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PUBLIC
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION BARROW

Reference: Operation E10/0395

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 28 MARCH 2012

AT 10.05 AM

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This transcript has been prepared in accordance with conventions used in the Supreme Court.

ASSISTANT COMMISSIONER: Thank you. Please be seated. Yes, Ms Liang, could you take a seat, thank you.

<SHU XIAN LIANG, on former affirmation

[10:05am]

ASSISTANT COMMISSIONER: Yes, Mr Young.

10 MR YOUNG: Yes. Ms Liang, your evidence is that you made a payment of 4,500 to Councillor Jack Au at a Chinese restaurant just before Chinese New Year in 2010. Correct?---Yes.

Now do you accept that Chinese New Year in 2010 was 14 February?---4 February.

14, 1-4?---Yes.

20 Now you know that in February of 2010 Mr Jack Au and Mr Addison Wu were discussing matters relating to your application and discovered that some documents had gone missing with the Council?---Yes.

You were sent on 5 February a letter which advised you that the deferred commencement conditions had not been satisfied?---I was not clear, I'm not clear, I was not present.

Well you weren't present what?---Because I pass all the matters to my architect because I do not understand English.

30 Well you understood didn't you that this letter said that your deferred, deferred commencement conditions had not been satisfied, that there was insufficient information in the amended plans?---But I'm clear about this matter.

Well you knew that a meeting was organised at the Council offices on 10 February?---Because I was, I did it as Addison told me because I didn't know when or how to go about the matter.

40 All right. You could have gone to that meeting if you wanted to?---Yeah, because even though I can I wouldn't be able to understand so I'm not sure whether I did attend or not.

You're not sure?---I can't remember.

All right. But certainly you understood the purpose of this meeting on 10 February was so any issues or doubts could be clarified?

---Because I left all matters to him so I relied on him to sort things out for me, even though the, the things were communicating me in Chinese I won't be able to understand, I mean in relation to building, architectural matters.

All right. Well, you certainly don't suggest that when that meeting was held on 10 February that you'd made any payment to Mr Au at that stage, do you?---I don't understand.

10 Well, you say that you made a payment to Mr Au before 14 February?---But probably that this thing happened before the letter. I did not remember the exact time.

Well, a letter was sent to you on 5 February?---Actually I'm not sure whether I have read the letter or not because I left all the things to my architect.

20 You knew perfectly well that this meeting on 10 February was a very important meeting to discuss issues about your application?---I felt that I paid him money before the meeting but what day I, I cannot remember, before the letter, before the letter.

What, before the letter that you received around the 5th. Before the letter that you received somewhere around the 5th?---I can't remember the date but the time that I paid was probably before the letter.

Well, see, what you said is that it was around the time of Chinese New Year?

30 THE INTERPRETER: Sorry, I just ask her to refresh it.

THE WITNESS: When I went to provide additional information, I mean, according to the requirements that I am to provide certain information because the requirement were initially the sort of things that I need to provide because at a initial stage I really need to fill in a form, it is not after I receive the letter that I need to fill in this form.

40 MR YOUNG: Well, when in terms of the calendar year do you say that this meeting in the restaurant happened? What, what date would you estimate it happened?--- Because as I do not speak English at the very beginning I asked to be provided some requirements according to, I mean the legal requirements so that I can, then I realise it was much better for me to have an architect to assist me rather than people from the Council, so I left this job to my architect.

Well you only paid the architect a total of \$500 didn't you?---Yeah, because he knew that I was single so at the very beginning he start to help me.

Now when you say that you did – you complied with all the legal requirements, one of the legal requirements that or one of the things that you did was that on 23 December, 2009 you lodged a Construction Certificate and paid a fee for it didn't you?---I don't, I mean, understand.

You – on 23 December, 2009 you lodged a Construction Certificate and you paid a fee for it?---In relation to which?

10 In relation to your application you lodged a Construction Certificate in December 2009 and you paid a fee for it?---The fee for a certificate or for what?

A Construction Certificate.

ASSISTANT COMMISSIONER: For the fit-out of the shop?---Because my architect I mean dealt with these things for me and I just follow the requirements when how I put in information and do this thing or that thing.

20 MR YOUNG: See I suggest to you this was something you well knew because on 20 April you emailed Mr Mark Brisby and you said, during November last year, 2009, I lodged a form for the Construction Certificate?--Are you talking about something prior to that?

Well in November 2009?---I don't remember, I mean the time, the sequence and all that, yeah.

30 Well, don't you say that part of the, part of the money that you gave to Mr Au was fifteen hundred dollars in an envelope for the Construction Certificate?---Yes.

But you'd already paid it, hadn't you?---That's why I say I pay the money for the certificate but I sort of mix it with the three envelopes, that's why I'm a bit confused about the time sequence.

40 As of Chinese New Year 2010 you knew that your application was in the process of assessment and there had been a mix up in relation to some documents that had been submitted, you knew that, didn't you?---My, my impression is that I was not informed that any documents were missing. It was only when I realised that I missing, I want to get back some document then I was told the documents that I want were missing.

But you were in regular contact with Mr Addison Wu?---No.

You say you weren't in regular contact with Mr Wu?---Yes.

Well, you knew that he had, he was going to the meeting on 10 February?---As to when, which day I, I don't know but I knew that he went, yeah.

Well, he reported back to you didn't he about what had happened?---He did, well, tell me about the, the progress of the application but he didn't, I mean, tell me in detail about the steps involved.

Now was the mobile telephone that you had in 2010 0-4-3-0-4-5-8-1-1-8?

THE INTERPRETER: 0-4-3-0, sorry?

MR YOUNG: 0-4-3-0-4-5-8-1-1-8?---Yes.

10

Now, do you agree that you did not contact Mr Au on that telephone after 5 February?---Well, sometime I just leave my mobile around, I mean as to when, as to who I rang or who rang me, I can't remember but I remember clearly after I notice there was a document holding my file I leave things with my architect and I did not contact him anymore. I remember one time he rang me inviting me to have a meal but I, but, but I did, but I did not attend and I asked a friend of mine to contact, to ring him and I did not want to contact him.

20

What I suggest to you is that your state of mind as of the Chinese New Year of 2010 was that you were, you believed that your application was in the process of assessment and that problems with it had been sorted out in terms of documents going missing?---No, because I mean not Council losing my documents is me who want to retrieve some document and was told that the Council lost some of the documents.

30

And I suggest to you there was absolutely no reason why you would make any payment to Mr Au, Mr Brisby or Mr Francis in around Chinese New Year 2010?---Because as I said I cannot remember the exact I mean the day, the time that I did this things, but I, what I, maybe I, after I, I felt that I might not pay, haven't paid \$1,500 so I pay the \$1,500 again.

THE INTERPRETER: Sorry, I mistranslated.

40

THE WITNESS: I pay him \$1,500 and then I realise he didn't do the work for me. He didn't pay the money to the Council so I need to pay the Council again. Yeah, as I said I paid the \$1,500 then I realise the money wasn't paid to the Council, so I pay the \$1,500 again because my architect told me the \$1,500 haven't been paid. Yeah, because no, because first, I mean there's two sums of money that I paid. First is the \$1,500 then I realised the Council fee hasn't been paid, so I went to the Council and paid a council fee. I, during the Chinese New Year I pay all the money, but I didn't tell them I pay all the money at the same time. But at the time when I made a statement I could not remember the time sequence of these happenings, but I did remember I pay the money.

MR YOUNG: So, so you now say that you did not pay \$4,500 at one time?

---I'm not sure. Yeah, but before the proper inquiry, I mean I already ask to my solicitor that I need have some, make some amendment to the statement in relation to that. There were some markings on his documents.

Well when, when do you say \$1,500 was paid?---I cannot remember but I am sure that I did pay it.

It's just nonsense isn't it?---It's up to you to decide whether that is nonsense.

10

On, on 3 March, you wrote to, you emailed Mr Brisby and you said that around the time of New Years you paid 4,500 to Jack for the three of you, 1,000 each for that day overtime and fifteen hundred dollars for the Construction Certificate fee?---But I'm not stating that they were paid on the same day at the same time, but I just let him know that I pay all this expenses.

Now you also said I know somebody is holding the file?---Yes.

20

Now by somebody you mean Jack Au did you not?---Well you can put it this way.

Is that, that's (not transcribable). All right. Now somebody had told you that had they?---When I submit the initial paperwork and the lady at reception rang up the office, the Council office and then he took our form, asking me to fill in a form and that form stating on hold.

And when was this?---I can't remember but it is a fact.

30

All right. Isn't what happened that you discussed your case in February of 2010 with another councillor?---I can't remember.

Can't you?---I can't remember, I mean what time are you talking about? I can't remember.

I'm talking about February 2010?---I don't, I don't know the time like about the things of envelope, I can't remember. And I don't know who you're talking about.

40

Well did you discuss your case with a Councillor Le, L-e Lam L-a-m?
---When was that?

In February 2010?---Yeah, ordinarily I talk to him, but in what way I talk to him I can't remember.

To her?---Her. As to what, I can't remember.

Well, I suggest that she was - - -

ASSISTANT COMMISSIONER: I'm sorry, sorry, do you even know who this councillor is? Is it a female councillor?

MR YOUNG: Well, it is a female councillor but there are - in Cantonese there is some difficulty between he and she.

ASSISTANT COMMISSIONER: Yes. Do you know a councillor, is Lam the last name?

10

MR YOUNG: L-A-M, yes.

THE WITNESS: Yes, I know her.

MR YOUNG: Okay. And was she the source of your belief that Councillor Jack Au was holding the file which you sent to Mr Brisby in March of 2010?---It's not her who told me, I just mean according to what I felt, I mean, yeah, I mean the, the reason that a form was presented for me to fill that I should not fill in this form.

20

Now at this, you say at this Chinese restaurant, what do you now, how many envelopes do you now say you gave to, to Mr Au?---Three envelopes are, are definite.

And you say, do you, that each of those envelopes contained \$1,000?---Yes.

And did you tell Mr Au who they were for?---Yeah, like I said in my statement because I know someone had done something for me, someone hasn't done, yeah, anything for me but when I attend, I mean, the, the meeting I, I saw, I mean, Mark Brisby and Glenn Francis and so how much I need to pay and how to pay I, I was not sure because actually I wanted them to tell me the proper procedure so that I can form, follow the proper procedure to go about this thing.

30

Well, you had three envelopes you say of \$1,000 each?---Yeah, because the three person who saw me and they all working overtime.

Well, you weren't leaving it up to Mr Au were you to work out who got paid and how much?---Because I was thinking there are, I mean the people present were helping me so that's why I have to, I mean put it that way but as to, I mean, how should I, I mean, pay, pay the money I, I don't, I don't know, I'm not sure.

40

Well, did you tell Mr Au who to pay and how much to pay?---Yeah, yeah, generally, yes.

Well what do you mean generally? Did you or didn't you?---That's what I felt at the time but afterwards as to which one who did what and which one

who did I mean other, I am not sure. And he also did not communicate to me about how to, yeah, go about this.

I'm asking you when you produced these envelopes you say at a restaurant did you say to Mr Au these are for certain people and this is how much I want you to pay each of them?---I did mention I mean to who I should pay, but I didn't specify a hundred per cent that is the way to pay, that he should I mean pay it this way. Yeah, this is myself initial arrangement.

10 Well when you gave evidence in private session before the Commission you were asked this, "Did you say which persons the money was for? You answered yes"?---Yeah, I mean this is what was in mind at the time when I organised that. As to how he organise that is up to him afterwards.

You know what the word say means don't you? You know what the word say means, did you say which persons the money was for?---Can you just sort of - - -

20 Well you said to the Commission in private session that you said which persons the money was for?---What I said in the statement at the time this is my suggestion, as to how it was organised later on I'm not sure.

I suggest to you that you told the Commission in private session that the money was for Mark, Mark, Glenn Francis, well it says Mark, Glenn Francis and him and you said that each of them was to be paid \$1,000?--- Yeah, because I mean at the time when I made the statement I was presented with this email, with email and I was asked whether I mean this is the situation and I, I said, and I told them the facts.

30 Well is the fact that you gave, that you gave Mr Au three envelopes with \$1,000 each?---Yes, but I didn't put on the names. Because I did not know I mean how, in what way I should pay and is up to him to decide. But I, I did I mean talk to Jack according to what is I mean, written in the email.

Now you say that this money was because people had done things outside office hours?---Yeah, because at that - my intention at that time was I would be, I mean, given other information to do it in the proper legal procedure because I understand the normal timeframe is six weeks. I must say at that time I did not employ the service of an architect.

40 Well, in terms of proper legal procedure you know that it is not proper legal procedure to make payments to people for doing their duty?---Like I said, I mean, I did not pay them for them to do something for me, I, I paid them after they've done something for me. I do it hoping that in future they will give me the proper, let me know proper procedure how to do these things.

Well, what have Mr Francis or Mr Brisby done for you?---I mean, at the beginning, I mean, because they give me advice to, that I have to have an

additional toilet and as to, I mean, the three of them, which person did what sort of work I'm not sure. Later on I leave it to my accountant to sort this out for me. Yeah, my architect to, to sort out for me, yeah.

10 So you say you paid them a thousand, you paid them \$1,000 each for that?
---Yeah. Because, like I said, I paid them because they have done something for me and I also hope that in future I will do things according to normal procedure, not I mean quicker but like what other people normally do so that I won't, I mean, need to have the hassle to pull down a toilet and, and do it again.

Wasn't this the fact: that you thought on 3 March that Mr Au was holding up the, was holding up the application and you made a serious and you knew false allegation?---I, I, I didn't know what you mean by 3 March thing but from my impression I receive - but I, I notice a form holding back my application, my file.

20 Well you later wrote to Mr Brisby didn't you, emailed him and said that you're sorry you caused him a lot of trouble?---To whom, trouble to whom?

To Mr Brisby?---Because I thought email was already trouble.

Do you say there was somebody else who was present at this lunch?---Yes, but they knew nothing about this.

Well how was that that they didn't know anything about it?---Because time when this person went to the toilet I pass over the envelopes.

30 So if he goes to the toilet he's likely to be back fairly quickly?---But I don't know how long, I mean, yeah.

So was there any conversation about these envelopes?---No.

40 No, just handed them over and Mr Au just takes them does he?---I say I mean very quickly I mean they done, they done something for me and Mark \$1,000 and Glenn \$1,000. Yeah, but because I was not sure whether they done something for me or they haven't done anything for me, I just, I said, yeah, I said this, I don't know whether you have done something for me or whether you haven't done anything for me and this is envelopes is for you people and up to you to decide.

And all of this while this other person is just in the toilet?---I mean, yeah, after he went to the toilet. But when I complete the conversation he hasn't been back yet.

Mr Au never asked for any money did he?---Should be no.

So you just paid him even though he'd never asked for money you say?

---Because I, I felt, I was feeling that if I did not pay he will continue to hold on my file.

So you paid him because he was holding on to your file?---Yeah, because, no because he had done something and I didn't pay and he will have more reason to, yeah.

Did you contact him after the payment of the money?---I can't remember.

10 Well, you told, you told the private hearing that you did contact him, it's at page 24, you said, "Yes. I say, 'How come it is so long and still not approved?'"?---Yeah, I can't remember but I knew because he rang me that he said well, he would be in a difficult, he would be in a hard time.

You withdrew the money from a bank, did you?---The money that I earned.

Yeah, but did you, did you go to a bank to withdraw money?---Yeah, I usually do, yeah.

20 Well, no, this money that you say you paid to Mr Au on that day, did you withdraw it from a bank?---Yes.

And have you checked banking records to see if you did withdraw money around the time of Chinese New Year, around this amount of money, either \$3,000 or \$4,500?---Yeah. Well, normally, I, I did not go to withdraw for one, for one purpose, I, I went to withdraw for, well, the different things I need to withdraw.

30 The, the email that you sent to Mr Brisby on 3 March, who wrote that?
---Yeah, can I have that email in front of me?

Yes, it's at page 77, do you have the book there?

ASSISTANT COMMISSIONER: Page 77 of Exhibit 1. Yes, I wrote this but I being sort of (not transcribable) by my daughter like this word, I asked my daughter to, to write this down. I mean, my daughter, I mean, correct my spellings.

40 MR YOUNG: But, but you wrote it yourself did you?---Yes.

Well, why did you, why did you say in your statement, "I did not write this email as I can't read English"?---Because I mean I, because I had to go through a lot of trouble to write an email - - -

ASSISTANT COMMISSIONER: I'm sorry, what are you putting to her because it seems to me in her statement she does say that she had her daughter type this email?

MR YOUNG: She said, "I did not write this email as I can't read English."

ASSISTANT COMMISSIONER: Where, where are you referring to?

MR YOUNG: Paragraph 21. "But I had my daughter type it for me."

THE WITNESS: Yeah, I got - - -

10 MR YOUNG: And then at paragraph 23 she says I'm not, she wasn't even able to read the document.

ASSISTANT COMMISSIONER: She said she recognised it as an email she sent.

MR YOUNG: Yeah.

20 THE WITNESS: Yeah. Actually I mean I, I sort of wrote this email by consulting people, say if there is some words I do not know how to express and I would ring some people to tell me the words and I sort of put all this, I mean, words together into this email.

Well who are the people you consulted about writing this email?---Yeah, sometimes when I, when I have a conversation with a friend or other people like customers, anyone, I would sort of consult them. Sometimes one letter took me, I mean will me, I mean several days to write it down, yeah.

30 Now at all times Mr Au made it clear that he had nothing to do with the approval or otherwise of your application didn't he?---Yeah, I can't remember. I don't know what you are talking about.

Well Mr Au always told you that the decision about whether your application was approved or not was in the area of Mr Francis?---But he could get me to the council to see them.

You had used Mr Au previously for building work?---Not building.

40 Well he advised you in relation to an asbestos issue didn't he at a place at Lidcombe?---Just to see whether that property is liveable with asbestos and not that I want to build something.

And at that time you didn't know that he was a councillor?---I knew that he was a councillor (not transcribable) introduction but when he showed up, not before I mean, I contact him. Because my friend introducing to me telling me he knew about I mean, the thing and also he mention about this. Yeah, somebody there told me, the one who try to sort out this appointment for you is a councillor. But at that time I was not dealing with council so I, yeah, but then when I need to I do this thing. I yeah, come to, is dawn on me that I, yeah, need, yeah.

You used Mr Au to advise you about building aspects of these premises didn't you?---You can say that it's related, I mean like on one side is I mean, construction process the other is the legal process.

Well he advised you on about the sushi bar didn't he?---I can't remember what sort of advice he gave me, but it seems when the file was held back I left the matter to my architect.

- 10 Well I suggest to you that in the period between August 2009 and January 2010 he advised you about the sushi bar, renovations, toilet, noise issue?
---Yes, I mean at the beginning, yes.

And he also advised you about pests, building materials?---Not yet at the time because I was not really into - - -

Well you agree that he gave you advice about pests don't you?---Yeah, he give me advice but I cannot remember what sort of advice.

- 20 And you paid him an amount of 2,000 or \$2,500 in 2009 didn't you?---I can't remember because I specified I mean that \$1,500 is for him to, to do the council thing.

Well I suggest that you made a payment in 2009 for work which you understood was clearly for building work and advice that he was giving you?---I mean, can you tell me exact amount, 2000, 2,500?

2,000 or \$2,500 in 2009?---Relating to what this sum of money?

- 30 To the building work and advice that he was giving you?---Can you tell me exactly the amount is it 2,000 or 2,500 because I'm not or 1,500?

Well I'm suggesting to you it's either 2,000 or 2,500 in 2009?---I don't have I mean the impression of this figure.

And I suggest to you that there was a further payment of \$2,000 very early in 2010, as in January 2010?---I mean this payment was around time of the 1,500.

- 40 And I suggest that that was paid around the area of the Auburn Police Station/Auburn Council?---No.

Mr Au came to the Harrow Road premises on a number of occasions in 2009?---No, not many times.

Well it was certainly a number of occasions wasn't it?---I can only remember once or twice.

Well I suggest to you that it was over ten times?---I haven't seen him there ten times.

And you were regularly, you were regularly on the phone to him as well weren't you?---Yeah, at first. But after the holding, holding back of the file then I didn't contact him.

And I suggest that you made something like 37 calls to his mobile between 15 September and 5 February - 5 September, '09 to 5 February, 2010, 37?

10

THE INTERPRETER: Sorry, can you repeat, I mean the date.

MR YOUNG: Yeah. I suggest that you made 37 calls to Mr Au's, Mr Au's mobile between 15 September, 2009 and 5 February, 2010?---I, I'm not sure how many times. We have contact but as to whether he rang me or I rang him I'm not sure. So how many, what's the duration of this period?

September to February?---Do you think this is many times, I mean, yeah, in one year, I can't remember, yeah.

20

Well, it was for the purpose, it was for the purpose of you obtaining building advice?---Yeah, because since I felt that he held back my file I, as I said I left the matter to my architect and I left it to my architect to contact him and sometimes I let my architect use my mobile because I don't want him to incur a lot of calls because he charge me very little money.

So, so you architect and Mr Au were to your knowledge discussing building matters?---I'm not, I'm not, not sure because I, I left it to my architect to sort this, sort this thing out, I mean I just, I mean at, when my architect told me to put in paperwork and, and that sort of thing.

30

Yes, I have no further questions, Commissioner.

ASSISTANT COMMISSIONER: Thank you, Mr Young. Mr Houghton, did you have any questions?

MR HOUGHTON: Commissioner, just perhaps one just by way of clarification. I assume that the transcript from the private sessions will be in Exhibit 4?

40

ASSISTANT COMMISSIONER: It hasn't been tendered - well, I didn't understand the tender to include the transcript.

MR LYNCH: It has been as I understand it. Right. No, only the transcript's been tendered of the private hearing.

ASSISTANT COMMISSIONER: Only the statement's been tendered?

MR LYNCH: Yeah. No, only the transcript of Ms Liang's private hearing's been tendered as I understand it.

ASSISTANT COMMISSIONER: No, her statement's been marked Exhibit 2 and Exhibit 3. Exhibit 4 is the folder, the transcript has not been tendered or marked to my knowledge.

MR LYNCH: Well, it should be - it appears at pages 18 to 43 and - - -

10 ASSISTANT COMMISSIONER: So it's been tendered as part of the folder?

MR LYNCH: It was intended to - yes.

ASSISTANT COMMISSIONER: Yes. Yes, well, it is tendered as part of the folder which is Exhibit 4.

MR HOUGHTON: Thank you. On that basis I have no questions.

20 ASSISTANT COMMISSIONER: Mr McIlwaine, do you wish to - - -

MR McILWAINE: Just two questions.

ASSISTANT COMMISSIONER: Yes.

MR McILWAINE: Ms Liang, you were just asked by Mr Au's counsel - in fact it was put to you that you received, you paid money to Mr Au in 2009, do you remember being asked that?---(NO AUDIBLE REPLY)

30 And then it was suggested to you that you paid a further amount of \$2,000 in early 2010 and you say that didn't happen. You say there was no payment of \$2,000 - - -

MR YOUNG: Well, I object, it's a leading question.

ASSISTANT COMMISSIONER: Well, we do allow leading.

THE WITNESS: It's between 1,500 and \$2,000, it's not, it's a matter of two times.

40

MR McILWAINE: Perhaps I'll ask a different way, Commissioner. Your evidence is that you made payments to Mr Au by way of envelopes around the time of the Chinese New Year?---I just, I mean, I just said it in my email I, I paid it like in a total amount, the \$1,500 for the construction, yeah, the fees. It's, it's not - at one time I mean during the Chinese New Year, before that I already pay. As I said, I mean, during the Chinese New Year I have already paid. I'm not (not transcribable) that I paid during the Chinese New Year.

Ms Liang, you have a folder in front of you. Does the witness have Exhibit 4, if not if she could be provided with it? Now, could you turn to page 216. Do you see that document? It's a document that has the numbers 216 in the right-hand corner. Now have you seen that document before?---I haven't seen this document.

10 Thank you. Now if you turn now to page 78 of that same document. And you'll see that's, if you look at next to the words sent at the top – about the fifth line from the top of the page, do you see it has the date 3 March, 2010? Do you see that?---Yes.

Turn to the next page, page 79 and you go to the second last paragraph of the body of that letter, of that email the words, starting with the words, the Construction Certificate was lodged on 23 December, 2009. Mr Interpreter, could you interpret that paragraph to Ms Liang.

THE INTERPRETER: Okay.

20 MR McILWAINE: Does that paragraph indicate to you that as at 3 March, 2010 there was fees outstanding to Auburn Council being an inspection fee and a long service levy?---That means, I mean this document indicate that I haven't paid the fee yet.

Thank you. And if you turn back now to page 16, perhaps go back one further page, page 15. Is that in front of you a statement, a copy of a statement you made on 27 September? Is that correct?---Yeah, I can't remember the date, yeah, but is, because I sign on it.

30 I'm just asking you to agree that you have in front a document which bears the date 27 September, it has your name on, Shu Liang on the third line? ---Yes.

Can you turn to the next page and look at paragraph 6, the last sentence and during that sentence you refer to a fourth envelope containing monies for a council inspection fee?---Yes.

Is that correct?---Yes.

40 Nothing further, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Yes, if there's nothing further I will excuse this witness. This may be a suitable time to take the morning break Mr Lynch.

MR LYNCH: If that's a convenient time.

ASSISTANT COMMISSIONER: yes.

THE WITNESS EXCUSED

[11:46am]

ASSISTANT COMMISSIONER: Yes, Mr Lam. Yes, could you come forward please.

MR LYNCH: Mr Lam I think would benefit from the assistance of a Mandarin interpreter is also present in court as I understand.

10 MR McILWAINE: I can indicate Commissioner, I don't require further evidence to be interpreted in my time, we'll rely on the transcript for this (not transcribable)

ASSISTANT COMMISSIONER: Yes. All right. So Mr Interpreter, Mr Lam, you come forward. Now Lam, you speak Mandarin? And you're able to interpret Marndarin?

THE INTERPRETER: Yes.

20 ASSISTANT COMMISSIONER: I'll just have to re-swear you because the former oath related to Cantonese.

THE INTERPRETER: Okay.

ASSISTANT COMMISSIONER: Could you just state your name again, please.

THE INTERPRETER: Pak Wing Lee.

30 <PAK WING LEE, sworn

[11:48am]

ASSISTANT COMMISSIONER: Thank you. Please be seated. Mr Lam, you've been called here to give evidence and you are required to answer all of the questions you are asked. You may seek a declaration under our Act, the effect of which is that nothing you say here can be used against you in future proceedings. Do you wish to seek such a declaration? As you are not legally represented I would advise you that it is in your interest to seek a declaration in this nature.

40

MR LAM: Yes.

ASSISTANT COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by the witness during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness 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 THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY THE WITNESS DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

ASSISTANT COMMISSIONER: Mr Lam, you're required to take an oath or make an affirmation to tell the truth.

20 MR LAM: Oath.

ASSISTANT COMMISSIONER: Yes. Could the witness be sworn, please.

ASSISTANT COMMISSIONER: Yes, Mr Lynch.

MR LYNCH: Thank you, Commissioner.

Is your full name Xiang Lin Lam and are you also known as Benny Lam?
---*Yeah.*

10

Mr Lam, you live at Belgium Street, Riverwood?---*Yeah.*

And what's your occupation?---Gyprock.

You're, you're a builder using gyprock, is that right?---Yes.

Thank you. Did you - I wonder if the witness could be shown Exhibit 4,
pages 186. Could you look at page 186, Mr Lam, please. Can you just go
over that statement, in, in particular paragraph 12.

20

THE INTERPRETER: Is it page 108?

MR LYNCH: Page - - -

ASSISTANT COMMISSIONER: 1-8.

MR LYNCH: 186.

30

THE INTERPRETER: Oh, 186, sorry. 186. Is that a four-page statement
made by you after the statement had been read to you by a Mandarin
interpreter on 25 August, 2011?---Yes.

And did you understand the contents of the statement before you signed it?
---Yes.

And are the contents of the statement true and correct?---Yes.

40

Thank you. In paragraph 3 of the statement you describe knowing Sue
Liang through a person called Jack, you say it's not Jack Au but it's another
person named Jack?---Yes.

Do you know the other person's name, the surname of the other person Jack
who introduced you to Ms Liang?---I don't know.

Paragraph 4 you say that you charged Ms Liang \$20,000 to do the shop and
fireproofing?---Roughly, roughly, I can't remember exactly.

Right. Okay. Was that work, you say you started the work in 2009. Do you remember when in 2009 you started the work?---Probably after Christmas. Before or after, I'm not sure.

Before or after Christmas 2009?---Yeah, yeah, I can't remember exactly.

I see. You say in paragraph 5 that just prior to Chinese New Year in 2010 Sue called you and asked you to come to dinner with her and you attended a dinner at Sunny's Seafood Chinese Restaurant in Auburn when you met Mr
10 Jack Au. Had you met Mr Au before that?---Isn't that, isn't that, yeah, on one occasion.

Right. When was that?---Yes, somewhere around Flemington, Lidcombe.

Right. When, when was it?---It's around Christmas when Sue had a party.

Is this prior to meeting him at the restaurant before Chinese New Year?
---It's before the New Year, Chinese New Year.

20 Thank you. And did you know what Mr Au's occupation was?---No.

All right. And when you say in paragraph 5 that the dinner at the restaurant with Ms Liang and Mr Au occurred just prior to Chinese New Year, are you able to specify how long before Chinese New Year it was?---I can't, I can't specify. *Sorry.*

All right. Do you know whether it was days before or weeks before or you can't remember?---I can't remember. *Sorry.*

30 Was the, was the dinner in the daytime or in the evening?---In the evening.

Okay. Do you speak Cantonese at all?---No.

Only speak Mandarin and some English?---Yes, some English, yes.

Were Ms Liang and Mr Au speaking in Cantonese or in English or in Mandarin?---Yeah, Cantonese and some Mandarin.

I see. Did you understand what they were saying when they spoke in
40 Cantonese?---No, I cannot understand them.

All right. You say at paragraph 10 - I'm sorry, at paragraph 9 you say you went to the toilet - - -?---Yes.

- - - and you did not see Sue hand anything to Jack. Was there any discussion about money that you overheard between Ms Liang and Mr, Mr Au?---No.

Right, in paragraph 10 you say whilst you worked at the Harrow Road shop you were never approached by Jack or given advice either in building issues or pest control by him. Over what period did you work at the shop?---At the time when I was at the restaurant I heard that, I mean, they were talking about when the, the restaurant will operate.

Right. But where you say, whilst I worked at the Harrow Road shop I was never approached by Jack or given advice either in building issues or pest control, what period, when did you start and when did you finish doing the work at the shop that you did for Ms Liang?
10 ---Finish after Christmas, can't remember, yeah, exactly. Oh, after the New Year.

That's when you started or when you finished?---Finish after the Chinese New Year.

Right. When did it start?---After Christmas.

Approximately how many days did you work there?---Yeah, because I mean I can't specify because after we set the framework, did the air-conditioning and other things and we had to wait outside.
20

What do you mean you had to wait outside?---After, after we have the, the metal framework, they have to do the air-conditioning, the electricity thing and the plumbing thing and when they complete this they rang us and we return to the work.

Oh, I see. So you did some preliminary work to build some structures for the gyprock walls did you initially?---Yes.
30

And you came back at a later stage to install the gyprock after other work had been done?---Yes.

So when did you finish the work that you were required to do at the shop? Which month?---Definitely after February.

Right. How long after February?---March or to April.

Right. But you were working there from some time shortly after Christmas 2009. Is that right? Or when?---Yes.
40

Excuse me a moment. Are you able to identify how many days all together you worked on the site?---I can't, I can't specify.

Do you charge for your services back then at a daily rate?---No, lump sum.

You just charged for the job. All right. Thank you. I have nothing further.

ASSISTANT COMMISSIONER: Yes, thank you. Does anyone seek to cross-examine Mr Lam?

MR McILWAINE: Perhaps I can try and clarify some matters, Commissioner.

ASSISTANT COMMISSIONER: Yes.

10 MR McILWAINE: Mr Lam, do you have a folder of documents in front of you? Yes?---*Yes, yes.*

If you could turn to the last page of that folder to page 446?---*446, yes.*

THE INTERPRETER: Is it 446?

MR McILWAINE: Yes. It's a copy of the cheque and it's drawn in favour of Lam (not transcribable) Pty Limited. Do you have that document in front of you? Is that your company?---Yeah.

20 I think you said the cost of the works was approximately somewhere in the vicinity of \$20,000 from your recollection? Perhaps, I'll just ask this question. Mr Lam, looking at that cheque does that assist you as to, assuming you received it at or about 5 February, does that assist you as to what stage the works were at by that date?---I can't remember.

Is it your usual business practice to – when dealing with customers to take a deposit before you commence work?---Yes.

30 And then do you seek payments as you progress in the work?---Yes.

And then when all the work is completed you receive a final payment. Is that correct?---Yeah, the balance, yeah.

Are you able to say whether you believe that payment was a deposit, a progress payment or a final payment?---Maybe in the middle of it.

40 All right. If you can just turn now to page, first to page 186, that's a copy of your statement. I think you've been asked about that already today. If you now turn to page 188, paragraph 7. You see there you give some – you make – you refer to a conversation you had with Jack, and that's Jack Au. Correct?---*Mmm*.

And you've recorded there saying he asked you how long would it take to open the shop, you reply, I don't know how long. And he replies, it would be better to open for Chinese New Year. Do you say that that was a reference to Chinese New Year 2010?---Yes.

Do I take it from that that this restaurant meal must have taken place some reasonable time prior to Chinese New Year?---Sorry, can you repeat that question?

All right. You recall a conversation where Mr Au asked you would it be possible to open before New Year, correct?---Would it be possible to open, yeah.

10 And from your evidence by the time the meeting in the restaurant work hadn't finished, is that your recollection?---Yes, yes.

So there was still - firstly, do you have a recollection of how much more work was required to open?---A lot. Air conditioning and the electricity yeah, hasn't been installed yet.

So do I take it from that that this meeting at the restaurant you've given evidence about was a substantial time prior to Chinese New Year?---Not, not, not a long time, probably one, one month, about, yeah.

20 Nothing further.

ASSISTANT COMMISSIONER: Thank you. Yes, well, if nobody else wishes to question this witness, Mr Lam, you are now excused from further attendance.

THE WITNESS EXCUSED

[12.11pm]

30 MR LYNCH: Commissioner, the next witness is Ms May Shum.

ASSISTANT COMMISSIONER: Yes. Ms Shum, could you please come up.

MR LYNCH: She requires a Cantonese interpreter I understand.

ASSISTANT COMMISSIONER: Yes. Is there an interpreter present for Ms Shum. Could you come forward please firstly. Yes, Madam Interpreter, could you state your name for the record please.

40

MS MAK: My full name is Yim Fong Mak, spelt Y-I-M- F-O-N-G M-A-K, a Cantonese interpreter from the Community Relations Commission.

ASSISTANT COMMISSIONER: All right. And you're required to take an oath or affirmation for interpreters. Do you have a preference?

MS MAK: An oath, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Please be seated. Ms Shum, you are not legally represented?

MS SHUM: No.

10 ASSISTANT COMMISSIONER: You've been called to give evidence and you are required to answer all of the questions asked of you. You may seek a declaration under our Act, the effect of which is that nothing you say can be used against you in future proceedings. Do you wish to seek such a declaration?

MS SHUM: Actually I'm not quite, I don't quite understand about this.

20 ASSISTANT COMMISSIONER: Under our Act a witness may seek a declaration and if that declaration is made no evidence that the evidence has given here can be used against them in any civil, criminal or disciplinary proceedings so it protects the witness from the evidence here being used in other proceedings. Do you wish to seek an order in those terms? The only exception to the protection given is if it is found that you have breached the Act by providing false or misleading evidence. Do you understand that?

MS SHUM: (NO AUDIBLE REPLY)

ASSISTANT COMMISSIONER: Could she say yes for the record, please?

30 MS SHUM: *Yes, yes.*

ASSISTANT COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by her during the course of her evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

40 **PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HER DURING THE COURSE OF HER EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

ASSISTANT COMMISSIONER: Ms Shum, you're required to take an oath or make an affirmation to tell the truth.

MS SHUM: An oath, please.

ASSISTANT COMMISSIONER: Thank you.

ASSISTANT COMMISSIONER: Thank you. Yes, Mr Lynch.

MR LYNCH: Thank you, Commissioner.

Is your full name May Shum?---(NO AUDIBLE REPLY)

10 Are you also known as Sue Au?---(NO AUDIBLE REPLY)

Could the witness be shown Exhibit 4 please at pages, firstly at 259.

ASSISTANT COMMISSIONER: Madam Interpreter, could you ask the witness when she's assenting not to nod but to say yes or no?
---Okay.

THE INTERPRETER: 269?

20 MR LYNCH: Yes, 259 I'm sorry.

THE INTERPRETER: 59, sorry. Is that, is that a five-page statement which is signed by you, Ms Shum?---Yes.

And before you signed it did you have the benefit of a Cantonese interpreter explaining the contents of that statement to you?---Yes.

Do you speak some English?---*Not, not really.*

30 Thank you. The statement was prepared and signed by you - I'm sorry. The statement was signed by you following inquiries made by officers of the Independent Commission Against Corruption, is that right?---Yes.

And you signed the statement on 15 August, 2011, is that correct?---I can't remember.

MR LYNCH: All right. If you look at page 263, there's a note from the interpreter who was provided on 15 August, 2011 at 10.50am in the morning. Do you think that's the time when you had the statement
40 translated to you before you signed it?---Yes, I agree.

Thank you. And could I ask you to read paragraph 15 of the statement in particular, please. Do you understand what's written in paragraph 15?---Is better if you can explain it to me.

I wonder if you could translate it Madam Interpreter.

THE INTERPRETER: Yes. Yes.

MR LYNCH: At the time you signed the statement is what you've said in paragraph 15 true?---Yes.

Now about a month later the investigator from the ICAC visited you once again. Is that so?---Yes.

Mr Berry, Mr Simon Berry from the ICAC came to see you at Ashfield on 7 September, 2011. Is that right?---I can't remember the date.

10

All right. Was there an interpreter available – do you remember him coming to visit you a second time in early September?---Actually he came to see me on one occasion, but I can't remember the date.

All right. But he came to see you on two occasions altogether did he not? ---On one occasion he came, he came to, to get something from me. And on the next occasion he gave me back something.

All right. On the first occasion with the benefit of the interpreter you signed a statement dated 15 August, 2011. That's at page 259. Is that true?---Yes.

20

And on the second occasion which I suggest was on 7 September, 2011 he spoke to you again and you gave him some documents?---Yes.

Can you look at the documents from page 217 to page 223, they were amongst the documents that you gave Mr Berry on the second occasion were they not?---Yes.

And Mr Berry from the ICAC gave you a notice saying that he was authorised to take your computer away with him. Is that right?---Yes.

30

And before he left you gave him those documents you've just looked at. Is that correct?---Yes.

And you had a discussion with him about invoices. Is that so?---Yes.

You also gave him a document which appears at page 216. Could you look at that, please?---Yes.

And where did you obtain the document that's at page 216 from?---I can't remember this document.

40

You can't remember it?---No.

Is it not one of the documents that you gave to Mr Berry on 7 September? ---Yes.

And in your discussions with Mr Berry you said that you typed that invoice at some stage, did you not?---Yes.

And you also said that the information contained in that invoice or document was obtained by your brother Jack telling you it. Is that right?
---Yes.

10 You are the sole director and secretary of AA1 Building and Pest Solutions Pty Limited in early 2010 were you not?---Yes.

And your brother Jack Au was an employee of that company at the time was he not?---Yes.

He was the only employee of that company at that time was he not?---Yes.

Have you ever had any contact with Sue Liang prior to or at any time prior to March 2010?---I can't remember.

20 Have you ever met Sue Liang?---No.

You saw Ms Liang give evidence in court today?---I - no, I didn't. I don't know who she is.

She was the woman who was giving evidence before Mr Lam earlier this morning and yesterday afternoon?---No, I didn't see her.

Have you ever met Ms Liang, do you know?---No.

30 Were you ever involved in providing any advice or assistance to her in relation to her property?---No.

Can you look at page 216 please. That document is a different type of invoice compared to the one at page 217 or is it the other invoices that you provided to Mr Berry is it not?---Because this, this relates to building advice that's why it is different.

Are all of your building invoices set out like the one at page 216 in 2010?
---No.

40 Why is this one different from the usual one?---Because now this - the one on the next page is a report and this one is about pest control and this one on 216 is building advice.

Right. Are all of your building advice records of payment as distinct from pest control invoices in the form at page 216 (not transcribable)?---Yes.

Did you type out this invoice?---Yes.

Is it an invoice or is it a receipt or what is it?---I can't remember.

You can't remember what is the character of the document?---This document is building advice.

There's no advice set out on it is there? There is no advice in relation to any building in the document is there?---Actually it is consultation fee.

10 All right. Why did you prepare this document?---Because we have already collected the, the money so we have to, to prepare this document.

For what purpose?---For collecting the money.

Is it a document that you give to someone?--- Yes.

To whom?---To this Ms (not transcribable)

20 And who is Ms (not transcribable)?---I wrote down this and (not transcribable) give it to her.

So was this a document that so far as you understood was to be provided to Ms (not transcribable)?---Yes.

And did you give a copy of this document to your brother in the expectation that he would provide a copy to Ms (not transcribable)?---Yes.

Did you prepare the document because your brother asked you to?---No.

30 Why did you prepare it?---Because I have to collect the money, that's why I have to prepare the document.

How did you know that money had been paid?---Sometimes Jack would give me about \$2,000 or \$2,000 odd money to me.

How did you get the information that's set out in this document?---Jack told me.

40 All right. Did he tell you about all of the information in the document?
---Yes.

And did you type it on 2 February, 2010 or at some later stage?---I typed it on that day.

Are you certain about that?---Because the date was written there.

All right. And if you look at the bottom of the document that same date it says the client paid \$2,000. Is that something that your brother told you on 2 February?---I can't remember.

Well how would you know if money had been received unless your brother told you?---I would write it down in my diary.

All right. Well this is the same date that you say you typed the document that records receipt of \$2,000, that is on 2 February. Did your brother give you \$2,000 on 2 February, 2010 and tell you that it was from Ms Sue?---I can't remember, that's a long time ago.

10 All right. Did your brother tell you that Ms Sue had paid \$2,500 on 15 January, 2010?---Yes.

Did your brother tell you that he'd visited the site 15 times?---Yes.

Did he tell you that he was charging \$400 per site visit?---Yes.

And do you see there's a discount of fifteen hundred dollars?---Yes.

20 Why the discount?---Because they have lot of work done so that's why we give them discount.

Did your brother tell you that?---Yes.

And what provision is made for goods and services tax, GST in this document?---I gave all my accounts to my accountant, I can't remember.

30 So the person, the client who receives this document would not know whether GST is included in the figure or not would they?---In fact the fees should include GST.

The document doesn't say that does it?---No, it doesn't say.

All right. Do you save documents like this and the other ones to your computer?---Well the computer is gone.

All right. But before it went did you save this document on the computers save data?---Yes, I did.

40 Are you sure about that?---Yes.

You always save these documents do you if you type them?---Yes.

So that you have a soft copy of the documents to enable you to print it out if the hard copy gets lost for example?---Yes, if the computer is not out of order or if the document has not been deleted from the computer, yes.

All right. Well did you delete this document from the computer?---Well the computer has broken down so I can't remember.

Well you printed out this document on 7 September, 2011 when Mr Berry told you he was authorised to take possession of the computer. Is that not true?---I don't understand what you say.

All right. This document at page 216 was provided to you, sorry, was provided by you to Mr Berry on 7 September, 2011 was it not, in hard copy?---Yes.

- 10 You obtained it from somewhere enabling you to provide Mr Berry with a hard copy of it. Is that right?---I can't remember.

From where did you obtain this and the other documents that you said earlier were provided in hard copy I think to Mr Berry on 7 September?---I can't remember.

Is it possible that your brother gave you this document at page 216 before you gave it to Mr Berry?---No, not possible.

- 20 Why not? You can't remember how you got it?---The documents were prepared by me.

You remember preparing it when you were spoken to by Mr Berry in September 2011, you remember preparing it a year and a half earlier, do you?---I can't remember.

Okay.

- 30 ASSISTANT COMMISSIONER: Ms Shum, the documents you gave to Mr Berry, did you print them out from the computer?---Yes.

Did you do that on the same day he came to see you or earlier?---I can't remember.

You must have some idea when you printed these documents out?---Well, this happened such a long time ago how can I remember?

But did you print them out for the purpose of giving them to Mr Berry?
---No.

- 40 When - well, what, for what purpose did you print them out?---To give it to Sue to collect the money.

To collect the money? The money had already been paid hadn't it?---Well, because after they paid the money they, they requested for the receipt, that's why I have to prepare the document.

So it wasn't to collect the money, it was to be a receipt?---I can't understand.

Mr Lynch, I'll let you take that one.

MR LYNCH: You said they requested a receipt in your answer to the Commissioner a moment ago I think. Who requested?---The clients.

10 How did you know the clients requested a record of the payments?---Well, clients very often will require the receipt.

Well, how do you know this client required a receipt?---Actually with many receipts I prepare them in advance and for the clients when the clients requested it.

I wonder if you could answer my question please. How do you know this client requested a receipt?---In fact a lot of clients will request for receipts.

20 That may be so but that doesn't answer my question, Ms Shum, which is how did you know that this client, Ms Sue, requested a receipt?---In fact usually the clients will request receipts.

I'll ask you again how did you know this client requested a receipt?---(NO AUDIBLE REPLY)

Can you answer my question Ms Shum?---In fact I think the client will request receipts.

30 Are you giving honest answers to my questions?---Yes.

You understand the importance of being truthful in your evidence to the Commission?---Yes.

You understand that there's a possibility you could be prosecuted if you give false evidence knowingly to the Commission?---Yes, I know.

When did you type this document?---I can't remember.

40 It wasn't on 2 February, 2010 was it?---I can't remember when I typed it.

Is your brother your older brother?---Elder brother.

Is he your only brother?---What do you mean?

Is he your only brother? Do you have other brothers?---Yes.

Is he -- does he have the day to day management of the business when it was known as AA1 Building Pest Solutions Pty Limited?---He is my employee.

Right. But he's the manager of the business is he not?---He is the manager and I'm the boss.

Does he control the business?---I control the company.

You are the director and secretary of the company, but your role from a - on a day to day basis is carrying out clerical administrative tasks is it not?---I manage all the money affairs.

10

Right. Who decided the discount should be paid in this case to Ms Sue?---I decided.

You decided?---In fact she is a client on so many occasions so I give her the discount.

What other occasions was she a client?---In fact she seems to have done a report, I can't remember exactly in detail.

20

Do you give all your clients 25 per cent discount?---Sometimes if the fee is \$400 we just give the discount and we just charge \$300 and you work out how much discount it is.

See wasn't in this case the true position that Ms Sue had paid your brother \$4,500 without receiving any invoice from your company?---This is the invoice.

30

The money was paid before the invoice was created was it not?---In fact we always do this with the reports. We just collect the money first before we gave the client the report and the invoice.

In this case the client had paid all of the money before receiving any invoice. Is that true?---Yes.

The invoice was fabricated to suggest that the amount truly owing was \$6,000 and you pretended to apply a discount of 25 per cent in circumstances where the money had already been paid in full without an invoice?---I can't understand.

40

The document was created in a dishonest attempt to suggest that the money owing by Ms Sue was \$6,000. What do you say to that?---No.

After you typed this document you printed it out and gave it your brother I think you said earlier?---Well, actually, I just leave the document there.

I thought you said you created it so that your brother could give it to the client earlier?---Well, usually after I created it I would leave the document

there and sometimes he would come to collect it, sometimes if he's too busy he will forget to come to collect it.

It remained there to provide to the client if the normal procedure was followed, would it not?---Yes.

There's nothing to stop your brother from providing it if your story is true to the client when he next came to the office to collect the document?---If he can remember.

10

There's nothing to stop you from mailing out the document to the client whose address you had?---Well, usually if the client requested it then we will mail it out.

Well, usually a client requires a receipt for the moneys that they pay, particularly if they pay in cash, don't they?---Yes.

Was this document at page 216 created by you or somebody else after you became aware that the ICAC was investigating your brother?---No.

20

You're quite sure about that?---Yes.

And you're quite sure that your brother told you that the amounts paid by the client were \$2,500 on 15 January and \$2,000 on 2 February, 2010?
---Yes.

Because you recorded the receipt of those amounts in your diary, is that right?---Yes.

30 Did you also inform your accountant of the receipt of those two amounts?
---Yes.

By what means? Did you send him a copy of the invoice?---No.

How did you inform your accountant of these receipts?---I wrote it out.

Wrote it out how?---I gave him the total amount.

40 The total amount of receipts for the quarter or the year. Is that what you mean?---For the whole year, the total amount.

You never gave him the individual receipts for particular work done by the company?---Correct.

And is it your understanding that you're obliged to retain the records identifying income receipts for a period after they've been received?---I gave all the information to my accountant and I don't know about other things.

You didn't give all the information to him, you didn't give him a copy of this invoice I think you indicated earlier?---But I would have written down all the money.

Where did you write that down?---I wrote down the information for him.

In a total figure rather than individual receipts. Is that what you mean?
---Total figure.

10

And did you bank the receipts of \$4,500 in your bank account?---I use the money for other things for the company.

So you did not bank the money into your bank account. Is that your evidence?---No.

So apart from this document there is presently no record available to you to identify if or when you received this amount of \$4,500. Is that right?---Well in the diary.

20

Where's the diary?---Well is such, is such a long time, I don't know where it is.

Well have you searched for it?---Yes. But I couldn't find it.

Where did you search for it?---In my office.

Have you found any other diaries for the company that you kept?---No.

30 You haven't got the diary for 2009?---No.

Or 2010?---No.

Or 2011?---No.

Or 2012?---This year, yes.

40 You dispose of the diaries at the end of each year do you?---I leave the diaries at home and my mother, you know, because my mother has some problems so I really don't know where the diaries are gone.

Well, why would you search your office for the diaries if you leave them at home?---Well, my office and my home are in the same place.

I see. Thank you. Can I ask you this: can you look at page - - -

ASSISTANT COMMISSIONER: Mr Lynch, I think this is an appropriate time to adjourn?

MR LYNCH: Yes, I'm sorry, I've got a few more things that I probably should explore.

ASSISTANT COMMISSIONER: Yes. I would like this witness to think over the lunch adjournment about the evidence she has given. It's a serious indictable offence to fabricate evidence or to give false evidence to the Commission. Do you understand that?---Yes.

10 Do you understand that?---Yes.

These offences are punishable by up to five years' imprisonment?---Yes.

And I would like you to think seriously about the evidence you have given here today over the luncheon adjournment. We will resume at 2.15.

LUNCHEON ADJOURNMENT

[1.16pm]