Duong's conviction, for both Australia's *real* national interests and its increasingly fake democracy, are dire. And for Chinese Australians, as one prominent figure in that community described them to the AAS, they are—and are intended to be—simply "terrifying". If the factors that Judge Maidment cited as having influenced his decision to imprison Duong were applied more broadly, the person pointed out, not only could most if not all Chinese Australians be jailed, but so could almost anyone else. Perhaps most disturbing is that once Duong had been convicted on the basis of the lie

explained above, Maidment then accepted any and all contacts with “Chinese Communist Party officials both in Australia and overseas”, including embassy and consular officials, as proof that he had been coopted and was working in collaboration with or on behalf of the Chinese government—even though contact with official diplomats is expressly excluded as prejudicial behaviour in the 2018 foreign interference laws he was charged under! Duong was also condemned for communicating with said officials via “the encrypted app WeChat”, as though every other messaging app were not likewise encrypted, including to comply with government regulations on protection of consumer data (and which Australian law enforcement obviously had no problem intercepting and decrypting, given their content was tendered in evidence against him).

If meeting with Chinese officials (and even being invited to do so) is proof of a crime, then every current and former MP and Senator is guilty—not to mention mining magnates like Andrew Forrest and Gina Rinehart, the CEOs of Australia’s Big Four banks, and sundry other business leaders, all of whom have met with and proposed mutually beneficial deals to CPC officials of far higher rank than Duong could ever have hoped to. Moreover, given that what constitutes a CPC “official” is nowhere defined, it could arguably apply to any party member—of whom there are nearly 100 million—regardless of their rank or whether they hold any government office. “There’s a bloody good chance that every Australian who has contact with Chinese in China is talking to a party member”, the source said, including members of the extended families of pretty much every Chinese Australian. And given it is the world’s most popular standalone mobile app, with over a billion users worldwide (most of them in China), odds are they’re talking to them on WeChat.

Sunny Duong’s conviction is such an obvious travesty that if there were any justice at all in this country (admittedly an increasingly doubtful proposition), it would almost certainly be overturned on appeal. Sources familiar with the case suggest however that he is unlikely to launch one, not least because his mandatory 12-month sentence will almost certainly be over before it is even heard. Another factor is that despite his age Duong has a young son (aged seven at the time of his sentencing), whom Maidment described as being “beset with a number of functional difficulties requiring professional intervention under the NDIS scheme”, and for whose sake Duong is needed at home and therefore all the more likely to serve out his remaining six months and leave well enough alone. Thus in all likelihood the establishment’s McCarthyite precedent will stand, which is the entire point of the exercise.

Footnotes

1. [“The China narrative”](#) parts I-V, AAS, 12 Aug.-23 Sept. 2020.

2. [“A tale of two think tanks: Canberra escalates McCarthyism, de-funds diplomacy”](#), AAS, 17 June 2020

By Richard Bardon, Australian Alert Service, 24 July 2024