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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 1 OCTOBER, 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.

MR ROBERTSON: Chief Commissioner, I can confirm that, at least as it presently stands, the program for this week will remain as published. I do anticipate that tomorrow will be a relatively short day, but if there's any changes to any of that, I will identify that as quickly as I can.

THE COMMISSIONER: Very good.

MR ROBERTSON: That's the only housekeeping matter. I'm ready to continue with Mr Yee.

10

THE COMMISSIONER: Thank you. We'll have Mr Yee back, thank you. I'll readminister the oath. Just stand there, would you, and I'll have the oath readministered.

THE COMMISSIONER: Mr Robertson.

MR ROBERTSON: Mr Yee, yesterday you were given a direction to provide all documents or records relating to the account that you and I discussed yesterday. Do you recall that?---That's correct.

10 And in response to that, you've produced a blue expandable folder. Is that right?---That's correct.

Now can you just assist me in understanding how that folder works? There's a series of tabs that appear to have names associated with each of them. Is that right?---That's correct.

And behind each of those tabs, there's a series of documents that appear to be receipts from Emperor's Garden restaurant. Is that right?---That's correct.

20

And so do I take it that each of those documents are receipts that pertain to a particular meal or other service associated with Emperor's Garden restaurant?---That's correct.

Is there, though, a separate ledger that totals up the individual amounts for each of those receipts?---No, there isn't. There's only that ledger that you see. Most of the accounts that are put in there is, generally will be paid off quite soon, within a week or two, because those are our regular customers over the years. With Mr Ernest Wong's account, he was the one that had a credit in it and then it will slowly deduct the money out whenever he uses that particular money.

30

So are you saying that what you've produced is documents that pertain not just to Mr Wong but pertain to other people as well?---That's correct.

And when we have a series of tabs with names on it, those are tabs associated with particular people who have accounts. Is that right? ---Particular company or people.

40 Can I just approach, Chief Commissioner?

THE COMMISSIONER: Yes.

MR ROBERTSON: In fact I'll do it this way, I'll hand to the associate the folder. Can I just ask you to mark with a sticky note that I will give you now, the tab that pertains to Mr Wong.---Thank you.

And so you've marked a tab in relation to Mr Wong, and I take it that the receipts pertaining to him are in the front of where you've just put in the tab, is that right?---That's correct (not transcribable) within the ledger.

And within that section, there's a series of receipts from Emperor's Garden Restaurant, is that right?---That's correct.

10 And each of those receipts identify on one or more occasions the amount of money that has been spent by him or in connection with him in connection with things like meals and the like, is that right?---That's correct.

But is it right that those receipts only show the amount that was spent, as opposed to the amount that was paid by way of credit to that account?---I don't understand the question.

20 The receipts at least as I see them seem to be amounts for particular meals. What I'm just trying to understand is how does one keep the, keep track of the balance.---You can see there's two or three page on it that's there's a ledger, well, the front one is kind of like a ledger that, from the amount previously deducting the next meal, then then if there's another bill that comes in, then it will deduct that bill off.

I see, so the handwritten document that I'm now showing you that's marked Emperor's Garden Restaurant is in effect the ledger from time to time, is that right?---That's correct.

30 And then associated with those, either stapled to them or stuck with sticky tape, are receipts that come out of your point-of-sale system that match the amount of money that's coming out.---That's correct.

Chief Commissioner, could I ask that the expandable file produced in response to the requirement you gave yesterday be marked for identification in the first instance? There'll be some material in that that I'll no doubt tender in due course.

THE COMMISSIONER: Yes. The folder of documents which are produced in answer to the direction that I gave to Mr Yee yesterday will be marked for identification, becomes MFI 16.

40

**#MFI-016 – BLUE FOLDER PRODUCED BY JONATHAN YEE
UNDER 35(2) CONTAINING LEDGER OF PAYMENTS FOR
ERNEST WONG**

THE WITNESS: Mr Robertson, can I make a clarification on what was said yesterday? You were right that one of the transactions inside the Ernest account was actually for a payment for a lion dance, which that didn't really

ring a bell to me when you said it. But when I looked at the thing yesterday when I asked Patricia, "Can you get all those invoices for me?", and I think it's 2018, sometime in February, there was a \$500 for a, a lion dance, which was, if I recall correctly, it would be when then the Opposition Leader was walking in Chinatown, as in the visit to Chinatown.

MR ROBERTSON: So is it right to say that ordinarily what comes out of Mr Wong's account are things like food and drinks from the Emperor's Garden Restaurant?---That's correct.

10

But on at least one occasion, some fee to an external person, in this case a lion dancer - - -?---That's correct.

- - - had been paid out of that particular account.---That's correct.

Is that right?---Yes.

But is it right to say that that's a fairly unusual event?---Very unusual.

20

And it was so unusual that when I asked you about it yesterday, you didn't have a recollection of it, is that right?---That's correct, it escaped my mind.

30

Are there any other matters that arise out of yesterday that you wish to correct or clarify?---I thought hard and long before I went to sleep last night. I went home quite early, as opposed to my normal time. Before sleeping, I was laying on the bed thinking what, what questions you had asked me, in relation to Mr Huang Xiangmo, and I was thinking, was there ever a, an occasion that Mr Wong, Ernest Wong, said to me that the money was actually from Mr Huang Xiangmo. It came to me that during a conversation in, just recently, when I came from Hong Kong, I don't have the exact date, it was a, a, definitely a Sunday, where the meeting that I had with him to tell them, tell him that my brother is about to appear in front of the ICAC to spill the beans, the reason being my mother was under a quite tremendous amount of pressure, a lot of the staff is under a, a lot of pressure, as my brother said, my mother was at, at that time was suicidal. In that day, one of his friend, which is also my friend called Steven Huang, H-u-a-n-g, he is the Chairman of the Chinese Masonic Club. He, he was having lunch at my restaurant and I said to him, "I think I need to speak to Mr Ernest Wong." And in asking that I said, "Can you organise him to come and see me at night?" And he said, "Okay, I'll help you organise, it's not a problem." So 40 that night when he came along, he came and picked me up and we went to the Chinese Masonic Club in Surry Hills.

Sorry, who is it that comes to pick you up?---Mr Stephen Huang. He came and picked me up from the restaurant and we went to the Chinese Masonic Club in Surry Hills, I can't remember what street but you can Google it, definitely give you a street. It's there where I spoke to Mr Ernest Wong and

said, "I don't think we can no longer tell lies because everything has,"
excuse my language, "it has hit the fan, the shit has hit the fan."

10 You've no need to moderate your language, you're welcome to say exactly
what was said, in fact you should say exactly what was said.---Yeah. I said,
"The shit, the shit has hit the fan. My brother's going to go up and spill the
beans." I said, "My mother's very stressed out." At the meeting that we
had in a family meeting on that day at 3 o'clock I can see my mother is
really, really stressed out. She is a bit better now, but she's still quite
worried, she's still quite worried about both her son [sic] especially me
myself, and she's worried about the result for the staff that I have gotten
into. So at that family meeting we discussed, my brother opened up and
said, "Look, we can't tell anymore lies, we need to say," I said to them, I
looked at my mother and I saw her stress and I said, "I think that's a good
idea." And then that night when I met Mr Wong I said to him what we said
in the meeting.

20 You're referring to the family meeting now?---That's correct. The family
meeting 3 o'clock in that afternoon when I arrived from Hong Kong, and I
said to, I said to him, "We can't keep, keep telling lies anymore, the more
lies we tell the more serious that we can get ourself into." And I remember
asking him a question, "Was the real donor Mr Huang Xiangmo?" And he
said to me, "Yes, but can you please not tell the inquiry that the donor is Mr
Huang Xiangmo."

30 And do you recall anything else that you said or that Mr Wong said during
the course of that meeting?---During that meeting he said to me, "Is there, is
it possible if I can continue, can I speak to my brother?" I said, "I don't
think I can speak to him anymore." And he said, "Can you speak to your
mother?" I said, "I can't speak to him anymore." And then he said can I
speak to my staff, I said, "I can't speak to them anymore either, because," I
said, "If my brother breaks, everybody will break." And then, and then he
said, "Could I speak to your father?" I said, "You're most welcome to
speak to my father, but my father will give you the same answer." And
when, when he said, "Can you speak to," when, when he wanted to speak to
my father I asked Stephen to take me down to the restaurant, I spoke to my
father, said, "Ernest wants to speak to you." My father said, "Yeah, I'll go
speak to him, I'll tell him what I think."

40 So just pausing there, are you saying after you were at the Masonic Club
you go back to the restaurant?---That's correct. When, when back at the
restaurant I spoke to my father and asked him to, "Can you go to the
laneway so Mr Stephen Huang can drive you to the Masonic Club?" And
he said, "Okay." He went to, I took him to the back lane then I stayed at the
restaurant and my father went to the Masonic Club. About half an hour later
my father came back down and he said he already told him. I said, "What
did you say to him?" And he told him to piss off, stop, you know, effing
with my family. He already caused enough trouble. And he said, my father

said to me he said to Ernest in a Chinese saying which literally translate, eating salty, if you can eat salty fish you can bear the thirst.”

And that’s your father speaking to you. Is that right?---That’s correct.

After that communication with Mr Wong, have you had any further communications with him?---I don’t have any further communication with him. I’ve been avoiding him.

- 10 That’s the last time that you have had any discussions with Mr Wong?
---That’s correct.

The last time you’ve exchanged any message, be that by email, WeChat or in some other fashion?---We didn’t exchange anything after that.

To your knowledge, had Mr Wong attempted to make any further contact with you since that point in time, for example, a missed call or message?
---No, no. He never called me or messaged me.

- 20 And the Masonic Club you’re referring to, is that the one on Castlereagh Street or is that elsewhere?---No.

The one in Surry Hills, I think you said?---It’s a Chinese, it’s a Chinese one, it’s not the - - -

It’s not the one in the city, it’s the one in Surry Hills. Is that right?---No, no, no. Not, not the, the normal one.

- 30 Now, just to try and get our bearings in terms of timing, I can assist you by noting that your brother gave evidence in the public inquiry, the first day or his evidence was Thursday, 12 September, 2019. Are you saying that these discussions happened on the weekend following that?---That’s correct.

And I think at that point in time you were overseas but you came back from Hong Kong on the Sunday. Is that right?---I flew in, I flew out of Hong Kong on the Saturday night and got in on the Sunday morning.

And you then went straight home after that? Is that right?---Yes, I did.

- 40 And you referred to a family meeting. How did the family meeting come to pass? How was that arranged and who arranged it?---My mother came down from her apartment to our one and said that, looking quite worried and said to my wife while I was in the shower, preparing to go to work, she said that, to my, my mother said that to my wife that there will be a family meeting at 3 o’clock, “Can you tell Jonathan to be there.”

Now, you know about that discussion, I take it, because your wife told you about a conversation you had with your mother. Is that right?---That's correct.

And that's how you found out about the family meeting?---That's correct.

Were you told who arranged the family meeting?---My brother.

10 And were you told why the family meeting had been arranged?---Just in general about the inquiry.

So that in general terms, the fact that it was about the inquiry. Were there more specific details given as to why you'd want to have a family meeting? ---Not that I can recall. It was quite brief.

So you then go to a family meeting at the Emperor's Garden restaurant on the afternoon of that Sunday. Is that right?---That's correct.

20 And where physically did that family meeting take place? Where in the restaurant?---In one of the VIP rooms, V3.

And that's one of the one's that's upstairs. Is that right?---That's correct.

Who was at that meeting?---There was my father, my mother, my brother, myself and our accountant, Mr Stephen Yu.

30 Why was Mr Yu present?---Mr Stephen Yu has been a long, long-time accountant for my father and he's also a good friend of our father and my father asked him to come along.

So it was your father who invited Mr Yu. Is that right?---I believe so.

Other than what you've told us, do you recall anything else that was said during the course of that family meeting?---Oh, well, my father, he said, he felt, he said that if he knew the scheme from day one, he would have told us not to do it.

40 And so when did your father first find out about the scheme then?---Quite late. When the announcement of the public inquiry, I, I approached him and I told him of the, what the inquiry was about.

But surely you confided in him at some earlier stage, noting that you'd got at least your mother and your brother into the scheme.---I didn't.

Why didn't you ask your father to sign one of these forms? Why is it just your mother and your brother?---I don't think my father would listen to me.

Why is that? Why would your father not sign one of these forms?---He is a pretty stern man and if he thinks that it's not right, it's not right.

So is it right to say that with the people that you chose to sign these forms, and also to deal with the Minns matter that we discussed yesterday, you were deliberately choosing people who, unlike your father, you expected to do what you said and not resist what you were suggesting to them?---That's correct.

10 You said a moment ago that you then had a meeting with Mr Wong in the Masonic Club. When was that meeting arranged?---On the same day we had the family meeting.

Before or after the family meeting?---Before the family meeting.

So you must have at least had some idea as to what at least your brother was likely to say at the family meeting. Is that right?---Well, it's hardly that we have a family meeting like this, I thought it was quite serious. So I thought I would have conveyed, I, I should convey this message to him.

20

And you thought in advance that it was likely to be something significant that you want to inform Mr Wong?---That's correct.

When did you first find out what had happened on Thursday, 12 September, when your brother Valentine gave evidence here and had a fairly uncomfortable day in the witness box?---Monday.

On Monday, not on -- surely you at least found out on Sunday, during the family meeting?---No, my brother didn't say anything about it.

30

Well, did he not explain what had happened during the course of Thursday? ---Unfortunately, he didn't.

Did he tell you during the course of the family meeting on Sunday what he intended to do when he came to give evidence on the Monday?---He, yeah, he said that he'll, we need to tell the truth, and he's going to tell the truth.

So you at least now know that on Thursday, Mr Yee stuck to the story, as in Valentine Yee - - -?---Yes.

40

- - - stuck to the story and told what he later acknowledged to be a series of lies to this Commission, correct?---That's correct.

But he told you, did he, during the course of the family meeting on Sunday, that he was intending to recant from that evidence and tell the truth, is that right?---He said that, in his words, he said, "We can no longer tell lies, because the shit has hit the fan. We need to go and tell the truth." And he asked, "Are you willing to tell the truth?"

And what was your response to that?---I looked at my mother, and she, her worried face was extremely worried. I, I can't describe how worried. I'd never seen my mother so worried. And I said to him, "I think that's a good idea."

Because at least at this point in time, you knew that your mother and your brother had given compulsory examinations in private hearing before this Commission, correct?---That's correct.

10

And you knew that they had told what you now accept to be lies, correct? ---That's correct.

And in fact, soon after the two of them were given compulsory examination summonses to appear in the private hearing before this Commission, they told you about it, correct?---That's correct.

And you had a discussion with each of them separately as to what they should do, correct?---That's correct.

20

And you told them to stick to the story, correct?---That's correct.

And they then attended private hearings before this Commission, correct? ---That's correct.

They told you when they were going, and they told you after they had come back, correct?---That's correct.

30

And they gave you a report, at least in general terms, as to what had occurred during the private hearing, is that right?---That's correct, not in detail, because there's so many questions that you ask, they can't remember the, every single detail, but in general, yes.

But they at least gave you a sufficient report to know that they had sought to stick to the story that you told them to stick to during the course of the compulsory examinations, is that right?---That's correct.

40

And you became aware towards late July and early August of this year that this Commission was going to conduct a public inquiry, correct?---Correct.

And you became aware of the summonses that had been issued to you, your mother, your brother, and the other fake donors that you and I have talked about, correct?---That's correct.

And at least the plan at that point in time was for everyone to continue to stick to their story, correct?---That's correct.

At least at the time that you received the summons, you intended to tell a story along the lines of what you had told during the compulsory examination, correct?---That's correct.

And you sought to communicate to all of the fake donors that they should do likewise, correct?---That's correct.

10 And that communication was communication that was not just directly by you, it was also communications that you arranged with Mr Ernest Wong, do you agree?---On the request of Ernest Wong, yes.

So just to understand that, are you saying that at some time after the public inquiry summonses were issued, Mr Wong made a request of you in connection with that matter?---That's correct.

And what was that request?---He said, "Can I speak to the individual straw donors?" I said, "I can organise that."

20 So just do the best you can to use the words that Mr Wong used. Are you saying he used the term "straw donors"?---He didn't use the word "straw donors". "Can I speak to those people?"

And you said in response?---I said, "I can organise that."

30 Now to try and get a sense of timing, the public inquiry summonses were served towards the end of July of 2019 and some of them in early August, the first few days of August of 2019. Does that assist you in identifying at least approximately when that request was made by Mr Wong?---When was the first summons issued?

The first summons at least of the straw donors was served I think on 29 July, 2019, but I'll get that checked. The one issued to you was at least dated 29 July, 2019. And I can also assist you by noting that at least most of the summonses, if not all of them, were served before this Commission had publicly announced the public inquiry.---I would have organised, I had organised these meetings with Mr Wong prior to me flying to Hong Kong and I flew on that Tuesday where my brother gave evidence on the Thursday, so it will be before then.

40 We'll just take a step back so we can pinpoint this as best we can. This public inquiry didn't start until a few weeks after the summonses were served on everyone. Do you remember that?---Yes.

And I think you were here during the first day of the public inquiry. Is that right?---That's correct.

And I'm just trying to understand the first step in the exercise. You're given a copy of the public inquiry summons and so you know that you're – you

know firstly that there's going to be a public inquiry and secondly that you're required to give evidence in that public inquiry. Correct?---That's correct.

Now, who picked up the phone first, did you pick up the phone or otherwise seek to make contact with Mr Wong to say I've been summonsed for this public inquiry, what do we do, or did Mr Wong make contact with you first?
---I don't recall giving him a call, I could be wrong, but I do see him quite frequently and when I saw him I said, "It's heading towards a public
10 inquiry, I've got a summons and I believe most of the other people will get a summons sooner or later."

And so where did this discussion take place?---At the restaurant.

And so is it right that at least at the end of July of this year and into August of this year, Mr Wong continued to be a regular diner at your restaurant?
---That's correct.

Did it continue to be the two or three times a week that you and I discussed
20 before?---Yes.

And has that since stopped?---It has.

So is it right that you haven't seen Mr Wong since the conversation that you had with him at the Masonic Club?---I saw him come in on, I don't remember the date, there is a day that he came in where he said it was his daughter's birthday, I think it was the following Sunday from where, from when we had the family meeting, the following Saturday when we had the family, family meeting, Saturday or Sunday, I can't exactly pinpoint that
30 date, he came in with the family and said hi. I said, in his word he said, "Oh, it's my daughter's birthday, we're coming in for a dinner." I said to him, "Oh, okay, head upstairs." And during that, that whole night I didn't go upstairs to approach him. One of my staff, I'm just trying to remember who it was, Patricia asked - - -

Patricia Siu?---Yes, asked, said, "Ernest wants to see you." I said, "I don't want to see him." So I didn't, besides seeing him coming through the door I didn't talk to him or anything else.

40 So that's the, is that the weekend before last, not the weekend that's just gone but the weekend before that?---Yes. From, from when I came back, the week after, either that Saturday or Sunday. He also came in again to have yum cha the following day.

That would be the Monday. Is that right?---Either Saturday – Sunday or Monday. I can't remember if his daughter's birthday was on a Saturday or a Sunday.

And is that then the last time you've seen Mr Wong?---That's correct. Oh, actually I didn't see him at yum cha. Why I say that, because from memory I came out quite late from home – actually I'll go back a bit in saying that Patricia said to me that, oh, I said, "I don't want to see him," and Patricia said that he'll be coming in for yum cha tomorrow.

So you were told he was coming in but you didn't actually see him on that day. Is that right?---I, I intentionally came to work late to avoid him.

10 So to be clear, the last time you can recall seeing Mr Wong was last weekend. Is that right?---The weekend before.

As in not the weekend that's just gone but the weekend before that?---That's correct.

And you didn't discuss this Commission's investigation?---Not at all.

Or anything connected with matters of donations on that occasion?---Not at all, not at all.

20

Mr Wong asked to see you on that occasion but you refused. Is that right? ---That's correct. You got the CCTV. I can definitely show that I didn't even approach him.

And the last time you had a conversation, a substantive conversation with Mr Wong, was in the preceding weekend?---That's correct.

At the Masonic Club?---That's correct.

30 Now, taking a step back again, public inquiry summonses served starting on 29 July, 2019, in advance of the public inquiry before this Commission. You have a discussion with Mr Wong at the restaurant to the effect of, "What do we do?" What else can you recall about that discussion? The discussion that you have after it becomes apparent, at least to you, and if not to Mr Wong, that this Commission is conducting a public inquiry in relation to the donations matter that you and I have discussed?---He, he said that they're trying to scare you with using the media in, in telling the truth. He said - - -

40 Just pausing there, I take it then that the timing of this discussion happened after the public inquiry had been publicly announced?---When was the public inquiry announced?

Not on 29 July but a few days, within a few days of that.---Yes, after that.

So after it had become publicly announced and perhaps there was a media article or two concerning the matter?---That's correct.

And you were explaining what happened during that conversation that we've now tried to fix by reference to that date. What else can you recall about that conversation?---He said that, "The Commission is trying the media to put pressure on you guys to tell the truth. If they have enough information, it would be already forwarded to the respective," is it DPP, you call it? The, the, the Public Prosecutions - - -

10 It stands for Director of Public Prosecutions, yes.---Yes. For further investigation. And through what he was saying he was convincing me that, "You should not be worried," and he did say, "Don't worry about it, just keep to your story and we'll be fine."

Now, who was present at that discussion other than you and him?---Just myself and him.

And where did that discussion take place?---At the restaurant.

20 Whereabouts in the restaurant?---Not, most probably in, in a private room. I don't exactly recall because I've met him so many times.

But when Mr Wong dines, does he usually dine in a private room or does he at least sometimes dine on the main floor?---Most of the time, if it's with family and friends, it will be on the main floor but if it's for a community event, he will be in a, a room.

At least in terms of the run of the mill, the two or three times a week he comes in for food, where would he ordinarily sit? Would it be - - -?
---General floor.

30 Just in the general floor.---That's correct.

And on his own, with other people?---With other people.

Always with other people or at least almost always with other people?
---Most of the time but if we, we, if we need to have a discussion, we would go into a separate room to talk.

40 And when you say a separate room, that would either be your office or one of the VIP rooms?---The VIP room.

It's usually the VIP room, is it?---That's correct.

Has that ever happened in your office or is always in the VIP room?---I have, in the past, spoken to Ernest in my room where he also spoke to, where he asked me to ask Teresa to come, come across to speak to Teresa.

We'll come back to the details of that in a little moment. You said your room. You mean your office, I take it?---That's correct.

Do you recall anything else about the discussion you were just telling us about in the immediate wake of the public inquiry being announced?---Not at the moment.

You said a little while ago that Mr Wong made a request of you in connection with the public inquiry. Do you remember that evidence?---Can you help me recall?

10 I think you accepted from me that you had made arrangements after the public inquiry was announced for Mr Wong to speak to one or more of the straw donors, is that right?---Oh, the, that, yes. Yes.

And I think you said to me that that came from a request from Mr Wong, is that right?---That's correct.

Was it your idea for Mr Wong to meet with one or more of the straw donors, or was it Mr Wong's idea?---No, in his word he said, "I would like to meet individual donors."

20

Is that the first time – sorry, withdraw that. And do we take it from what you've said that you did ultimately arrange meetings between Mr Wong and the individual straw donors?---Yes.

Was that the first time that you would arrange any meetings of that kind, with Mr Wong?---I'm just thinking. Not in a concerted way like what happened just recently.

30 So, are you saying that Mr Wong may have spoken to, for example, some of your employees when he was at the restaurant anyway?---That's correct.

But are you saying that in terms of a sort of arranged, a specifically-arranged meeting by you, that didn't happen before the public inquiry of this Commission was announced, is that - - -?---I don't recall organising each individual to go and see him. It's only on, on, I mean, in, each individual within a certain time frame, but I believe that I had organised certain people that he wanted to see, over the course of this inquiry.

40 So does that mean that includes some meetings before the public inquiry was announced?---Most probably, yes.

THE COMMISSIONER: And who were they, who were the people?
---Teresa was one of them.

MR ROBERTSON: Anyone else you can recall?---I, I recall Teresa coming to the office and speaking to Ernest because he was, she was quite concerned about involving his husband. That's one that I, I recall in arranging for him.

Anyone else?---I don't recall arranging others. But I know that when he does dine at the restaurant, he does speak to Wei, Wei Shi, and other people that he most probably spoke on only the time when I arranged to see him just recently.

10 THE COMMISSIONER: And why did he want to, why did he want these meetings arranged?---To assure the, to these particular people that their lives won't be broken, I guess, and also to assure – because I wasn't in the meeting itself when they meet, when Mr Wong was meeting with, let's just say, my mother, my brother, and the other people. I just took them to the room, and I left the room. I, I would say that he's, would be the same, we were talking to me, he's saying that, "Be assured they don't have enough evidence. Be assured that you won't get in trouble. Once this public inquiry's over, it will be over and done and dusted." Oh, well, "done and dusted" is my word, but meaning that he, he was assuring us that everything will be okay.

20 And was that just to give them comfort, or was it for another reason? Was it to – did you understand he'd be talking to them about the evidence they might give, based on what he said to you?---Based on what he said to me I think he's not only giving comfort, but to ensure that we are going to follow the storyline.

MR HALE: Can I just, Commissioner (not transcribable)

THE COMMISSIONER: Yes.

30 MR HALE: It's more by way of clarification. Shouldn't we in fact have clear from the evidence whether this is merely speculation as to what might have happened in the meeting in which he wasn't present, or whether or not he was in fact present during the course of particular meetings? Because it's a general approach in circumstance as I apprehend the evidence where he is talking about what he anticipated might have happened in particular meetings.

40 THE COMMISSIONER: Well, firstly, we're talking about a meeting to discuss arranging these meetings with some of the employees such as Ms Tam. The question I put was, did he understand what the purpose as for speaking to these people, based on what Mr Wong said to him?

MR HALE: I thought it had gone and if that's the case then I - - -

THE COMMISSIONER: I'll make it clear just in case there's some misunderstanding.

MR HALE: Yes. And perhaps could it be confined to what was actually said. There's the two issues, one, what this witness says, and secondly,

what this witness understood, and they may very well be different and the conclusions to be drawn from each might be different.

THE COMMISSIONER: Mr Robertson, I might leave it to you to deal with it.

MR ROBERTSON: So is it the case that you arranged meetings with Mr Wong with each and every one of the straw donors that you arranged and that they occurred after the public inquiry before this Commission was announced?---That's correct. Not everybody works on the same day. I recall one day that he had met with my mother and my brother, Johnnie, Teresa, on a separate occasion - - -

Let's just do this in stages so we can be quite clear about your recollections of these matters. So you find out about the public inquiry in late July or early August 2019. Correct?---Correct.

You have a discussion with Mr Wong at the restaurant and you've given us what you can recall with respect to that discussion. Correct?---That's correct.

Now, was it during that discussion, do you recall, or was it a latter discussion that Mr Wong made a request for meetings with the fake donors? ---It would be that discussion.

That particular discussion.---That's correct.

And who suggested it first as an idea, was it you suggesting that it might be helpful if Mr Wong spoke to the fake donors or was it Mr Wong who first suggested that that might be a good idea?---Mr Wong said to me in his words, "Do you want me to speak to these donors?" In Cantonese.

So he first raised it but he raised it as a question. Is that right?---That's correct. I said - - -

And what did you say in response?---I said to him, "If you want to see them I can arrange it for you."

So to be clear, it was Mr Wong who first came up with the idea but in the form of a question. Is that right?---That's correct.

And you offered to arrange it, but is it right that you weren't confirming the suggestion yourself, you weren't joining in the idea, you were simply saying to Mr Wong that if he wanted to have the meeting then you would arrange it? Is that what we understand from that?---That's correct.

And then did you in point of fact arrange meetings between Mr Wong and each of the straw donors in the period of time between the discussion that

you mentioned with Mr Wong and the commencement of the public inquiry?---That's correct.

And so I want to be quite clear about this. You arranged a meeting with your mother, May Ho Yee. Correct?---Yes.

You arranged a meeting with your brother, Valentine Yee?---That's correct.

Patricia Siu?---That's correct.

10

Teresa Tam?---Yes.

Lei Mo?---Yes.

Wei Shi?---Yes.

Johnnie Lin?---Yes.

To Yip?---No.

20

Anyone else you arranged meetings for with Mr Wong in the period from the announcement of the public inquiry to date?---No one else.

And anyone else you arranged meetings with Mr Wong connected with this question of donations prior to the public inquiry being announced? I think you mentioned Teresa Tam before?---When Teresa's husband was summoned to appear for a private hearing, Teresa was quite concerned so I arranged him to meet with Mr Wong to explain the process and stuff like that, but I wasn't in the room, that would have happened in my office, I was in - - -

30

Just to be clear, was that a meeting with Mr Tam or Mrs Tam?---Mrs Tam, Teresa Tam.

And that happened after Mr Tam had been summonsed to give evidence in a private hearing, Is that right?---That's correct.

And that was a meeting that you arranged between Mr Tam and Mr Wong. Correct?---That's correct.

40

And that meeting took place in your office?---That's correct.

We'll come back to that meeting. I want to focus for the time being on the meetings between the announcement of the public inquiry and the commencement of the public inquiry. Can you just explain what arrangements you made in relation to those meetings?---Can you repeat the question?

So between the announcement of the public inquiry and the commencement of the public inquiry you arranged meetings between each of the individuals identified and Mr Wong. Is that right?---Yes.

What was the location, the arranged location of those meetings?---At Emperor's Garden.

Whereabouts in Emperor's Garden?---The majority of them will be in the VIP room of 1.

10

In VIP room 1?---Yes.

And what about the rest?---Mr Wei Shi was, from recollection, was in VIP3, and so was Patricia too.

So is it right that all of them took place in VIP rooms but that some of them took place in different VIP rooms?---That's correct.

20

And did they all happen on the same day or did they happen on separate days?---Separate days because not everybody worked on the same day.

And can you recall approximately when in the period of time from announcement of the public inquiry until the public inquiry that those meetings were arranged?---Within two weeks.

30

I terms of the meetings themselves, what did you say to the fake donors about those meetings? How did you arrange them with them and what did you say to them about it?---For example, if it's Johnnie who works on the Thomas Street side, I would get someone to give him a call and say, "Can you come over. Mr Ernest Wong wants to speak to you."

Do you remember who that someone was?---Patricia or Ming.

What's the other name that goes with Ming? When you say Patricia, I assume you mean Patricia Siu.---Yes.

And the other name for Ming?---Ming is X-i-e W-e-i. Yeah, Ming is actually the surname.

40

That's why I deliberately said other name rather than - - -?---Yes, yes, yes, yes.

- - - surname. So perhaps if we split them up in parts. Emperor's Garden has a series of locations including the Thomas Street barbecue shop. Is that right?---That's correct.

And some of these fake donors work principally at that location. Is that right?---Two of those donors. Teresa and Johnnie.

And so in relation to those two, is it right that you arranged the meetings by asking someone at the - - -?---Restaurant.

At the yum cha side to make contact with the barbecue shop side to ask them to come to the yum cha side. Is that right?---That's correct, that's correct.

10 And I take it, in due course, they do come over to the yum cha side?
---That's correct.

And then do you speak to these individuals?---No. I just take them up to the room and say, "Mr Wong wants to speak to you."

And in the time from seeing them, them having been summoned by you, to taking them and dropping them off with Mr Wong, do you explain to them why Mr Wong wants to see them?---No, I didn't.

20 Does Mr Wong know each of these individuals that we've discussed as fake donors?---Over time, yes, but not on a personal level.

Well, would he know all of them by name?---By now, I would think he would.

Well, at least as at the time of - - -?---The public inquiry, yes.

As at the time of the meetings, I mean.---Oh, yes.

30 So he would have seen many, if not all of these individuals at the restaurant before, correct?---Definitely.

Someone like Ms Siu, as a cashier, he would see at last semi-regularly. Is that right?---Yes. Especially when you walk past the door and she's the cashier and it's right next to the door. It's inevitable that you will see Patricia there.

40 What was the length of time between the first meeting that you had with Mr Wong, where Mr Wong says, "My request to you is organise these meetings," and when the meetings first started to happen? Was it a few days or was it a week?---Within, within one and half weeks. I recall that he didn't come in every day, but when he did come in I tried to arrange whoever's there to meet him, because different people had different days off.

But I take it, during the period of time between your first meeting with Mr Wong after the public inquiry had been announced and the meetings themselves with the fake donors took place, you had many other conversations with Mr Wong?---Oh, definitely.

He was in every couple of days to thereabouts?---That's correct.

Did you have any discussions with Mr Wong either as part of the first discussions with him after the public inquiry was announced or in the time leading up to the meetings themselves, regarding what Mr Wong was proposing to say to the individuals fake donors?---That's quite a long question. Can you refigure that. I don't - - -

10 During the course of any discussions that you had with Mr Wong, from the time that he makes the first request, "Let's have these meetings," up until when the meetings started to take place, did you discuss with Mr Wong what Mr Wong was proposing to say to these fake donors?---No, every time that I see him and if this, if the discussion was, well, if we talked about this particular issue, which is not always the case, because there could be other people there, If there's other people there, we don't discuss this particular matter. But when we had a chance to talk, and we were talking about this particular issue, we would, he would say that, to keep to the storyline, reassuring me that the media is just to scare you.

20

So are you saying that Mr Wong made it clear to you that the message that he was going to give to the fake donors in the private meetings was to keep to the story?---From the meeting that I had with him, from the conversation I had with him, this, that's what he was signalling to me that to the story, to keep to the story. That's what he told me. And also that they're using the media to scare you so you can tell the truth. Don't worry about that, they don't have enough evidence.

30

But just to unpack that, if we go back to the first meeting where Mr Wong makes the request that you set up these further meetings with the fake donors, he's requesting the meeting so that he can talk to the individual fake donors directly, is that right?---That's correct.

And at that meeting, does he explain to you what he was intending to say to those fake donors?---He didn't say what he was going to say effectively to that person.

But he did say to you during that meeting what you should do, correct?
---That's correct.

40

And there was at least two aspects of that that you can now recall, one was, stick to the story, stick to the story, stick to the story, correct?---Yes.

And the other one was, this Commission is trying to scare everyone by publishing it in the media, is that right?---That's correct.

Were there any other messages, headline messages that you can recall - - -?
---Not that I can recall.

- - - that Mr Wong is giving advice to you between the announcement of the public inquiry and the last time you spoke to Mr Wong regarding the matter?---Not that I can recall now.

10 So you then organise these meetings with each of the individuals that we identified, they don't all happen on the same day, is that right?---Most of them, my brother and my mother, Ray, Jenny, and Teresa happened on the same day. Wei and Patricia happened on two separate occasion, from recollection. But it could be also on the same day. I mean, I mean, different day to that group of people.

So we might split up those individuals in a couple of categories. We've talked about the people who work at the barbecue shop.---Yes.

That's, in a sense, one category. Then there's people who work at the yum cha location.---Yes.

20 How did you organise those meetings? What steps did you take to cause that to take place?---Yum cha, whenever he's in, whenever Ernest came to the restaurant, if that particular staff was there, I would say to him, "Ernest wants to speak to you."

And at that point, Ernest is sitting up in one of the VIP rooms?---That's correct.

And at that point in time, who is Mr Wong with, if anyone?---No-one.

30 So Mr Wong is up there in a VIP room, holding court, having something to, what, eating yum cha, or how does that work?---The time that he came for the bigger group, he was having a wonton noodle soup.

So he's sitting in the VIP room, wonton noodle soup in front of him, and you're bringing in a succession of people to speak to him, is that right? ---That's correct.

And do you take the individual up, or do you simply send them up and say, "Go and see" - - -?---I take the individual up.

40 - - - "go into VIP 1 or VIP 3"?---That's correct. I, I actually take them into the room.

So each of them, you've taken them into the room, and you've said to Mr Wong, "Here is so-and-so"?---I didn't have to introduce.

He already knew who they were?---Yes.

And then what, do you stay in the room during any of the conversations?
---No, I don't.

You've left the room?---That's correct.

Was that your choice to leave the room, or did Mr Wong make any suggestions one way or another?---That was my choice.

10 And do you then close the door if there is a door?---That's correct. There is a door.

So for each of the people, you've brought them up, you've led them into the room, you've left them with Mr Wong, and you've shut the door. Is that right?---That's correct.

20 Have we – we've talked about the barbecue shop people, the yum cha people. What about your mother and your brother? Did that happen in the same fashion, or were there other arrangements that you made for them to have the meeting?---Same fashion.

The same fashion. So are any of these people given notice in advance that, "Mr Wong is coming tomorrow and wants to see you," or is it done on no notice?---No, I don't know when Mr Wong would appear, so I, I wouldn't be able to give them a notice.

30 So you've said to someone like Ms Tam at the barbecue shop via someone, you've summoned her to the yum cha restaurant and then you've said, "Go upstairs," or "Come with me upstairs to see Mr Wong." Is that right?
---That's correct. I remember one time when Ernest was in and I asked one of my staff, most probably Ming, to give Ray a call, Ray Mo, or sorry, it should be Wei Mo, but I call him Ray. In that particular conversation Ray said that he's not in town and then I said to, said to Ming, "Don't worry about it, we'll see if we can organise another time." And the next time that I asked Ming to call he was working up the road and he came down to see Mr Wong. That was in the occasion where Johnnie, Teresa, my brother, my mother had also saw Mr Wong.

40 So have we now dealt with the universe of arrangements? We've got the barbecue shop people summoned to yum cha, told to go upstairs, the yum cha people told to go straight upstairs, for each of them you take them up, give them to Mr Wong, shut the door. In respect of Mr Mo, telephone call, make arrangements, he comes in.---Yes.

Again you take him up to Mr Wong, leave him with Mr Wong, shut the door.---I can't recall taking Mr Mo up. I think it was Ming that most probably took, took him up because I didn't know what time he was coming in.

So Mr Mo might be an exception to the general approach, but otherwise it's the approach that we've identified, bring them to yum cha if they're not already at the yum cha side, if they're not already there, take them upstairs to Mr Wong, leave them with Mr Wong, shut the door. Is that right?
---That's correct.

Now, did any of these individuals report back to you as to what Mr Wong had said to them?---No.

10 Not at all?---Not at all.

Surely you at least had some discussions with your brother and perhaps your mother as to what had happened during this meeting apparently behind closed doors in the VIP room?---I actually assumed that whatever Ernest told me as in to the media, to us sticking to the story, would be the same story that he would tell the rest of the people, so I didn't ask them and they didn't intentionally to come up to me and say, oh, Mr Wong told me this.

20 So is it right to say that at least at this point in the story, once the meetings had happened with each of the fake donors, at least so far as you were concerned the cover-up was still on foot, everyone was going to come to this Commission and stick to the same story that had been told during private hearings and had been told, albeit with less detail, before the Electoral Commission?---That's correct.

30 So I just want to understand the phases in the cover-up. You've got the original signatories of the forms on the fake donors and by the sounds of what you said yesterday there wasn't a detailed story that had been invented as at the time that the particular forms had been signed. Is that right?---No, there wasn't a story at all until the Electoral Commission was looking into the case and then it's then when we, myself and Ernest sat down and looked at those questions that these people had to answer and that's how we formulated a story then.

40 When did you first find out that \$100,000 in cash had been banked by the Labor Party and Country Labor on 9 April, 2015?---When Peter of the Electoral Commission said to me, "Did you know that Kenrick came up and made a statement," or was interviewed by Peter, and he said that Kenrick in his interview mentioned that Mr Huang Xiangmo brought a bag of \$100,000 and gave it to Jamie, and I was quite surprised.

I suggest to you that can't possibly be right. You are one of the principal architects of this scheme. You must have had discussions with Mr Wong well in advance of that occurring through which you came to find out that the money had in fact been delivered to head office. You must have had discussions of that kind.---I did not have any discussion of that kind.

Are you seriously saying that you get these documents signed in about late March of 2015 but you don't know whether they've been deployed for any useful purpose until Mr Baragry tells you from the Electoral Commission? That can't be right.---I, from the start, the beginning of this particular – how do you, how do you put it?

Investigation, is that what you mean?---Not the investigation, before that, from the time when Ernest asked me to find these particular donors, from the beginning, I always thought it was only \$5,000. From that beginning,
10 when I was asked to do something, I was just followed the orders. I did not question where did the money come from until a later stage.

You at least knew in 2015, that money that was to be associated with the dodgy forms had been received by the Labor Party, correct?---Can you repeat that?

You at least knew in 2015 that money that was to be associated with the forms that you either signed yourself or had signed by others had been received by the Labor Party, correct?---The forms, yes, not the money. I
20 initially thought, in all the fundraisers, that the money will be, actually be at the event delivered. I did not know - - -

But at least on this occasion, there was no money delivered at the event to your knowledge, correct?---I didn't know it wasn't delivered.

Well, surely you had a discussion with Mr Wong in February or March – I withdraw that – in March or April of 2015, where Mr Wong said, “Yes, the Eagle had landed. Money had been received to match your forms.”
30 Because otherwise there's no scheme. If there was forms and no money, you've only got half a scheme, don't you?---When he said that the, he has located those donors and that was already sufficient enough to say that he has the money.

So when did he say to you that he had located a donor or those donors?
---After, after the event, when I was required to fill in those forms.

So let's be clear about this. In advance of the event in February 2015, a scheme was on foot, in the sense that Mr Wong foreshadowed to you that he would want some people to sign some forms to match the money that was
40 coming in. Correct?---That's correct.

And so as at February of 2015, you at least had an agreement with Mr Wong that you were going to seek to conceal the true source of some money that Mr Wong hoped to come in, correct?---That's correct.

And Mr Wong told you after the event – not during or before, but after the event – that he had found a donor or donors that were going to match the form that he was talking about. Is that right?---That's correct.

And so is it right to say that the other side of the scheme, if you're principally responsible for the forms and he's principally responsible for the money, you didn't know that that side had been organised until Mr Wong told you about it after the event. Is that right?---That's correct.

10 And I showed you yesterday some emails, sorry, an email of 30 March, 2015, where Mr Wong sends you some form that already had the \$5,000 filled out. Is it your best recollection that Mr Wong told you about, "I found the donor," or the donors, "around about the time of sending that email." Is that your best recollection?---That's correct, that's correct.

So Mr Wong wasn't just sending you that email out of the blue. A couple of weeks after the event, he was sending it to you in the context of him having told you sometime soon before that email that he had in fact achieved what he wanted to achieve, which was to find a donor in relation to – a donor or perhaps more than one donor – in relation to the money that you were going to seek to conceal by the forms. Is that right?---To my recollection, yes.

20 And are you saying that at that point in time, though, you didn't know how much money we were talking about?---That's correct.

But as a principal architect of the scheme, you must have at least been told not only that the donor or donors have been found but who the donor or donors actually were, correct?---No. As much as this Commission does not believe that I was only acting in doing what I need to do, that was the truth. If I know who the donor was, when the money came in, why wouldn't I tell you?

30 You at least accept, and you accepted this yesterday, you at least accept that in connection with some discussions in 2015, there was a reference to Huang Xiangmo, correct?---Yes.

And you've since drawn – before your discussion with Mr Wong at the Masonic Club, you had already at least drawn the inference that the source of the money that you were covering up with the forms that you signed and arranged to be signed was Mr Huang Xiangmo, correct?---I did ask him.

40 You did ask him prior to the Masonic Club?---Prior to Masonic Club, but he didn't give me an answer yes or no. He didn't know or he didn't say yes, it was.

So dealing with that in stages, though, your state of mind immediately prior to the meeting at the Masonic Club, at least in your mind, you understood that the donation that you had covered up was from Mr Huang Xiangmo, correct?---I wouldn't say it was in that state of mind, but I knew it was from Huang Xiangmo. I guessed it was from Huang Xiangmo. I would have.

And that's because there were a number of discussions between you and Mr Wong where Mr Huang was at least mentioned as part of the conversation, correct?---Probably, I can't recall the exact conversations.

And you've -- but the guess as you put it wasn't a guess based on nothing, it was a guess based on the information that was available to you at that time, correct?---Well, that information was that he was a, a, how can you, what kind of donor can you call those - - -

10 A generous - - -?---A generous donor, a very generous donor.

As at 2015, Mr Huang was donating massive amounts of money all over the place, correct?---That's correct.

To political parties, both sides of, both Labor side and the Liberal side, correct?---That's correct.

To community organisations, correct?---That's correct.

20 He was in fact at the dinner, correct?---That's correct.

He was at the head table.---That's correct.

THE COMMISSIONER: Invited by Mr Wong.---That's correct.

MR ROBERTSON: And five seats on the head table were allocated to Mr Huang Xiangmo, correct?---That's correct.

30 THE COMMISSIONER: You knew that Mr Huang Xiangmo, when attending the dinner, was not of course a member of the Labor Party?---No, he wasn't.

You knew that he was a fabulously rich person by repute?---That's correct.

Who, as Counsel Assisting has asked you, was well-known to have been a big donor to both sides of politics.---That's correct.

He had no philosophical, ideological attachment to Labor, so far as you ever knew.---I don't think so.

40

He was there as a donor, wasn't he?---That's correct.

An honoured guest at this dinner on 12 March.---That's correct.

And he had been invited and was treated as honoured guest because of his known support for Labor - - -?---Yeah, generous support. Yes.

- - - through money, donations.---Yes. Generous support, yes.

And was the expectation, wasn't it, that he would be, yes, a donor for the fundraiser that was taking place at the fundraiser.---I didn't really - - -

On the 12 March.---I didn't think of that much at that time.

But you must have thought of that, because the only, he was held in high regard by Labor as at 12 March because he was known to be a big donor, correct?---That's correct.

10

And here he is as honoured guest at a fundraiser for raising donations for the ALP, correct?---Correct.

Well, you must have known the likelihood was that he wasn't there just for the pleasure of the company of those who attended, but that he was there for another reason, most likely.---Most likely.

So you saw him there, his status at this dinner as honoured guest most likely to be contributing towards the fundraising.---Potential donor.

20

He wasn't there for any other reason that you knew.---Oh, he likes to mingle with these - - -

The rich and famous.---Politicians. No, well, he doesn't like to mingle with the community. He mingles with people high up.

MR ROBERTSON: So to be clear, it was your understanding, wasn't it, at the time that you signed your dodgy form and arranged others to do so, that at least a donor or donors had already been arranged, is that right?---That's correct.

30

And was it also your understanding that at that time the money the subject of that or those donations had been received?---Sorry?

As at 30 March, 2015 when you received the email from Mr Wong that attaches copies of the reservation form with \$5,000 already filled out, you knew that a donor or donors had been arranged by that time. Correct? ---I assumed it because by him asking - - -

40

Well, it was more than assumed, wasn't it, because you told us a little while ago and you told us yesterday that Mr Wong said something to the effect of - - -?---The donors are, have - - -

- - - the donor has been arranged or on board, something like that? Is that right?---Yes, something like that, yes.

So you knew that as at 30 March, 2015?---Yes.

But I'm now focussing not so much on the pledge, but on the implementation of the pledge. As at 30 March, 2015, did you know whether the money the subject of that pledge or those pledges had been received by anyone?---I didn't know.

10 But surely that's something of interest because before you're going around getting people to fill out dodgy forms and putting, and asking family members and employees and other people who put trust in you to sign forms that are false, surely you want to know there's some purpose for that, in other words that there's actually going to be money that's going to match up with the form?---As we just said, that (not transcribable) acknowledge that the money had landed, so I need to get these forms signed. How much of that money I really thought we all were signing up for \$5,000, so in effect I would say \$50,000 and not the \$100,000 that this particular, oh, well, the Electoral Commission and this Commission is looking into.

Well, when you say 5,000 you really mean 50,000, don't you?---5,000 per person.

20 5,000 per person times 10 people.---That's correct.

But you just used the phrase, "Money had landed." Are you saying that you were told by 30 March, 2015 that the money had landed as distinct from the donor had landed in the sense of a donor or more than one donor say - - ? ---I mean the donors has, has been confirmed.

Do you at least accept that on 9 April, 2015, Mr Wong made contact with you to tell you that the money had been banked?---No, he didn't contact me.

30 That the money had been received, money had been received and money had been banked. Do you agree with that?---He didn't contact me.

Do you deny that you had any communications with Mr Wong by telephone on 9 April, 2015?---I do not deny that but he did not tell me that the money had gone to head office.

40 So when do you say you first found out that there was money that matched your forms, by which I mean the forms you signed and the forms that you arranged to be signed?---All the way I actually would think when he said the donors are in, then these forms would match those particular donation that was made. \$5,000 per person, 10 of them would be \$50,000. At that time when he actually asked me to find these people he mentioned that we should, I should find about 10 people and he will find some more to match whatever donation there is. So - - -

To be clear about that, I think this is the first time you've told us about he would find some more. Is that, are you referring to the discussion you had

with Mr Wong in advance of the dinner or are you referring to some other discussion?---In advance.

So your evidence about the discussion in advance was please organise, I might be asking you to organise five to 10 forms. Is that right?---That's correct.

And it was specifically five to 10. Is that right?---That's correct.

10 And are you saying that during the course of that discussion Mr Wong indicated that he, what, would or might find some more?---He would.

He would find some more?---That's correct.

So at least at that point in time Mr Wong is telling you that there's irons in the fire, he's trying to get some money in and he's going to need your help to cover up the true source of that money. Is that right?---That's correct.

20 And he's going to ask you to assist by getting five to 10 forms. Correct? ---That's correct.

And he would also organise some forms from other people. Correct? ---That's correct.

But the actual request to make good on the suggestion that was before the dinner to actually go out there and get the forms signed, that doesn't come until after the dinner, correct?---That's correct.

30 And your best recollection is that someone from head office said, "I want 10 forms and I want them from these 10 people." Is that right?---That's correct.

Now, I just want to make sure we're clear on the stages of the investigations and the different steps that were taken into what I will call the cover-up. We've talked about the forms, we've talked about the money. I think you've said that the story, red packets, \$100 notes, that does arise until the Electoral Commission starts asking questions. Is that right?---When those questions was actually sent to those particular donors and they were forwarded to me to have a look at.

40

Now, let's have a look at that tangibly because I want to take you to the Ms Siu bundle, which is the one bundle that we didn't get to yesterday. That's Exhibit 283. And I'll need you to do a similar exercise to what I did with you yesterday, because in fairness to you, you should have an opportunity to look at these documents and indicate whether they're your handiwork or others. If we can go please to page 16 of Exhibit 283. Ms Siu's disclosure form, your handwriting or someone else's?---Patricia's handwriting.

But did you assist Ms Siu with the completion of this form?---Yes, I did.

So you told her what to write?---That's correct.

Turn the page. Your handwriting or someone else's?---Not my handwriting.

But you told Ms Siu what needed to appear on this page, correct?---That's correct.

10 And turn the page again. Is it the same answers in respect of this form?
---That's correct.

If we then go to page 12. Now, there was an error on the form that I've just identified and a new one was provided. Your typing or someone else's typing?---Most probably my typing.

Is it possible that where we've seen the typed out forms like the one you can now see on the screen, including the ones we spoke about yesterday, that it was actually your brother that filled out those data fields rather than you?---I cannot answer that because I never asked my brother that.
20

Well, let me ask it this way. You brother did assist in the responses on behalf of your mother, correct?---That's correct.

To your knowledge, did he assist with any of the responses for any of the other fake donors?---From my recollection, no.

So you have a recollection of assisting each and every one of the fake donors with their communications with the Electoral Commission, correct?
30 ---Yes. That's correct

And the only help you got from anyone was you got some help with respect to your mother from your brother. Is that right?---That's correct.

And is it right that your brother did most of the work in relation to his disclosure form, is that right?---Yes.

But you still gave some input even to him in respect of his communication with the Electoral Commission?---That's correct.
40

And we discussed yesterday, for example, that you told him at least the high points of the story that he told to the Electoral Commission in answer to its notice to answer questions?---The \$100 bill, the lucky money, yes.

The lucky money, the \$100 notes, that kind of thing, correct?---Yes, yes.

Let's go to page 20, which is the notice to produce. Again, I take it you assisted Ms Siu in responding to this document?---Yes.

Page 25, please. Again, you procured receipts that Ms Siu could provide to the Electoral Commission, see item 4?---Yes.

But you would have asked her to retrieve documents with respect to 1, 2 and 3. Is that right?---That's correct.

If we can then go to page 27. Your handwriting or someone else's?---It's not my handwriting.

10

But the content of this letter, is that your handiwork or is it someone else's handiwork?---My handiwork.

So you drafted the text of what became this letter. Is that right?---That's correct.

And how did that come to pass? Did you type that up and ask Ms Siu to write it out in handwriting or did you have a handwritten document or how did that, how did the document we see on the screen come into existence?

20

---I cannot recall if either I typed it up or handwritten it, but I would have gave Pat a copy of what should be written and asked her to rewrite it on a piece of paper.

And in relation to the copy as prepared by you, did you take that copy back after Ms Siu had written what we see on the screen or did you leave it with her?---I don't think I took it back, I just gave it to her.

You just gave it to her and told her that she needs to write it back out in handwriting?---That's correct. I don't think she gave it back to me.

30

Now, after she wrote this particular letter, copies it off from your document, do you then take it back from her to give to the Electoral Commission or do you leave it to Ms Siu to take care of that herself?---From recollection Ms Siu actually brought it up to the, to the Electoral Commission herself, if I'm correct.

But did she do that of her own accord or was it your suggestion that she should go and drop it off?---I suggested it.

40

If we then go please to page 48. Again Ms Siu was asked some questions. Correct?---Yes.

And you provided some suggested answers to those questions. Is that right?---Yes.

And if we go please to Exhibit 282, the document I'm about to show you is a document that Ms Siu produced after she was examined by me in this public inquiry and she was required by a notice to produce two pink folders

and a document concerning questions and answers. Do you see the document that's on the screen?---Yes, I do.

Is that your handwriting on the screen?---My handwriting.

And does that appear to be a copy of the suggestions that you were giving to Ms Siu as to what she should say back to the Electoral Commission?
---That's correct.

10 Go back to Exhibit 283, please. Now, are you aware whether Ms Siu in fact took those suggestions and answered accordingly?---That's correct.

And in fact she logged into her Gmail account and you ultimately typed the answers into her Gmail account. Is that right?---Yes. When you said that, I can recall doing that even in my office.

So if we go to page 50, please. Do you see there about two-tenths of the way down the page an email from Ms Siu to Mr Baragry of the Electoral Commission?---Yes.

20

And so that's you that's typing in those answers but using Ms Siu's email account. Is that right?---That's correct.

Now, did you discuss these answers with Ms Siu beforehand to say, look, this is what I think we should say to the Electoral Commission?---Yes, I did.

And so are you saying that Ms Siu knew precisely the answers that you were going to give to the various questions?---I don't know if she understand fully but I did discuss it with her, these are the way that you should answer these questions.

30

So you at least told her the general nature of what you were going to say back to the Electoral Commission. Is that right?---That's correct.

And did she agree with you providing responses to that effect by way of this email?---Well, I can't get into her email unless she logs on herself, so - - -

No, but that gets you into the email, it doesn't necessarily get you agreement to respond in the particular terms that we can see on the screen.---I'm saying with her agreeing for me to type it in, meaning that she agrees with me sending this particular email on her behalf.

40

Well, she agreed, she clearly agreed to allow you to use her email account. Correct?---Yes.

But in advance of you using her email account have you given her the handwritten document and said, well, this is how I'm going to respond on

your behalf?---Yes. When I typed this, I recall when I typed this particular email she was right next to me.

And where was that?---In my office.

So just to understand the steps, she gets a notice to answer questions from the Electoral Commission and draws it to your attention. Correct?---That's correct.

10 You then print it out, I take it, or you at least take the copy she's given you?
---Yes.

You then write out some suggested answers which we've seen in Exhibit 282. Correct?---Yes.

And what then happens, does Ms Siu log into your computer using her email address or does she bring in a computer or a tablet to do it?

---She logs into my, from memory she would have logged into my computer. I don't recall her bringing a computer herself.

20

And so you and her are in your office probably on 14 May, 2017, she logs you into the computer and you then type out the details. Is that right?---Yes.

But you've made it clear to her that you're going to type out what's in the handwritten document that you've already prepared for Ms Siu. Is that right?---Yes.

30 And I take it that Ms Siu was then, Ms Siu was given the copy of the suggested answers that we can see on page 282?---Yes. Some answers such as number 8 is an answer by Patricia herself, because I don't know her full financial position, so that was, especially if I recall correctly, that is a question asking why did Patricia withdraw certain money out of that account, out of her account.

So can we just go back to Exhibit 282.

THE COMMISSIONER: Mr Robertson, I'll take a morning tea adjournment after we've dealt with this segment.

40 MR ROBERTSON: Sorry, I probably pushed my indulgence slightly, Chief Commissioner, again. Exhibit 282, you were drawing attention to question number 8. Now, can you see that question number 8 seems to be slightly more bold in text, just ever so slightly, than for example the answer to question 7. Is it your evidence that all of the handwriting on this screen is your handwriting or is it possible that some of it is actually Ms Siu's?
---It's all my handwriting.

But is it possible that you wrote some of the suggested answers on different occasions?---That could be, because for the issue of say the withdrawal of \$5,000 in September 2014, Patricia would have to go back and think why this particular withdrawal was done in that time.

And so you're saying that what we can see on the screen is mostly your story, but Ms Siu added some additions to it?---That's correct.

10 And when we say mostly your story, it's the story that you and Mr Wong cooked up after you knew that the Electoral Commission was conducting an investigation. Is that right?---Yes.

Is that a convenient time?

THE COMMISSIONER: Yes, it is. I'll take the morning tea adjournment.

SHORT ADJOURNMENT

[11.37am]

20

MR ROBERTSON: Chief Commissioner, just one timetabling matter first. I now no longer intend to call Ms Sibraa tomorrow morning. The two counsel who indicated they may wish to cross-examine her have both informed me that that they no longer intend to seek leave to do so. So I therefore no longer need to call Ms Sibraa but otherwise the program will, at least at the moment, proceed as announced.

THE COMMISSIONER: Very good. Thank you.

30 MR ROBERTSON: Mr Yee, can I just clarify a couple of matters arising out of this morning. First, the Masonic centre you referred to this morning, is that the one at Mary Street in Surry Hills?---That's correct.

40 Chief Commissioner, I apply for the direction made under section 112, I'm sorry, of the Independent Commission Against Corruption Act on 23 September, 2019, in relation to the compulsory examination of Mr Jonathan Yee on that date be varied insofar as it would otherwise prohibit publication of the fact that Mr Yee gave evidence on that date and insofar as it would otherwise prevent the publication of any question asked or answer given in this public inquiry.

THE COMMISSIONER: On 23 September, 2019, I made an order pursuant to section 112 of the Independent Commission Against Corruption Act. In light of the evidence given in the public hearing today, I consider it is necessary and desirable in the public interest to vary that direction which I do by removing the prohibition and publication of the fact that Mr Jonathan Yee gave evidence in a compulsory examination on that date and insofar as

it would prevent questions and answers being put and obtained today with the witness, Jonathan Yee.

10 **VARIATION OF SUPPRESSION ORDER: ON 23 SEPTEMBER, 2019, I MADE AN ORDER PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT. IN LIGHT OF THE EVIDENCE GIVEN IN THE PUBLIC HEARING TODAY, I CONSIDER IT IS NECESSARY AND DESIRABLE IN THE PUBLIC INTEREST TO VARY THAT DIRECTION, WHICH I DO BY REMOVING THE PROHIBITION AND PUBLICATION OF THE FACT THAT MR JONATHAN YEE GAVE EVIDENCE IN A COMPULSORY EXAMINATION ON THAT DATE AND INsofar AS IT WOULD PREVENT QUESTIONS AND ANSWERS BEING PUT AND OBTAINED TODAY WITH THE WITNESS, JONATHAN YEE.**

20 THE COMMISSIONER: Yes.

MR ROBERTSON: Mr Yee, on Monday of last week, you participated in a compulsory examination before this Commission?---That's correct.

And on that occasion you were given an opportunity to correct or clarify evidence that you had previously given before this Commission, including in private session, correct?---That's correct.

30 And during the course of that examination, you admitted that much of what you had told both this Commission and the Electoral Commission was wrong, correct?---That's correct.

During the course of that compulsory examination, you referred to the family meeting that you and I discussed during this morning's session, correct?---That's correct.

And you also gave some evidence regarding a discussion that you had afterwards with Mr Wong, correct?---That's correct.

40 But during the course of that evidence, you didn't tell us, do you accept, about Mr Wong admitting that the donor of the money that we've been talking about was Mr Huang Xiangmo. Do you agree?---I, from my recollection, yeah, I don't think I said it.

THE COMMISSIONER: You don't think you said it?---I don't think I said
- - -

Well, I think you can be fairly sure you didn't.

MR ROBERTSON: You would accept that you were given an opportunity to put that matter forward on 23 September, 2019, if you wanted to put that matter forward, correct?---That's correct.

How do you explain then that you've told us today about that aspect of the conversation with Mr Wong but didn't tell the Commission that when you were given an opportunity to do so on 23 September, 2019?---I was quite stressed at the time, knowing my mother had that particular mental issue, I forgot.

10

Is that your explanation, is it, you just forgot about it?---Yes. That's correct.

I mean, you must accept that I did ask you a number of questions on 23 September, 2019, about Mr Huang, correct?---Correct.

And you knew at least from the time of the opening statement that you were present for in the public inquiry that the involvement or otherwise of Mr Huang Xiangmo, in the subject matter of this investigation, was a matter of interest and concern to this Commission, correct?---Correct.

20

And are you saying that it just simply slipped your mind that Mr Wong made an admission in relation to that matter during the meeting at the Masonic Club?---It was very stressful. Actually, the last month or two, it's been extremely stressful.

Well, I want to be quite clear about your recollection on these issues because it's an important matter and we've heard for the first time today, an aspect that you haven't previously volunteered, either to the Electoral Commission or this Commission. You must at least accept that prior to the Masonic Club meeting, the name Mr Huang was a name used in conversation between you and Mr Wong, correct?---No. Incorrect.

30

That name never, never uttered in any conversation before the meeting in the Masonic Club?---Well, not in relation to this particular matter.

Well, did you, prior to the Masonic Club meeting, did you put to Mr Wong whether the true source of the money was Mr Huang?---Yes, I did.

So at least in that conversation Mr Huang Xiangmo was referred to in the context of the particular donations issues that you and I have been discussing. Is that right?---That's correct.

40

And I think you've accepted that in 2015, at least, Mr Huang Xiangmo was a very generous donor. Is that correct?---That's correct.

But how do you explain, other than simply saying it slipped my mind, how do you explain that the first time you told us about any admission, any direct

admission by Mr Wong was during the course of your evidence this morning?---I can't explain.

Well, is it at least right to say that in advance of your participation in this public inquiry, and in particular overnight last night, you've given very close consideration to what you're able to assist this Commission by way of evidence and other information?---I have, while sleeping on the bed, I did have a deep, hard thought of what I should be, if I can, what I, the, throughout the whole process, if this particular name had come up.

10

Well, let me put it this way, you appreciate now, don't you, that you're in deep strife, correct?---Oh, oh, more than deep strife.

Deep strife. Deep, deep strife, correct?---Deep, deep strife, yes.

Do you say that you have given very close consideration to the matters on which you can assist this Commission in, in relation to its investigation?
---Yes.

20

And do you say that you are now and today have been completely forthcoming in providing whatever information you know of and that you can provide in order to assist this Commission in its investigations?---That's correct.

And in connection with those investigations, you've given very close consideration as to your knowledge of any involvement, directly or indirectly, that Mr Huang Xiangmo may have had in the matters that this Commission is investigating, is that right?---That's correct.

30

But having done that, is it still your serious evidence that at the time that you're signing dodgy forms and getting others to sign dodgy forms, and at a time where you've accepted that you're signing the forms to conceal the true source of the donation, you had no idea who the donor was, is that still your evidence, despite giving close consideration to that matter?---I could have guessed who it was, but I was never confirmed who it was, which I, I have stated that no-one has confirmed to me who, who that was.

So until the meeting at the Masonic Club quite recently, Mr Wong never told you who the true donor was, is that right?---No.

40

You put it to him at least once, you asked him the question at least once?
---During that meeting?

Prior to the meeting - - ?---That's correct.

- - - you asked him at least once?---That's correct.

And when was that discussion, or when did you put it to him, when did you ask him about that?---After the, what do you call, after the Electoral Commission was investigating into the matter.

Is that the only time other than the Masonic meeting time and the time that you're just talking to us about, that you asked Mr Wong about that matter?
---From recollection, yes.

10 And are you saying the only time that Mr Wong has answered that question is during the course of the Masonic Club meeting?---Yes.

On the preceding occasion, doing the best you can, what were the exact words, or at least the words, the effect of the words that you used when you put that question to Mr Wong, and please also tell us what Mr Wong said if anything in response.---I said to him, "Is the donor Mr Huang Xiangmo?" He said, "There are several donors." And he didn't deny it or accept that he was the actual donor.

20 But he then didn't, he then had - - -

THE COMMISSIONER: Oh, sorry, just - - -

MR ROBERTSON: I'm sorry.

THE COMMISSIONER: Which conversation are you now talking about?
---This is after the Electoral Commission has started their investigation.

30 MR ROBERTSON: So he doesn't answer – so you ask him who, whether Huang Xiangmo is the donor, correct?---That's correct.

But he doesn't answer your question, he evades it, correct?---He said that there was a, a few donors.

Well, do you then say, "Well, who are those donors?"---I said, "Who are the donors?" He said, "You don't have to worry about it."

Well, let's be clear, do you have a specific recollection of him saying, "You don't have to worry about it"?---That's correct.

40 Those words - - -

THE COMMISSIONER: Mr Yee, I just remind you now that we're dealing with an issue of importance, that is, who was the donor who benefited from this fraudulent scheme, that is, who could fly under the radar, as it were, and make this donation, and whether it was Mr Huang Xiangmo. You realise how important that issue is in this investigation?---I understand.

And that if you are prepared to cooperate with this Commission, and tell all that you know about that question, that is significant, it may be significant both for the Commission and, as no doubt your counsel will be able to confirm in some way, it may one day operate as a matter that a court might take into account about your conduct. Do you understand?---Understand.

10 So we are now at that point when you have this opportunity. It is a circumstance in which we have the evidence now from you that there was a fraudulent scheme which you and Mr Wong together put together and undertaking an exercise like that, that is to get fraudulent false declarations and the like, you would have at the time appreciated was a very serious venture to engage in.---That's correct.

So you wouldn't want to do it if all that was achieved was a very small amount by way of donations achieved, taking that risk of entering into such a fraudulent scheme. Correct?---Correct.

20 So you would want to know at some point, I would have thought, but you correct me if I'm wrong, that curiosity if nothing else must have, after the fundraiser, led you to say to Mr Wong, well, how did we go, did the money come in, where did it come from and how much have we been successful with this fraudulent scheme, or something along those lines. Now, that is the case, isn't it, that you would have wanted to have answers to those questions to see if the risk you took had been worthwhile and accomplished the plan?---No, it wasn't. I didn't want to know is because I was following a plan that was organised, I am not the general of this particular plan, I was just a lieutenant that was acting on behalf of Ernest Wong to do this particular thing. Yes, in due course I did ask him was the donor Huang Xiangmo. His answer to me was that there were a few donors at the time.

30 MR ROBERTSON: But whilst the general might set the mission, surely the lieutenant wants to know that the mission has been successful. Do you agree?---I agree with that, but it's not the way how we work. I don't know how to put it to you.

40 Having been given the explanation the Chief Commissioner gave us, are you now saying on your oath that you have told this Commission everything that you know that may be of assistance to it on the question of who the true source of the money was that was covered up by the forms that you signed and arranged to be signed?---That's correct. I, from the beginning I might have assumed it would be Mr Huang Xiangmo but I never got a confirmation until just recently.

And you and I have discussed the various reasons why you at least guessed that it was Mr Huang. Is that right?---That's correct.

On top of the ones that we discussed included the fact that Mr Huang was at the dinner, known to be a generous donor at that particular time, are there

any other matters of which you're aware that led to that, to use your term, "guess?"---Basically not, I can't think of anything at the moment.

Well, you must have at least discussed this question with people other than just Mr Wong, it's not just Mr Wong who's engaged in this scheme, it's those who have been straw donors and others. Did you discuss these matters with anyone else, either straw donors or perhaps someone from head office that might have led you to the guess that you made?---When this investigation started with the Electoral Commission and I found out then the actual donor was Mr Huang Xiangmo because he delivered the money to the thing, I would have said it to my brother, I would have spoken to Kenrick, I said, "What's happening, how come all of this information is coming out now?"

So let's unpack that. So during the course of your interview with the Electoral Commission, you were told that Mr Cheah had told the Electoral Commission that the money had been brought in by Mr Huang Xiangmo and given to Mr Clements. Is that right?---That's correct.

20 And you had a discussion after that had happened, you had a discussion with Mr Cheah. Is that right?---That's correct.

And doing the best you can, what did you say in that discussion and what did Mr Cheah say in that discussion?---I said to him, "What's going on, why was the money delivered to head office by Mr Huang Xiangmo?" I said, "Is that particular money Mr Huang Xiangmo's?" He said he doesn't know, but he knows that Mr Huang Xiangmo delivered the money, the money was given to Mr Clements, Mr Clements asked him to come in to count the money.

30 So to be clear about that, are you saying that Mr Cheah repeated those key aspects to you in a conversation that happened after your interview with the Electoral Commission?---That's correct.

So the information from Mr Cheah about Mr Huang Xiangmo bringing in the money to Sussex Street office and giving it to Mr Clements comes not just from what Mr Baragry told you in the Electoral Commission, Mr Cheah confirmed that to you or at least said the same thing to you in a separate conversation. Is that right?---That's correct. After my interview with the Electoral Commission.

40 Is that the only thing relevant to this investigation that Mr Cheah has spoken to you about?---Normally when I see Mr Cheah it's all about general conversation, it's not anything specific.

Do you remember where you were when you had this meeting or this discussion at least with Mr Cheah?---From recollection it would be at a function that I saw he was at.

Is Mr Cheah a regular attendee at your restaurant?---Now and then, not a regular as in like Ernest is.

So he'll come from time to time, including for personal meals and the like. Is that right?---Personal meals not as much, but when he would bring the Young Labor to come, come down to have meals which probably 100 plus people.

10 And your restaurant's not far away from the Sussex Street office - - -?
---Oh, definitely not.

- - - so it's a convenient place for ALP people. Is that right?---That's correct.

Other than Mr Cheah have you had any discussions with anyone else from head office regarding the subject matter of this investigation?---I don't know anybody else in personal, as in a personal relationship with other people in head office.

20

So your contact in head office is Mr Cheah and no one else unless there's some specific reason like talking to say the Finance Department or some other place. Is that right?---Yes, unless I, like, if I wanted a tax invoice I would have asked a specific person like Maggie or, or Kenrick will assist me in asking and then the communication will start from there.

But even something like that you would ordinarily go through Mr Cheah at least in the first instance. Is that right?---Yes.

30 You may have some direct contact but only after there was some contact through Mr Cheah. Is that right?---That's correct.

Now, just to deal with this in stages, so we've talked about March and April of 2015 and I've asked you a number of questions about the forms and things of that sort. Notices to produce start getting issued by the Electoral Commission and for each of what I'll call the Emperor's Garden fake donors, by which I mean the ones that you signed and the ones that you arranged to be signed, including the one from Mr Yip of Harbour City Pty Ltd, you assisted each and every one of those fake donors to respond to the notices to produce. Correct?---That's correct.

40

The Electoral Commission then starts issuing notices to answer questions and you help each and every one of the Emperor's Garden fake donors with the responses to those notices to answer questions. Correct?---Correct.

Before you assist in that exercise you have a conversation with Mr Wong where you together come up with a story that is going to be advanced both

on your own behalf and on behalf of each of the fake donors. Correct?
---That's correct.

The Electoral Commission then interviews a few people including you.
Correct?---Yes.

And during your interview you stick to the story that you've hatched with Mr Wong. Correct?---That's correct.

- 10 And to the extent that other people within the Emperor's Garden fake donor set have further communications with the Electoral Commission, either by way of interviews or by way of statements, you're assisting them in telling them what they should be saying to the Electoral Commission. Is that right?
---That's correct.

And essentially what you're saying is, "We've come up with a story which you've told the Electoral Commission through responses to notice to answer questions and you should stick to the story," correct?---Yes.

- 20 And that's been your consistent message to each of the Emperor's Garden fake donors from the start of the Electoral Commission's investigation right up to somewhere recently, "Stick to the story, stick to the story, stick to the story," correct?---That's correct.

Then once we get to 2018, the fake donors start getting served with compulsory examination summons to appear before this Commission in private inquiry, correct?---Yes

- 30 On each occasion that that occurs, the fake donor speaks to you about it first, correct?---Yes.

They draw to your attention the fact that they had been summoned, correct?
---Correct.

And you give them the same message, "Stick to the story, stick to the story, stick to the story," correct?---That's correct.

- 40 In and around those times, did you repeat to the fake donors the key aspects of the story?---What do you mean?

Well, by the time that the compulsory examination summonses are issued, it's sometime after these people have responded to notices to answer questions from the Electoral Commission. Do you agree?---Yes.

And what I'm trying to understand is whether your message to these people simply was, "Stick to the story but you'll have to go back and see what that story was," or did you go further and do things like give them a copy of the responses to the notice to answer questions or tell them the key aspects of

the story that you were telling them they should tell this Commission?---I don't, I didn't have any copies of the answers from the Electoral Commission, which when I assisted them to fill in, I gave it back to them. So I would have just, I told them just to stick to the story.

But you must have at least reminded them of the key aspects of the story, such as red packets, \$100 notes and things of that kind?---I just said to them to keep to the story because whatever was said to the Electoral Commission by themself [sic], there was no copy for me to confer to.

10

But what I'm suggesting to you is that you must have gone further with the fake donors and not just said, "Stick to the story, there you go, see you later," but, "Stick to the story and I remind you of the following key aspects, \$100 notes, red packets," things of that kind?---I might have done that. I do not recall. From my, from my recollection is that I would tell them to stick to the story.

20

And, what, you assumed that they'd remembered the key details of the story even though that story had been told in some cases a year ago or more to the Electoral Commission?---That's correct. I don't, I don't know what they said in the Electoral Commission.

Well, no, no, but I'm now including the written responses that you prepared on behalf of fake donors?---Oh, well, I could have said to them, "Stick to the story, the red packet, the \$100 bill." That's the - - -

So you may well have told them the greatest hits, as it were, but you don't recall one way or the other. Is that right?---That's correct.

30

And I take it that at each of the stages I've taken you through so far, signing the documents, notices to produce, Electoral Commission responses to notice to ask questions, interviews, statement and the like, you're reporting back to Mr Wong at mission control on a regular basis?---At all times, yes.

So Mr Wong, at every stage, knows this person has been summonsed, this person has been required to answer questions and so on and do forth. Is that right?---That's correct.

40

And I take it that in relation to the compulsory examination summonses, after people attended here in the private hearings, after the fake donors attended, they would report back to you to say, "I've now finished," or "I've had one day but I'm now coming back on a further day." Something along those lines?---Yes.

And did you discuss with those people the general direction of the questions being asked during the private examinations?---Most of them that came back to me, they said they don't remember exactly what questions you

asked because I can see you asked quite a number of questions within a four hour period, and they - - -

And even more over a five week period.---Yeah. And they, they said to me, certain people such as Wei, “They said they’re concerned about my income for the wine,” similar to, like, each person might be slightly different to what they told me and I will, then I will convey it back to Ernest what has been said to me.

10 And so at least you got a sufficient report back from each of them that led you to be confident that they’d done what they’ve been asked, in other words, stuck to the story, correct?---That’s correct.

And in at least some cases, of which Mr Shi was one, there was some more details added to that report back, is that right?---Yes.

So in his case, some questions, some specific questions about his business interests.---Which he’s worried about, that he can’t provide an answer for.

20 Now do you know whether Mr Wong participated in a compulsory examination before this Commission?---The, in the private hearing?

In a private hearing, say sometime during the course of last year.---I, I would believe, I’m led to believe that he, he would have told me. I can’t recall the exact incident when he did.

Well, what I’m trying to understand is whether this information flow is going in both directions or only in one. You’ve just told us that you’re getting all this information back about what’s happening in private hearings, and the fact that people are keeping with the stories, and you’re reporting it straight back to Mr Wong, is that right?---Yes. That’s correct.

30

Is it going both ways? Is Mr Wong reporting back to you as to what he knows about the investigation?---He would have told me things, oh, I can’t recall if he, whether that he told me if he attended the, a, a private hearing. But I won’t deny either if he said that to me or not, because my, I don’t have a recollection of that, but I, I, I would say he would tell me that. But in fine details, he wouldn’t tell me the fine details of what has been asked of him.

40 Chief Commissioner, I apply for the direction that was made on section 112 of the Independent Commission Against Corruption Act on 6 November, 2018, in relation to the compulsory examination of Mr Ernest Wong, be lifted insofar as it would otherwise prohibit the publication of the fact that Mr Wong gave evidence – sorry, that Mr Wong participated in a compulsory examination on that date. And that’s the extent of what I seek lifted at the moment, merely the fact of that occurring.

THE COMMISSIONER: Yes, in - - -

MR ROBERTSON: So, sorry, it's just been brought to my attention that I meant to say 16, rather than 6.

THE COMMISSIONER: 16 November?

MR ROBERTSON: Yes.

10 THE COMMISSIONER: On 16 November, 2018, I made a direction under section 112 of the Independent Commission Against Corruption Act, in respect of the compulsory examination of Mr Wong. I vary the direction made on that date so that it does not prohibit reference to the fact that Mr Wong was the subject of such an examination, or that would otherwise prohibit questions and answers occurring in the course of that examination.

20 **VARIATION OF SUPPRESSION ORDER: ON 16 NOVEMBER, 2018, I MADE A DIRECTION UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, IN RESPECT OF THE COMPULSORY EXAMINATION OF MR WONG. I VARY THE DIRECTION MADE ON THAT DATE SO THAT IT DOES NOT PROHIBIT REFERENCE TO THE FACT THAT MR WONG WAS THE SUBJECT OF SUCH AN EXAMINATION, OR THAT WOULD OTHERWISE PROHIBIT QUESTIONS AND ANSWERS OCCURRING IN THE COURSE OF THAT EXAMINATION.**

30 MR ROBERTSON: Now, Mr Yee, to assist you with your bearings, Mr Wong participated in a compulsory examination before this Commission on 16 November, 2018, which is last year.---Yes.

And I want to suggest to you that after that took place, Mr Wong told you that he had participated in such a compulsory examination, do you agree?
---Ah hmm. I agree.

40 And doing the best you can, approximately when were you told by Mr Wong about that matter?---Most probably after – oh, I don't recall the exact date, but after the, his examination, and we will probably discuss some of the matters, I guess.

Well, let's try and unpack that a bit. So obviously enough, Mr Wong was given a summons to appear before he attended, and I can assist you by saying that that was served on 24 October, 2018. Do you recall whether you were told by Mr Wong in advance of him participating in his private hearing that he had been required to participate in such a hearing?---I don't recall specifically, but he would told, he would have told me.

Well, what I'm really, part of what I'm trying to understand is you've indicated that you're giving lots of information to Mr Wong about what's going on about the investigation. At least as I understand your evidence, if you knew anything about the Electoral Commission's investigation or this Commission's investigation, you'd tell Mr Wong about it promptly, correct?---That's correct.

10 Did it go both ways? When Mr Wong obtained information about the progress of this investigation, was it his practice to tell you about it promptly as you understood it?---He would tell me promptly, yes.

About everything that he knew about the investigation or - - -?---Not everything.

- - - was he careful to not tell you about certain - - -?---Not everything. I think he is quite cautious from the beginning to the end in what he wants to tell me, what I need to know, in the facts.

20 When did you first find out who Steve Tong was?---Your opening speech.

When did you first find out that Dr - - -?---Oh, sorry. I, I, I'll rephrase that. I think the Electoral Commission, Peter, asked me who was Steve Tong.

When did you first find out that Dr Leo Liao has committed suicide?
---When you had the opening speech.

30 That wasn't something that Mr Wong had told you about in advance of you hearing it from me during the opening statement?---No. I recall after the, your opening speech, I spoke to him and I said, "Why did Mr Liao die? Is it because of this issue?" His response to me, in exact words, "He had mental issues from previously and he couldn't overcome this matter to he took his life."

So are you quite clear in your mind that either those words or pretty similar words were said by Mr Wong?---If not those words, very similar.

When did that discussion take place?---After the opening statement.

40 So the opening statement was on a Monday of the week and you were sitting, I think, in the gallery during the course of that happening?---That's correct, yes.

And how far after you listening to that opening statement did you have that discussion with Mr Wong?---Within a week.

So during the course of that week. And where did that take place?---The restaurant, I would - I, I don't recall exactly where it was. It could be a function that we jointly go to, meeting that he was invited and I was invited.

But we're only now talking about five weeks or so ago. So have you been at any functions in the last five weeks, during the course of which you've spoken to Mr Wong?---Yeah. Yes, I have.

You have. So it could be at a function or it could be at Emperor's Garden restaurant?---That's correct.

10 But you're quite clear in your mind that Mr Wong said words to the effect of what you've just identified?---That's correct.

Jumping back then. Compulsory examination, Mr Wong served on 23 October, 2018. Is it right that you don't have a specific recollection of Mr Wong saying, "Right, they're coming for me now. I'm required to participate in a private hearing." Is that right?---He would tell me that he is required to go for a private hearing.

20 Well, I'm asking you whether you have a recollection of a discussion to that effect or whether you might only have found out after the event?---He would have told me.

In advance?---In advance, yes.

And he also told you after he participated in the public, sorry, in the private hearing. Is that right?---Yes.

And during the course of those discussions, you and he discussed the progress and direction of the investigation, Correct?---That's correct.

30 You had he also went to Guangdong in December of last year, correct? ---Late November, I think.

And that was for events associated with the Federation of Australian Guangdong Communities, correct?---That's correct.

And during the course of that trip, you had discussions with Mr Wong regarding he progress of this Commission's investigation, correct?---That's correct.

40 And one of those occasions was in Zhaoqing. Is that right?---Zhaoqing, Zhaoqing.

Thank you for correcting my - - -?---I know it's hard to pronounce.

I'm grateful for you correcting me. And during the course of that discussion, Mr Wong took some notes of the discussion. Is that right? ---Incorrect. I remember that we had a discussion after a day of an event during the day and we had a bit of spare time in the afternoon. We met at

the, a coffee shop in the plaza, where we stayed in the hotel, where, the hotel was facing a manmade dam or something like that. In between that hotel it had a shopping centre where it links to the hotel. We decided on a certain time to meet up and when I got there he showed me a list of, well, a document on his phone stating certain things, which I can't remember at the moment what it, what it says, and in showing me that he asked me several question and he said, "Can you look at these questions," or the statement that he made on the phone, "Can you look into those matters and make sure you know it precisely how to answer."

10

So is it right to say that rather than as I put it to you, notes were being taken during the meeting, Mr Wong came to the meeting with the notes. Is that right?---That's correct.

And can we have please Exhibit, MFI, not Exhibit, MFI 11 on the screen, please. Is this a photograph of the list of points that you were discussing a moment ago?---Yes, it is.

20 And so to be clear, this is a series of notes that were brought into the meeting that you just mentioned by Mr Wong. Is that right?---That's correct.

And do I take it that you then took a photograph of the notes that are on the page?---Yes. Oh, well, on his phone, took a photo of his phone.

Yes. So what we can see on the screen is not your phone, it's Mr Wong's phone. Correct?---Yes.

30 But you took a photograph of Mr Wong's phone using your phone. Correct?---Yes.

And is it right to say that although these weren't notes of the discussion, they do set out the general subject matter of what you were discussing with Mr Wong on that occasion?---Yes.

And is it the case that part of what Mr Wong was saying is to give you an idea as to the kinds of questions that he understood were being asked and the areas that this Commission was interested in?---Yes.

40 Now, at that point in time you hadn't participated in a compulsory examination before this Commission. Is that right?---I think I've participated mid-this year.

Mid-this year, not – so here we're looking at something from last year. ---Yeah.

And so as at 29 November, 2018, you hadn't participated in a compulsory examination. Correct?---That's correct.

But is it the case that part of the discussion with Mr Wong concerned giving you some indication as to the kinds of lines of inquiry that were likely to be made of you in the event that you were required to participate in a compulsory examination?---Yes.

I tender the document on the screen, being a photograph apparently taken from Mr Jonathan Yee's telephone of a telephone apparently of Mr Ernest Wong.

10

THE COMMISSIONER: Yes. The photo of the notes 29 November, 2018, with questions will be admitted and will become Exhibit 308.

#EXH-308 – PHOTOGRAPH FROM JONATHAN YEE'S MOBILE TELEPHONE TAKEN ON 1 DECEMBER 2018

THE COMMISSIONER: Mr Yee, I just want to clarify circumstances in which you came to know Mr Huang Xiangmo. You met him probably in the year 2014 for the first time, did you not?---I do not - - -

20

The year before the fundraiser we're discussing here?---I do not recall exactly when I met him, but it would be before the fundraiser.

About 2014, maybe even 2013?---Probably.

And before and after the fundraising of 12 March, 2015, had seen him on multiple occasions, had you not?---Yes.

30

Where you had spoken to him?---No.

Through an interpreter?---No. Mr Wong, Mr Huang is not a person that's easily approachable.

In any event, you saw him at, on multiple occasions, including before March, 2015, you'd seen him at your restaurant, dining at your restaurant. ---I, he came and dined in, not before the dinner.

40

No, but he was there to dine with others in your restaurant.---He doesn't come frequently.

No, I didn't ask you that. He had dined at your restaurant, had he not, with the Australian Federation of Guangdong Communities Association?---Yes.

That was before March of 2015.---Don't recall when it was.

Or could have been?---Could have been.

You were originally introduced to Mr Huang Xiangmo by Ernest Wong, weren't you?---Yes.

And apart from that particular function, you had seen him at public functions from time to time, and would acknowledge his presence, and - - -? ---Yes. I would most probably say hi.

10 And then there was a very large wedding celebration, wasn't there, to mark the wedding of Mr Huang Xiangmo's daughter?---Yes.

Do you remember when that was?---I don't remember exactly when it was. It would probably be after the big function we ran for the Australian, for the Guangdong Communities, in late 2015. So I would say probably 2016, or later, even.

Any event, there was considerable publicity around this.---Yes.

20 This wedding dinner, was there not publicity about it?---Yes.

And it was a what might be described as a very lavish wedding affair held at the Shangri-La Hotel, do you agree?---Yes.

Community leaders were there, apart from family and friends of the bride and family?---That's correct.

30 Amongst the community leaders – I withdraw that. Amongst those other than family and friends of family, two others who were present at the wedding was Mr Wong and yourself, is that right?---That's correct.

And you came to be there by invitation of Mr Huang Xiangmo, is that right? ---That's correct.

So do I take it that by this time, you and Mr Wong and Mr Huang, and Mr Huang and Mr Wong and yourself would be regarded as being on very good terms?---I'd be regarded in very good terms with Mr Ernest Wong, but I was never a friend, a direct friend or a personal friend of Mr Huang.

40 Well, how do you come to be on the invite list for this wedding?---I was the President of the Chun Shan Society of Australia, which is a pretty old organisation within the Sydney community, where all the Guangdong presidents were invited.

How many?---All of the Guangdong, which is, I would say, 20. 20-odd presidents.

But your association with Mr Huang was not through that association, was it?---From, it's from the Federation of Guangdong Association.

You'd only met him on one occasion that's a function of that body, and that was the one held at your restaurant, correct?---He has always been the chairman of that particular association.

Were there any other Labor Party luminaries at this wedding that you recall?---I don't recall any other, yeah, I'm sure there would be Labor and Liberal dignitaries that attended.

10 But you don't recall any other Labor Party affiliated persons?---No, it's been a while.

And the only two that you, Labor affiliates, if I can that expression, that you can recall being there, was Mr Wong and yourself.---Yes.

And during the course of this association between the three of you, Mr Huang, Mr Wong and yourself, you came to learn through Mr Wong about Mr Huang's wealth and status. Is that right?---Yes, and newspaper.

20 And you came to know, as you've already said, that he had been, prior to 12 March, 2015, a very generous donor to the ALP and cultivated, and Mr Wong cultivated his friendship to that end?---That's correct.

It was because of Mr Huang Xiangmo's known generosity to donating to the ALP that he was invited on 12 March, 2015, and no other reason?---Yes.

30 Then it must have been more than apparent to you that the donor that was contributing on 12 March for whom you provided cover was Mr Huang Xiangmo?---I don't need to protect Mr Huang Xiangmo. I'm not a personal friend of him.

No, listen to my question. It must have been more than apparent, knowing what you know about Mr Huang Xiangmo, particularly through Mr Wong, that he was going to be and was ultimately the secret donor for whom you provided cover by your activities. Isn't that the case?---I only speculated it was him. I didn't know exactly, no one told me exactly until quite late.

40 No, no. Well, is the reason that you say you didn't discuss Mr Huang as the donor is because you've always acted on the basis that he was the donor and that you arrived at that conclusion by the obvious facts of his known association with the ALP for donation purposes. Is that the fact, that you always acted on the basis that he was, whether you were told or not, the donor?---Yes.

All right. And just as before, so after 12 March you would have on many occasions discussed Mr Huang Xiangmo with Mr Wong. Isn't that right?---No, we didn't discuss Mr Huang. If I did - - -

Well, you did before the dinner, didn't you, because you came to know through Mr Wong that he had been very generous in his donations to the ALP, you knew that from Mr Wong himself told you that.---With the dinner
- - -

Stay with my question.---I - - -

10 Stay with my question. It was Mr Wong who told you about Mr Huang's generosity to the ALP, was it not?---Yes.

It was Mr Wong who introduced to Mr Huang.---Yes.

To Huang, yes?---Yes.

You knew that he was there as honoured guest by reason of his status as donor. Yes?---Yes.

20 And you had discussed all of that with Mr Wong, that is his being invited, indeed Mr Wong was going to invite him, as you knew. Yes?---We - - -

You knew he was going to be invited and was invited by none other than Mr Wong to the dinner.---I knew he was invited, yes.

By Mr Wong.---That's correct.

Yes. And you knew that Mr Wong had targeted him because he had in hand a person who could in the future be relied upon to continue his donations. You knew that, didn't you, that Mr Wong - - -?---Yes.

30 - - - was cultivating his friendship, his relationship with Mr Huang for donation reasons?---Yes.

Then you had enough by way of a bundle of facts to know, facts gained from Mr Wong, that there was only one reason that Mr Huang was at that dinner, didn't you?---For donations, I guess.

Yes. Well, there's no other reason, is there? There wasn't any other reason why he was there? Isn't that the truth?---Truth, yes.

40 It's taken a long time to get to this point. He wasn't invited because he was a nice man, he wasn't invited because he was going to do something other than keep donating to the ALP, especially with Mr Wong working on him. Is that true?---True but, but when you invite Mr Huang to an event, not necessarily he will donate. Like, he attended the 2016 local election campaign, which I was part of, he did not donate to me. It would be more simple for me to say, "Mr Wong, can you get Mr Huang to donate \$50,000," instead of asking so many individuals.

Yes, well, fortunately we don't have to get too involved in local government in this inquiry. Yes, Mr Robertson.

MR ROBERTSON: I showed you a little while ago some notes that were from Mr Wong's phone and that you took a photo of. Is that the only occasion that Mr Wong has shown you any notes that he has taken in relation to the direction of the investigation?---Since the ICAC inquiry, I believe he has shown me other notes but printed.

10 What about in connection with this compulsory examination. Do you recall Mr Wong showing you any notes arising out of that?---Of similar, similar questions on the line of keeping to the story, the donations, I mean, not the donations, the, the red packets and the \$100 bills. To remember, telling me to remember who donated what and how much they donated.

So just to be clear, are you saying you have a recollection of around about the time of Mr Wong's compulsory examination of him showing you a different note, not the one that I've shown you on the screen, but another note with Mr Wong's notes as to the progress of this investigation?---I
20 would say the note was actually presented to me this year, not, rather, not least year.

So is that a different note to the one that we saw on the screen?---Yes.

And is that the only occasion you can recall Mr Wong showing you notes of that kind?---Yes.

THE COMMISSIONER: In that a convenient time, Mr Robertson?

30 MR ROBERTSON: I only have about five minutes left, so if I could conveniently do it now?

THE COMMISSIONER: Oh, certainly. Yes. Go ahead.

MR ROBERTSON: You at least now accept that you've been involved in a serious cover-up?---Very serious.

A cover-up of a crime, correct?---That's correct.

40 A cover-up of a scheme to circumvent New South Wales electoral law, correct?---Yes.

As part of that cover-up, you have sought to deflect the New South Wales Electoral Commission in its investigations, correct?---Correct.

You've sought to deflect this Commission in its investigations, correct?
---That's correct.

And you've sought to do that directly in the evidence that you've given but you've also sought to do it indirectly through the various fake donors that you and I have discussed, correct?---Yes.

As part of that exercise, you have procured people to give false evidence to this Commission. Do you agree?---That's correct.

10 And you've abused the trust that members of your family and your employees and Mr Yep held in you as a person who should be one that can be trusted. Do you agree?---I agree.

After doing all of that over months and years, why have you not decided to come to this Commission and tell what I assume you say is the truth?

---Because on the day when we had our family meeting, my mother was, my mother was very upset. She wasn't in the emotional state that when we holiday in July, that happy face. I can tell she was tremendously worried. I can tell that – she keeps saying to me, “Son, I might have caused you to go to gaol. The evidence that I gave might have cause you to do to gaol.” She keep repeating that.

20

Your mother's saying that to you?---Yes. This is after the, after the meeting.

Just to understand that though, but at that point in time, unless I'm mistaken, your mother hadn't given evidence, at least in the public inquiry?---No, she hasn't yet.

30 So are you saying she was concerned about the evidence that she'd given in a public inquiry and the fact that that may have tripped things up, as it were? ---That's correct.

And is that because Mr Valentine Yee, your brother, had some real difficulties on the preceding Thursday in being able to explain various things, including that arising from his mother's responses to the Electoral Commission?---I, I don't know what was the conversation between my brother and my mother, but from what I deduct from my conversation with my mother, she said that Valentine would not tell him what happened and he said he will tell all on the next appearance that he'll be attending.

40 So isn't that the real reason you're now telling the truth, you realised that the game was up because your brother was going to spill the beans the next Monday and you then had no choice, you had nowhere to go, you had no choice but to tell the truth. Is that right?---No, I was more concerned about my mother's welfare and other welfare of the employees or former employees I'd engaged into.

But why weren't you concerned about their welfare when you got them to sign fake forms, when you got them to respond to notices to produce, when

you got them to answer questions of the Electoral Commission, when you told them that they should stick to the story in private hearings and when you told them they should stick to the story in public hearings? Why did it take until very recently in a family meeting with your brothers for it to dawn on you the seriousness of your actions?---We all didn't think it was that serious in the start and once we started a lie, we didn't want to be caught telling a lie.

10 Is it right to say, you said a moment ago that your mother was upset and concerned. It was actually more than that, wasn't it?---On the, on the Sunday my mother did not tell me, it's only when my brother spilled the beans on Monday that she was suicidal. And then I thought, oh, wow, my brother's being a bit dramatic about it, I know she was quite upset but not to the point to, being able to take her life, but on the, on the Wednesday, on that day, on that week I mean, I had a day off, it was my rostered day off - -
-

20 Is this the Wednesday before the family meeting or the Wednesday after the family meeting?---After. I was in Hong Kong on, on the Wednesday before the family meeting. When I got to work on Thursday, one of my staff, Ming, which I spelt out before, said to me, which has worked for us for quite a number of years now, said to me, "Your mother has been standing on the roof of Emperor's Garden on Hay Street for over an hour," on Wednesday. I approached my mother. I asked her, "Why are you standing there?" She said, "Son, I really want to jump down. I think I caused a lot of hassles for you." And I said to my mother, "If you jump down it does not solve the problem. If you jump down it does not prevent me from not going to gaol. What you do now does not prevent me from, from me being responsible for what I have done." Seeing her in that position really hurts
30 me because I never, ever in my life seen her so sad. Besides that, Johnnie, we used to talk, Teresa, we used to talk, they don't even look me in the eye, and again since the announcement of a public inquiry. Teresa refuses to talk to me. Something that, friendship that was built over time has gone because I wanted to protect someone's arse, I wanted to protect Ernest Wong's arse. It's stupid. If my mother did jump off the building, I, I don't know how to face up to that fact. I'd never even lift my head to look at my father again. I don't know how to even talk to my brother. Those things just tells me that if I ever continue with these lies, I'll never face up to what would happen if anything happens to the people that I have affected or that I have dragged
40 into that which I shouldn't of, because I've been trying to be loyal to someone. It's stupid.

And is it fair to say that it's really that confluence of matters you've just summarised that's at least one of the reasons why it's ultimately dawned to you, but very late in the day, that firstly, what you've done has had a serious impact on others, and secondly, your loyalty to Mr Wong is simply not worth continuing to impose that on your family members, employees, and friends?---Definitely. I, I think I'm, I'm here not to protect any, any more

people except for my family, except for the people I've dragged into this mess. Making them to tell lies that they shouldn't of, that are really good people that have, probably has never even got a parking fine, let alone have any crimes listed under their names. And now I've caused them to be, might not go, might, might not be a, a, a big criminal, but at least, a minor criminal for the actions that I've caused them to be.

And that's at least part of the explanation as to why you say you're telling us the truth today and again yesterday?---That's correct.

10

Is that a convenient time?

THE COMMISSIONER: Very well. I'll adjourn. I'll resume at 2.15.

LUNCHEON ADJOURNMENT

[1.12pm]