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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 1 OCTOBER, 2019

AT 2.00PM

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

THE COMMISSIONER: Mr Robertson.

MR ROBERTSON: I understand my learned friend, Mr Hale, applies for leave to cross-examine Mr Yee.

THE COMMISSIONER: Yes, Mr Hale.

10

MR HALE: Is there anyone else? I wonder whether somebody less involved might go if they want to cross - - -

THE COMMISSIONER: I think you're the last one standing.

MR HALE: I'm the last one standing.

MR MOSES: I'm happy to go now if you want me to.

20

THE COMMISSIONER: Very well. Yes, Mr Ramrakha.

MR MOSES: I seek leave to - - -

MR RAMRAKHA: I had a couple of - - -

THE COMMISSIONER: I'm sorry, I didn't realise.

MR RAMRAKHA: I had a couple of question. I haven't put anything in writing, but they're just about - - -

30

THE COMMISSIONER: That's all right.

MR RAMRAKHA: - - - the relationship and some evidence that Mr Yee gave about the arrangement.

THE COMMISSIONER: That's all right, Mr Ramrakha, I'm prepared to - - -

MR RAMRAKHA: Thank you.

40

THE COMMISSIONER: Do you want to go first then?

MR RAMRAKHA: Yes. I won't be very long.

THE COMMISSIONER: All right.

MR RAMRAKHA: Thanks. Mr Yee, I appear for Lei Mo. He's your former employee. Is that correct?---That's correct. That's correct.

That's correct, yes. Now, you gave some evidence yesterday or you were asked some questions yesterday about whether or not you pressured any of your former employees to participate in this scheme. Do you remember being asked that question?---Yes.

And you said no. Do you remember saying that?---That's correct.

10 Is that, do you, is that still your evidence today?---Yes, it is.

Do you agree that the nature of the relationship between, particularly in the Chinese sort of context, employer and employee is one of quite unequal power? You'd agree with that?---I'd agree with that.

And you'd agree that it's very difficult for an employee to refuse a request from their boss. Correct?---Correct.

20 So accepting that evidence, sorry, accepting those propositions would you agree that you did in fact pressure them into becoming involved?---No, I didn't.

Well, how do you describe it?---I abused their trust by asking them to sign. They trusted me in a way that I presented to them. I did not explain it fully to them what was it, what was involved, but may I ask you to ask Lei Mo back, how, what is our friendship based on, how many times have we been out overseas together, how many drinking nights have we been together. We have established a friendship over a period of eight years or more. It's not a simple fact of saying can you sign this.

30 But you knew it was going to be difficult for him to refuse your request. Isn't that right?---Anybody can refuse my request.

Well, I suggest that you knew that your former, that your employees were going to find it very difficult to refuse a request coming from their boss. Is that correct?---That's not correct.

40 Is that correct?---Not correct. The thing is, if you don't work for this company is it impossible to not work for another company? Is it, is it so that because you refuse signing this letter, this declaration form and the reservation form that I'm going to fire him? If that's the case then I'm sure he can find another job and in the meantime that he's been out of not working with us he's been working in other places earning money too.

Mr Yee, are you just trying to minimise your involvement in this matter by saying that these donors were in fact willing participants, is that what you're suggesting?---No, I'm not. I have done my greatest cause that I can do by involving them already. I am not minimising my involvement, my

involvement is deeper than, deeper than I can imagine on the day that I asked them and I am really in trouble at the moment.

You gave some evidence about the arrangements that you said you made to facilitate meetings between Ernest Wong and the straw donors. Do you remember giving some evidence about that?---Yes. Yes. Yes.

And you didn't have a recollection of taking Mr Mo upstairs, correct?---I don't have a recollection of taking him upstairs.

10

Now, you gave evidence that you arranged – you referred to somebody by the name of Ming?---That's correct.

And that person was also known as Sister Ming, is that correct?---You can say that.

And she is referred to as Sister Ming?---Well, we call her Big Sister Ming.

20

Oh, so Big Sister Ming. So she is referred to as, sort of, in those terms, correct?---That's correct.

But she wasn't involved in the scheme at all, was she?---No, she wasn't.

So she didn't know anything about it, correct?---Well, I'll guess she can read from the newspaper.

No, but she didn't – but on your understanding, she didn't know anything about it, correct?---No.

30

So, you didn't know, you don't know what she said to Mr Mo when she called him on the telephone, correct?---I asked Ms Ming to ask Mr Mo to come in, and I did not know what exact conversation they said.

But you didn't – Mr Mo wasn't called up for the express purpose of, he wasn't told that he was to come in to speak with Mr Wong, correct?---He was asked to come in and speak to Mr Wong.

Well, I suggest to you that that's not the truth.---Then what is the truth?

40

Well, that he was, there was a pretext, there was a telephone call which was made to Mr Mo to facilitate him coming to the Emperor's Garden and there was no mention in that telephone call of Mr Wong. Do you agree with that? ---I don't agree with that.

Do you agree that Mr Mo met Ernest Wong on a day that he attended the Emperor's Garden Restaurant, and he came to the bakery? Do you agree with that?---I don't know, I didn't see him come in, so I wouldn't know.

Well, I suggest to you that he came to the bakery, and then he went inside, and then he spoke to people within the restaurant and Sister Ming told him that Ernest Wong was upstairs and wanted to speak to him. Do you deny that that happened?---I know that he came in, but I specifically asked Ming to give him a call to come in.

10 But you don't know what Ming said in that telephone call?---Ming didn't tell me.

So the telephone call could have been about anything?---I would assume so, because I wasn't part of that conversation.

So it was not necessarily a part of that conversation where she mentioned Ernest Wong in that telephone call, that's possible?---Possible.

All right. No further questions.

20 THE COMMISSIONER: Thank you. Yes, Mr Overall?

MR OVERALL: Mr Commissioner, I have a few short questions in a not dissimilar vein, but a slightly different angle.

THE COMMISSIONER: That's all right, you present, Mr Overall.

MR OVERALL: Mr Yee, your - - -

30 THE COMMISSIONER: Could you just also, if you could just move closer to the microphone, it's more effective. Thank you.

MR OVERALL: Mr Yee, your family have built up a very successful business since they started.---My, my father did, and has.

Yes, and it now has a number of different restaurants and earns a lot of money, a lot of turnover, in the millions of dollars.---Yes, you can say that.

Hard work.---Yes.

40 And a little bit of risk.---A, there's a lot of risk out there.

Yes, and your family and you are regarded as very generous employers.---I would say so.

I represent Mr Wei Shi, your manager.---Ah hmm. Yes.

He has described to me that you and your family are very generous employers.---We, you can say that.

Can you tell me a bit about Mr Wei Shi and his relationship with you and your family?---Wei Shi, I've, can't recall when exactly he came in, but it would be over 20 years ago when he started working for us. In between, he did leave the restaurant to go to another restaurant called East Ocean. From the time that he worked at our restaurant, whenever he needed help, such as in moneywise in buying the unit across the road, me and my brother would help him, without a doubt.

10

Can I just stop you there. Could you describe to the Commission the help that you gave him?---I sort of don't, I don't, I can't remember how much.

Can I suggest it was approximately \$100,000 for the purpose of obtaining a housing loan from the bank. So it was a deposit.---I don't recall.

But in any case, you and your business helped him?---Yes.

Because he is a loyal long-standing employee that you know very well.

20

---That's correct.

And you regard him as a close friend?---That's correct.

And he regards you as a very close friend?---That's correct.

Wei Shi has been here a long time but he can't speak English very well, can he?---No, he can't.

30

And in fact, whenever he needs to obtain assistance to understand English or to have English read to him, in either Cantonese or Mandarin, he comes to you?---Well, definitely in Cantonese. When he has, say, a letter from whoever that's in English, he will bring it down and I will help him translate it.

So when he signed that form saying that he was going to donate \$10,000, two lots of \$5,000, it was impossible for him to read the contract that was contained on the front of the - - -

40

MR ROBERTSON: I think my learned friend should be a little bit more careful in that last question. The evidence of this witness, at least as I apprehended it, was that there was one form for \$5,000. There was then a further form seen with the signature on it in NSW Labor's documents and at least this witness says that he didn't copy the first one. I'm sorry for intervening but I think my learned friend should just be a little bit careful about that last question.

MR OVERALL: Yes. I withdraw the question and I'll rephrase it. He signed a document saying that he was going to donate \$5,000?---That's correct.

And it had a photograph of people at the restaurant, at the function, the leader of the opposition - - -?---Well, well, had a photo of the leader of the opposition, well, both state and federal and Ernest Wong.

10 And it had at the bottom of the page, the details of what he was signing?  
---Yes.

He couldn't understand that, could he?---True. And I did not explain it to him as I said before.

And you didn't read it to him in Cantonese?---No, I didn't.

20 So he didn't know what he was signing?---No, he didn't. I only generally explained to him that it, this is going to be a donation to the NSW Labor Party.

So at that time, if it said that he was then perhaps committing a crime, he didn't know it?---True.

MR ROBERTSON: Just for the benefit of my learned friend, I can have that document on the screen if it assists him in what he just said.

MR OVERALL: That would assist. Is it possible to focus on the bottom right-hand corner.

30 Can you, just so that we clarify what we're talking about, you see the section that commences with the words, "I confirm that this donation," and it goes on for five lines, but Wei Shi could not have read that by himself?  
---That's correct.

He would not have understood it?---That's correct.

And it was not read to him in either Cantonese or Mandarin when he signed it?---That's correct.

40 Your employees generally, including Wei Shi, may be regarded in this affair as the foot soldiers?---Yes.

You as the lieutenant?---Yes.

And Mr Wong as the general?---Yes.

I think you described them as that earlier on.---That's correct.

But Mr Wong, as the general, did not have the loyalty of your employees?  
---Definitely not.

But you did?---That's correct.

And they were loyal to you and your family?---That's correct.

10 And then would never have defied you?---Never, that's, well, that's correct too.

Because if they did, you would lose face and so would they.---Well, I'll lose face but if they said no I'm not going to force them to do something that they don't want to.

No, but they would never defy you.---Well, at the moment they haven't.

20 No, and they never will, will they. So isn't it the case that when they came to give evidence in this Commission it was extremely painful for them?  
---Exactly. I think it's not only painful but the stress that is put on them cannot be explained. Sitting here telling the truth, although to an extent is a relief, but the stress that you get when you're sleeping on your bed that you can't really have a good sleep, the stress that you're thinking every day about this issue, is undescrivable [sic].

And it's even more so when you're giving evidence against a friend of 20 years and an employer of 20 years.---I would think so too.

30 Yes. And isn't it also the case that if Mr Wei Shi could not read and understand the document that we just had on the screen, he certainly would not have been able to read and understand the documents sent to him by the Electoral Commission of NSW?---Definitely. So everything that they were sent to the straw donors, they all asked me what it is and I was the one that gave a brief explanation to what it is and told them what to do.

And after you gave that explanation to them, did you ask them whether they understood it?---No, I didn't.

40 I have no further questions, Commissioner.

THE COMMISSIONER: Yes, thank you, Mr Overall. Who's next?

MR MOSES: Yes, Chief Commissioner. Mr Yee, I act for the Australian Labor Party.---Yes.

I have a few questions for you. You were a member of the, you've been a member of the party since 2004?---I can't remember exactly when but it's been a while.

It's about 3 December, 2004. And as a member of the Australian Labor Party have you familiarised yourself with the rules of that party?---No, I haven't.

Have you ever read the rules?---No, I haven't.

10 Would it surprise you to know that part of the obligations of a member of the party is to act at all times with integrity and honesty? That would not surprise you?---That wouldn't surprise me.

No. And do you agree that it was no part of your role as a member of the Australian Labor Party to be involved in a scheme to subvert the operation of the Election Funding, Expenditure and Disclosures Act. You accept that, don't you?---I don't understand what you're trying to ask.

20 Well, it was not part of your role as a member of the Australian Labor Party to break the law in relation to political donations in this state. Correct? ---It shouldn't be, but I became part of it.

No. And you say you became part of it because Mr Wong - - -?---That's correct.

- - - brought you into this. Is that right?---That's correct.

30 Can I ask you this direct question. The Chief Commissioner asked you when you became aware that Mr Huang was the person who in truth had donated the money to the Labor Party in respect of the 12 March, 2015 dinner. Do you recall those questions?---Yes, I do.

And I think you ultimately said that in 2017 you became aware that Mr Huang was the donor because Mr Wong told you. Correct?---No, it was the NSW Electoral Commission through that, their finding, Peter from the Commission said to me that Mr Kenrick Cheah when interviewed said that Mr Huang brought that \$100,000 to the Jamie Clements and Jamie gave it to Kenrick to count.

40 And is that - - -?---That is when I noticed the real money is actually from Mr Huang.

And did you then have a discussion with Mr Wong about that?---That's correct.

And when was that?---After the, my interview.

And did Mr Wong you say confirm to you that Mr Huang was the donor? ---He didn't confirm or he didn't deny.

MR HALE: Look, I do object to this.

MR MOSES: He didn't confirm or deny?

THE COMMISSIONER: Just a minute.

MR HALE: Why - - -

10 MR MOSES: I withdraw the question.

MR HALE: - - - my learned friend is - - -

MR MOSES: I withdraw the question.

MR HALE: - - - pursuing my client in this cross-examination - - -

20 MR MOSES: I withdraw the question, but my friend should be aware of this. It's not a matter of pursuing Mr Hale's client, it's a matter of finding out who within the Labor Party that I represent was aware of this illegal scheme, because the interests of the Labor Party is to ascertain that whoever was aware of it or involved in it should not be a member of the political party, that is the Australian Labor Party, if they were aware of it and they attempted to cover it up. So there's a basic interest there, in pursuing this line of questioning.

MR HALE: But the - - -

30 THE COMMISSIONER: Well, Mr Hale, I think we'll just wait until we see what the next question is. I don't think there's any damage done by that last question.

MR HALE: No, I understand that, but as I understand what Mr Moses is saying, he's about to use this opportunity of cross-examination not for the purposes of advancing the inquiry, that is of, but rather for the purpose of obtaining information for the purposes of the Australian Labor Party. No doubt there are very good reasons for doing that, but that is hardly a basis for cross-examining a witness in this Commission.

40 THE COMMISSIONER: Well - - -

MR MOSES: It's about advancing the interests of an inquiry - - -

THE COMMISSIONER: No, it's all right, Mr Moses.

MR MOSES: - - - because we're trying to ascertain who knew.

THE COMMISSIONER: Mr Moses. Mr Hale, I don't see that rigid lines such as you're suggesting necessarily apply in every case. I think in this

case Mr Moses is entitled to explore evidence that may go beyond the immediate concerns or interests of the witness. He acts for the party. There's more than one person who were engaged in this scheme. Whether or not, and to what extent, the party itself has responsibility can only be determined when the full facts have been elucidated, that is, the full facts as to who did what. So that I think to try and draw some rigid or even artificial boundaries around what's permitted in cross-examination in that sort of context is different from other cases where it might be just simply the conduct of one or two people.

10

MR HALE: Oh, I appreciate that. But, Chief Commissioner, you appreciate why I rise to object. There's been a considerable amount of evidence obtained by way of questions from Counsel Assisting.

THE COMMISSIONER: That's true, well - - -

MR HALE: And this, and at the moment we seem to be embarking upon strengthening, as it were, the evidence that's already been obtained. Now, I fully accept that it would be quite proper for Mr Moses – when I say proper, in the sense of relevant – to be asking questions in order to demonstrate perhaps that particular persons within the Australian Labor Party at the time were not in fact complicit in the scheme as it's been called. That's one thing. But it is another thing altogether in my submission to seek to cross-examine this witness to get evidence which is seeking to reinforce the involvement of my client. That's the point that I'm seeking to make.

20

THE COMMISSIONER: Mr Hale, firstly, I will not allow repetitive cross-examination and, as you say, Counsel Assisting has very thoroughly examined this witness, that is, in detail. On the other hand, it's got to be borne in mind that the subject matter as it's now emerged in evidence, is that there arguably was not one but more than one conspiracies to commit an unlawful act, which are criminal in nature, of course. We have got two or more persons who are part of the conspiracy. It is relevant, both to the work of this Commission in fact finding, as it would be in the criminal justice system, to examine what was the role of those involved in the conspiracy, that is to say, who did what, who perhaps had the lead role, and who was a follower, in order to determine at the end of the day whether corrupt conduct findings are open to be made on the evidence against any number of people who might be said to be part of the conspiracy or conspiracies, and if so, what was the level of their culpability. It's not irrelevant to fact finding in this Commission to have those issues clarified through cross-examination as well as through Counsel Assisting. So the points you make, I understand, but you have to bear in mind the context and that is there is evidence that might be said to be suggestive of conspiratorial conduct, criminal in nature, that does throw up these issues, and it's not just simply a question of strengthening evidence. I take a note of what you said, but I will not permit repetitive cross-examination merely to put another gloss on perhaps evidence that's a well-worn track by now.

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MR HALE: Well, that's been my concern and it's the extent of the role of cross-examination which is, generally speaking, I say generally speaking, is cross-examination to perhaps putting forward exculpatory approaches to how one might view the evidence, rather than seeking to, as it were, strengthen the position as against a particular individual, and that's the nature of the objection and - - -

10 THE COMMISSIONER: Well, Mr Hale, I accept the duty of this Commission is both to receive whatever evidence might be inculpatory and exculpatory. Both are equally important.

MR HALE: And I wasn't criticising the Commission.

THE COMMISSIONER: No, I know you're not.

MR HALE: I was simply suggesting the limitations on a party who seeks to cross-examine.

20 THE COMMISSIONER: I understand exactly what you're saying.

MR MOSES: Yes, thank you, Chief Commissioner. Mr Yee, I'm going to go back to your evidence in relation to the donation forms that you've told the Chief Commissioner that you completed, correct?---Yes.

And in relation to that, I think you said that it was yourself and Mr Wong who were aware of these false donation forms being completed?---Yes.

30 Did you tell anybody within the Labor Party, any member of the Labor Party or officer of the Labor Party, that you had done that?---No.

And in relation to your evidence in response to a question from the Chief Commissioner about your knowledge about when Mr Huang, it was said by you, you became aware that he may have been the donor, you suggested in your evidence this morning that you suspected he may have been the donor. Do you recall giving that evidence?---Yes.

40 And then you then said that you learnt about that through the Electoral Commission investigation process, correct?---That's correct.

And you then had a discussion with Mr Wong, correct?---That's correct.

Did you ever tell any member of the Australian Labor Party, apart from Mr Wong, that you had a suspicion that Mr Huang was the true donor of the funds related to 12 March, 2015, dinner?---I probably, just from recollection, with Mr Cheah.

Kenrick Cheah?---Yes.

And do you recall when you told Mr Cheah that you suspected that Mr Huang was the true source of the donation in relation to the 12 March, 2015, dinner?---Oh, not in that exact fashion. I basically asked him, “What is going on? How come Mr Huang brought that \$100,000 up?” Basically I was asking him the question indirectly, is that money his. But Kenrick didn’t give me an answer to the fact that, yes, it was his.

10 Do you recall when you had that conversation with Mr Cheah?---I would not exactly know in which location. I recall having a, a conversation with him of that sort at a function that we probably met at where he was also attending.

Was that before or after the Electoral Commission commenced its investigation into this matter?---After Electoral Commission. After my interview actually. I, I think I was probably one of the last ones to be interviewed.

20 And you say that Mr Cheah didn’t answer your question?---Well, he, I cannot remember word-for-word but to me, I recall the answer to be, “I don’t know.”

Can I ask you this question. Did Mr Wong ever say to you that he had told any member of the Labor Party that the donation forms that were being filled out by you in relation to that dinner were false?---No. He hasn’t.

30 And then finally, can I ask you this question. Has Mr Wong ever said to you what Mr Huang wanted from the Labor Party in return for donating money to the Labor Party?---Unfortunately not, because a lot of things that happens between the party, Mr Wong, Mr Huang, Mr Ernest Wong would not directly tell me or he would actually keep any knowledge that I should know to me and nothing else.

Okay.---If I would know a lot of the facts I’ll definitely bring it here and tell it because to save the people that I’ve dragged into - - -

40 And your evidence is that the reason you were involved in raising money was that you wanted to impress Mr Wong who you thought could help you become a political candidate. Correct?---Not only impress Mr Wong but also impress Labor, generally head office.

So are you suggesting that in relation to your role of raising funds, you wanted to raise funds so that it could demonstrate that you were of some use?---Yes, that’s correct.

Thank you. I have no further questions, Chief Commissioner.

THE COMMISSIONER: Thank you, Mr Moses.

MR MOSES: Thank you.

THE COMMISSIONER: Mr Hale?

MR HALE: Mr Yee, I appear for Mr Ernest Wong. Now, as I think you've said, you've known Ernest Wong a very long time.---That's correct.

10 He appears more of your father's generation than your generation I think. Is that be fair to say?---I wouldn't say that. He's only older than me by probably 10, 12 years max. I don't even know the exact age but he wouldn't be in my father's generation, he would be in between.

All right. Thank you. And one of the reasons you have become quite close to Mr Wong is because of your interest in politics.---That's correct.

20 Because you of course have admired the success that Mr Wong has had in politics. Correct?---Not to that extent. Why I say that, because when I entered the party, which Mr Moses just told me was 2004, at that time I wasn't heavily involved with Ernest. I only got really heavily involved with Ernest about 10 years ago.

All right. And in the last 10 years you've been involved with Ernest, partly because of the advantages in politics that he might provide for you?---That's correct.

30 And of course you also I think revere some of the other Labor parliamentarians, such as for example Mr Henry Tsang?---Revered as in, what's the meaning of revered?

Revered, look up to.---Well, he's my uncle.

Well, yes.---I mean not uncle as in relative uncle, but generally saying people that's of my father's generation I will call them uncles.

Yes. And he was somebody who you also knew had a very sound career in Labor politics.---Yes.

40 And you were of course very much aware that what both Mr Wong and Mr Tsang brought was the following of the Australian Chinese community. ---That's correct.

And that of course served them well and it served the Australian Labor Party very well.---I would say so.

And one of the things that both Mr Wong and Mr Tsang were able to bring was their ability to raise money for the Australian Labor Party.---Yes.

And would it be fair to say that you became involved in the Chinese Friends of Labor because of the influence of Mr Wong?---Yes.

And you became involved in it because you saw that being prominent in that organisation would assist in your political career?---Correct.

10 And you would be revered, sorry, you would be looked up to by members of the Chinese community if you were prominent in the Chinese Friends of Labor.---I don't agree with that statement is because a lot of the younger generation or even the first generation of younger that migrated to Australian recently are more Liberal supporters. It's only the older generation that came in the eighties or prior to the eighties are more Labor supporters than ever. In saying that, being a chairman or president of the Chinese Friends of Labor does not give me that status. I can be the president of the Chung Shan Society of Australia and I still can get that status, it's not an issue.

20 Well, you also became involved, I think, with the Friends of Chinese Community?---Oh, that was a big flop.

Yes, but you were certainly involved with it?---Well, the launch only but nothing else.

And one of the reasons you became involved, again, was to advance your political career?---Yes.

30 And you, might I suggest, you saw the possibility that you might, at some future time, be able to succeed in the seat that Mr Wong held in the Legislative Council?---I don't know the possibility of me actually succeeding in his seat because it does not just depend on Ernest himself to say, "Mr Hale, you will be the next successor." I am sure there's a formal process of going to preselection, going to, getting members to agree for you to, well, at least vote you into the position on the number, on the ticket number that you're going to be on, and then be elected the general public to get in. And it, it's, it's not a simple task to say, Ernest would say, "I'm going to leave this seat for you," and he does not have that right to say, "I will give you that seat," because it's not his.

40 No, but I'm not suggesting that, that he had that right of that seat to give, but he was somebody – I withdraw that. He was encouraging you to become active within the Australian Labor Party in order to maximise your chances of succeeding him in that seat?---Maximise my chances of getting council, that was the first step, but any further up all depends on how I perform and not how he can, you know, promote me within the party.

And being promoted within the party was one of the reasons, I think you told us, that you became involved in Chinese Friends of Labor?---Yes.

And it was one of the reasons why you became ultimately the convenor of the Chinese Friends of Labor?---I was never the convenor of the Chinese Friends of Labor. I was the chairman of the Chinese Friends of Labor.

The chairman, all right.---The chairman. The convenor is a bit different. Actually the convenor has a lot more power than being a chairman. A chairman can just be a figurehead.

Well, who's the convenor?---Ernest.

10

No, he was the patron, was he not?---He was the patron, but I can tell you all the, all the functions that we have done since my first function, which was Kristina Keneally when she was Premier, we had that function at the Zilver Restaurant in Chinatown, everything is still organised by himself.

So what do you say your role was in 2015 in Chinese Friends of Labor?  
---Chinese Friends of – chairman.

20

The chairman. And that of course was a very prominent position?---By name, it is.

Sorry?---By name, it is but not – we segregate the jobs to different people. Although a lot of the jobs would be delegated myself and Ernest, but other people would do as much jobs as in, on the night, in promoting the event, in selling tables. So it's not a two-man job.

30

Now, at the time of the March 2015 dinner, you knew that it was in your interest to be able to be as prominent as possible in enabling the dinner to be a success?---True.

And the fundamental purpose of the dinner was to raise money?---That's correct.

And therefore to be successful in promoting the event meant being successful in raising money?---That's correct.

And you knew that, and you knew this was a big opportunity for you to promote your political prospects?---That's correct.

40

And that was something Ernest Wong encouraged you in?---Yes.

And he encouraged you – yes. And you knew also at the time that it was expected that the head office expected that the function would raise about \$100,000?---To my understanding, yes.

And what did you do in order to organise the dinner?---I helped sell tables, I  
---

Yes, and how did you do that?---I contacted the people I know from the, the Guangdong Communities.

And asked them to buy tables?---Buy a table. Each society or each association to get a table.

And you asked people to donate money?---No, I didn't.

10 So did you ask people to buy tables?---That's correct. Oh, well, basically buy, buying seats.

By buying seats, and also you sought people, asked people to buy tables. ---That, yes.

Yes, because that was the main purposes, as I think we've discussed, is to buy tables, buy seats, in order to raise the maximum amount of money. ---And get people to donate.

20 And get people to donate. And the success or otherwise of the function will be measured against the amount of money that is actually raised.---True.

Now, it's also the case, isn't it, that with your involvement with the restaurant, Emperor's Gardens Restaurant, I think you have already told us that it has a turnover, or in 2015, had a turnover of more than a million dollars.---Yes.

And of course, amongst those attracted to the restaurant are of course a lot of Australian Chinese.---You can say that.

30 And a lot of cash, a lot of the meals are paid for in cash.---Back in the days, yes, but nowadays, I would say 80 per cent is paid by card.

I'm asking, in 2015, do you say 80 per cent were paid by card in 2015? --- (not transcribable) 2015 most probably not, but card usage has been increasing over the years, unlike the days of the '80s where card was not really of existence, then I would say back in the days where my father started to operate in '79, it would be a cash basis economy. But nowadays, I can assure you, it's a card basis. Even I use everything on the card.

40 I think you said, not necessarily back in 2015 - - -?---What - - -

- - - but in 2015, it was both cash and card.---But it's still not a, I wouldn't say it's majority will be with cash.

All right. But still, it was cash and card in 2015?---Yes.

And a lot of cash was received by the restaurant, from patrons of the restaurant.---I wouldn't say a lot of cash.

I see.---Because we had not been doing that well since the light rail has been starting to fix or even before then, and the takedown of the Entertainment Centre, I can tell you that we have been struggling for the last three to four years in staying afloat.

Now, because as you put it, you were the chairman, and Ernest Wong was the patron of the Chinese Friends of Labor, the two of you met in early February, 2015, to discuss the dinner that was to be organised on 12 March, 2015, didn't you?---Yes.

And you met at the restaurant?---Yes.

And I think – and of course, one of the relevant factors on this occasion in 2015 was that the dinner was to be held in an election year.---Correct.

Shortly before the election.---I can't recall when the actual election date was.

20 But let's assume it was late March, 2015. But in any event - - -?---I thought it was, probably be later than that. It - - -

I think you'll - - -?---Wouldn't be that close, would it be?

Yes.

MR ROBERTSON: It was 28 March, 2015, if that helps my learned friend.

MR HALE: Yes.---Oh, okay. Okay.

30 And against a backdrop where it's, a significant amount of money needed to be raised, because of the election?---I would believe so.

And against the backdrop that it was expected, as you understood it, that head office expected approximately \$100,000 to be raised by the event. ---Head office did not directly tell me or anybody rom head office told, directly told me that there was a 100,000 needs to be raised. But I was, it confirmed to me by Ernest Wong that there is something called an Action Committee, or the, for Chinese Friends of Labor there is a listing of all the different Friends of Labor that you need to make certain, or reach certain donations.

40 And at that meeting, Mr Wong spoke to you about how important it was for you that you be seen to be raising large sums of money at this particular event.---No, he didn't.

You deny that?---I deny that.

He didn't say anything along the lines, "It would be important for you, Jonathan, to be seen to be raising a substantial sum of money?"---Well, the part of the money that was - - -

Sorry, is that right?---No.

I think you've told us that the, that were the dinner to be a success, that would reflect well upon you within the Labor Party. Correct?---Yes, and also reflect well on Ernest as a continual fundraiser.

10

And also I think you told us that the more money that in fact was raised, it would reflect well upon you?---And Ernest, yes.

All right, and Ernest. Now, you've told us about cash that Mr Wong would provide to you on what was said to be an account, from time to time.---Yes.

And that was usually money that he would provide in cash early on in the year?---That's correct.

20

Usually about the time that this particular meeting took place in early February 2015.---February, March also.

Now, I suggest to you that on this occasion, Mr Wong, instead of giving you amounts of about \$5,000, gave you an amount of cash of approximately \$20,000. Do you - - -?---That's ludicrous.

Do you say that's ludicrous? And what I'm suggesting to you, that he said that, "I don't mind if you use that money for the dinner."---He never gave me \$20,000.

30

You deny that, do you?---I deny he gave \$20,000. He only gave, to my recollection is two \$5,000, one was in, as the record shows, it was in early of 2018 and there's still a few hundred dollars left, and the other was prior to 2018 which the record says there ended up finishing the amount of that money in early of 2018.

Well, what I'm suggesting to you is that he gave you cash in February 2015 and said, "This is to go to the account but I don't mind if you use it for the event." That is to say the March 2015 event. You deny that, do you?---I totally deny that.

40

And what I suggest to you is he also said, "You should be able to raise a similar amount of money, you should take at least four tables." I'm suggesting he said that to you.---Yes, I helped sell those four tables.

No. I'm asking you about the conversation. He said to you that you should be able to provide at least four tables which would be I think about \$20,000 or more. Didn't he say that to you?---That's correct.

Yes. He said you – what I’m suggesting to you, he suggested to you that you should be able to match the amount of money that he, Mr Wong, was providing to be put into the account.---He didn’t give me \$20,000.

I see. He had previously, had he not, given you \$3,000 to be used in relation to the Chris Minns dinner, didn’t he, hadn’t he?---When was the Chris Minns dinner?

10 I think that was also 2015. Can you remember him - - -?---No, I don’t.

What I’m suggesting to you, he gave you \$3,000 to be used for the Chris Minns dinner.---I do not recall that and I don’t believe he gave me \$3,000 for Chris Minns’ dinner.

Well, what I think you would agree with is you arranged for a number of people to write cheques donating to the Chris Minns campaign account. ---That’s correct.

20 And cash was provided to particular people to persuade them to write cheques.---No, cash was not provided to persuade them to write cheques, cash was reimbursed for the cheques.

Yes. All right. It was reimbursed.---Not persuaded. Persuaded means that, what I understand is that I’m bribing them or giving them some interest for them to consider in writing a cheque.

30 And the cash that was used to reimburse them for writing those cheques was cash that came from Mr Wong.---Well, I can tell you I don’t know where that cash came from, but Mr Wong definitely gave me the cash and I can tell you here that it’s not of \$3,000, it’s much more than \$3,000.

What I’m suggesting that Mr Wong did was gave you \$3,000 to be used by, to be used to enable donations to be made to the Chris Minns dinner and left it up to you as to how that money should be used. That’s correct, isn’t it? ---That’s incorrect.

40 And see what I’m suggesting to you, that in early February of 2015 in relation to the fundraising dinner, this time he gave you cash of approximately \$20,000.---You can ask me 100 times, I’m still going to answer you, he never gave me \$20,000.

All right.---And if he gave me \$20,000 I’m sure I would know. \$20,000 is not \$5,000. I remember the \$5,000, how could I not remember \$20,000?

What I’m – I’m not suggesting you don’t remember it, what I’m suggesting is, Mr Yee, that you do remember it but you are refusing to come clean and accept that the money was given to you.---You are absolutely wrong.

And what I'm suggesting to you was that he was asking you and suggesting that you match that amount or more.---No, he never said that.

All right. Now, what I'm also suggesting to you is that shortly before the dinner, sometime before the dinner, you said to Mr Wong that you wouldn't be able to sell the four tables but you would be able to get enough people to come and you would get them to donate.---That's not true either.

- 10 You're smiling are you. Why are you smiling?---I'm smiling because you're making all these accusations that are so funny that I cannot believe that you're asking these questions.

I see. So, well, did you personally donate any money to the dinner in March 2015?---No, I didn't. I only paid for a few seats.

Only paid for a few seats. Did you arrange for the company, Emperor's Gardens company to pay money towards the event?---No.

- 20 So all you did, might we take it, you might have paid for a few seats. Is that right?---That's correct.

And so what you tell us is, even though this, the success of this dinner would improve your standing within the party, all you did so far as yourself arranging for money was to buy a couple of seats?---But I also sold some seats, some tables out too.

And did you ask your family to donate?---No.

- 30 You didn't ask Emperor's Garden to donate?---No.

You didn't ask any friends associated with the restaurant to donate?---No.

You didn't ask any employees to donate?---No.

And so who did you ask to donate?---I didn't ask anybody to donate.

Did you ask anybody to buy tables?---Yes, I did.

- 40 How many people did you ask to buy tables?---I would have probably sold 10 to 15 tables.

10 to 15 tables you say. At what sort of rate, what sort of - - -?---\$800 and \$5,000 rate. I don't recall how many \$5,000 seats I, well, \$500 seats, I correct myself, that I sold, but definitely there were friends there that sat on the \$5,000 seats with the federal members, especially one of them I remember is called Vin Pang is because he took a photo with Tony Burke.

Now, what I'm suggesting to you is on the night of the dinner you actually brought in cash representing money that you had obtained for donations and for tables.---That is absolutely incorrect.

You brought no cash in, do you say?---I brought cash in just for the seats that we bought.

Just for the seats.---That's correct.

10 And you had it in a bag?---I didn't have it in a bag.

Where did you put it?---Well, it's not, it's not \$100,000, I can't, I can put it in my pocket.

No, I'm asking where did you put it?---In my pocket.

You just had it in your pocket. And did you let anybody know at the dinner how much you had been responsible for raising, money for the campaign?  
---Well, just selling tables.

20

Did you?---I didn't have to let anybody know - - -

You didn't?---No, I didn't and I didn't have to let anybody know because raising the funds was not my job.

Raising funds was not your job?---That's correct.

As chairman of the organisation, raising funds was not your job?---That's correct.

30

So when you were saying you were selling tables, that of course was raising funds, wasn't it?---You don't get a lot of money out of tables.

Sorry. When you were selling tables, you were doing so in order to raise funds?---If you're putting it that way, yes, but - - -

Raising funds was part of your job, wasn't it?---Not the extent of \$100,000.

40 No, I'm not suggesting otherwise for the moment. What I am suggesting to you is that raising funds was your job as chairman for the purposes of this event in March, 2015?---The way you put it, to an extent, yes.

To an extent that was your primary function, wasn't it?---No, it wasn't.

Well, what was more important at a fundraising dinner than to raise funds, can you tell us?---Well, we have a team of people that work together and it's not only me that sells tables, it's not only me that sells, that will walk around and sell raffles, which is also raising funds. It's not me that, if there

was an auction item there, to donate an auction item. There's a team of people that we work with, and simply the job was Ernest's job to do it and he's been known to be famous for raising funds.

Your role, leaving Ernest aside for the moment, your role and your primary role at that dinner was to raise funds, correct?---If you put it that way, yes.

10 And as we've said before, the more funds you raised, the better you understood you would be seen in the eyes of certain people within the party, correct?---You can say that.

And therefore it was a considerable incentive upon you to raise as much money as possible, correct?---You can say that, but I'm saying that it wasn't my responsibility to get those big funds in.

20 And it was an incentive on your part to raise as much money as possible, correct?---My job in the end of the day for this whole thing is to assist with the scheme that was designed to evade the Electoral Commission from knowing who donated the money.

Well, what I am suggesting to you, and perhaps I already – well, I have already said that. Now, you, as we know, subsequently to the dinner or perhaps before, made arrangements for certain people to sign or make declarations that they had donated money when in fact they hadn't.---That's correct.

30 And what I'm going to suggest to you is that at no time did you actually say to Mr Wong that you had done that, namely persuade people to sign declarations that they'd donate when in fact they hadn't.---Why would I do it, then? Without, without - - -

I am asking you. Do you deny, do you say - - -?---No. I say, I did, this was a plan by Ernest that he asked me directly to do.

40 What I am suggesting to you is, at no stage did you ask or did you tell Mr Wong that you had arranged people to declare that they had donated when in fact they hadn't. At no stage did you actually tell that to Mr Wong, did you?---Prior, up to the past event I did not, I did not say to Ernest directly saying that I already found those people.

So do we understand that at no time prior to the dinner did you say to Mr Wong that you had found people who would declare that they had donated when in fact they had not?---That's correct. I, I said to him, when he asked me to find these people, I said to him I will do it. I did not confirm to him whether I found these people or not.

When you say to find these people, what you mean by that is that Mr Wong asked you to find people to buy tables.---Definitely not.

So Mr Wong never asked you to find people to buy tables, is that what you're telling us?---That's correct.

I see.---We'd already found people for tables. There was 600 people at the night.

Now, your brother Valentine, I think you know - - -?---Oh, I hope so.

10 Yes. Began to give evidence on, I think, 12 September of this year.---I don't know the exact time that he came up.

All right, but you were away, I think, at the time?---Yes. It was a Thursday, I believe.

And you understood when he gave that evidence at that particular time, he insisted that the people who've had signed the declaration forms were legitimate. That is, there were no straw donors. You understood that to be his evidence when he first gave evidence?

20

MR ROBERTSON: I'm not sure that was a fair statement of that - - -

MR HALE: No, it may not be, I - - -

MR ROBERTSON: That was certainly his evidence, Mr Valentine Yee's evidence on the Thursday. I'm not sure that he went so far as to say that was the case for all of the fake donors.

MR HALE: Yes.

30

THE COMMISSIONER: Yes.

MR HALE: Thank you. That was what I was seeking to convey. Perhaps I'll put it again. You understood on the Thursday, your brother Valentine had given evidence to this Commission that the donors who had signed declarations were in fact legitimate donors?---When - - -

You knew that's what he was saying on the Thursday?---That's correct.

40 And as at that date, even though you mightn't have been in Sydney, as at that date, that was what you proposed to say as well.---That's correct.

And you proposed yourself to give evidence that you had collected donations in cash from family members?---Yes.

From employees?---Yes.

And from friends?---Yes.

And that the cash that was, ultimately found its way to head office, if I can call the senior offices that, in that way, was the cash of those particular people?---No, it wasn't.

No, but that's what you, that was your intention to give evidence to that effect.---That's correct.

10 That is to say that these particular people had cash and they provided you with large sums of cash.---Yes.

And you at the time considered that to be a credible story, maybe you say now it's untrue, but you saw it was a credible story, one that might be believed.---At the time, yes.

Because it was fairly common within the Chinese community for people to have substantial amounts of cash.---That's true.

20 And because people had substantial amount of cash, that would make it appear that the story was true.---That's true.

And that's been your experience, that a lot of Chinese Australians or Chinese Australians generally will like to pay in cash, rather than card?  
---Well, not only Chinese Australian, the Greeks, the Lebanese, the Italians, they also have similar culture in the terms of cash.

30 Yes. And that they keep substantial amounts of cash at home for emergencies.---Depending on what you say substantial, I wouldn't, I wouldn't say they'll keep 100,000 at home.

No, I'm not suggesting 100,000 - - -?---But I'm saying - - -

- - - but 10,000, for example, would not be particularly - - -?---Five, 10 or under, I would say.

Yes, all right. Now, when you came home from Hong Kong, you were called to a family meeting, weren't you, on the weekend of the 14<sup>th</sup> and 15<sup>th</sup> of September?---Yes.

40 Was the family meeting on a Saturday or a Sunday?---Sunday.

And after the meeting, you made contact with Mr Wong.---Prior, prior to the meeting.

Prior to the meeting, you'd had – and what I'll suggest to you, you had somebody contact Mr Wong to say you wanted to see Mr Wong.---That's correct.

And the reason you wanted to see Mr Wong was to explain what the family's decision was.---That's correct.

And what you told Mr Wong was that your father was particularly concerned and upset that this investigation might lead to an inquiry into the business accounts of the Emperor's Garden restaurant.---Well, at that point in time he was already asked by the commissioner to get the MYOB accounts already, so it's already into that area that you can't deny.

10 So the commissioner, so far as you understood it as a result of what was happening in this inquiry, had started to ask for the MYOB accounts from the restaurant.---Yes.

And because your understanding was that the commissioner of the Australian Tax Office was concerned about what apparently were substantial amounts of cash which were generated in association with the restaurant, which were used, apparently, to pay donations.---That's incorrect. Why I say it's incorrect is because you cannot prove to the commissioner that \$5,000 that was donated from the Emperor's Garden  
20 account went to the ALP. There was no record in our MYOB system saying that there was \$5,000. So my brother got, shit his pants basically and said, "Shit, I can't, I can't explain."

And because it looked as though if large amounts of cash were being paid to the Australian Labor Party by way of donations, that might look as though Emperor's Gardens had retained a store of undeclared income.---No, that's pretty far-fetched because - - -

Well, isn't that exactly what the problem was?---No, the problem was that  
30 we could not prove to the commissioner that that \$5,000 that we said that – or \$10,000, I can't remember the amount – that, that Emperor's Garden donated to the party had not been, how would you call it, ledgered, ledgered or accounted for.

And the concern was that, on the face of it, using the Emperor's Gardens, it had paid \$10,000 in cash to the Australian Labor Party. You understood that was the account that had been given when your brother Valentine first gave evidence, wasn't that right?---Yes.

40 And what the ATO, the Australian Tax Office, was concerned about was why do you have so much cash that's unaccounted for. That's what you understood their inquiry was about.---No, it wasn't. The inquiry, this inquiry was not about Emperor's Garden. It's not about how much cash we can take in at the end of the day. It's not about whether, it's about whether we made a donation or we falsely made a donation to the, well, falsely declared that we made a donation to the Labor Party when we, we didn't. We couldn't prove to the commissioner that in our accounts we have ledgered that into the account, saying that there were \$5,000. If you made a

\$5,000 to, to a political party, you would, you would want that to be a deduction. I don't know if that's possible, a deduction, I'm not an accountant, but at least you will record that as an expense, which we can't prove.

Well, what I'm suggesting to you is that the reason, one at least, one of the reasons why the decision was taken by the family over that weekend to change the story was because the family and the Emperor's Gardens Restaurant did not want to be associated with large amounts of cash being paid which didn't appear in any books.---Definitely not.

Well, that's what you told Mr Wong, wasn't it?---No, I didn't tell him that.

All right. Now - - -?---Do you want me to tell you what I told him.

No, we'll come - all right, you tell us what you told Mr Wong.---I said to him what the meeting - - -

Sorry, I'll just cut you off for the moment. But what happened, you asked to see Mr Wong. You then met Mr Wong. You told him of the family's decision.---Yes.

And what do you say you said to Mr Wong was the family's decision? ---That my brother's about to spill the beans is because we cannot hold this lie anymore and my father insisted that we have to tell the truth.

And you said - - -?---And that my mother, and my brother said that my mother was very emotional.

And you say you said nothing at all about the problems of the Australian Tax Office? You say you didn't mention that?---No.

But that was in fact, as I think you've told us, something that was discussed at the family meeting.---I don't recall that.

All right. Now, and what I'm suggesting to you is that you then developed the story that the family did not provide any cash towards the cash collected at the dinner of March. I suggest it was at that point you decided to develop the story that the restaurant and yourself did not donate any money at all to the dinner on 22 March.---We never donated any money to - - -

What I'm suggesting, that you did - - -?---I did not invent that.

All right.---And at the same time I'm quite surprised, I should have made up stories of you, you can make up a story better than Ernest.

Now - - -?---Inventing things by, by the way you're going, it's faster than I can think about it.

Well, talking of invention, talking of invention, do you, and you've been asked about this this morning, you understood from the media since the commencement of this public hearing there had been a strong suggestion that Huang Xiangmo, Mr Huang, was the one who donated the \$100,000. Correct?---That's correct.

And you had followed the inquiry in the press?---Oh, I try to whenever I can, but not necessarily every day.

10

And you had, you had been giving earnest consideration as to what evidence you would be giving to the Commission?---I don't follow that.

You had been concentrating upon the facts relating to the cash collected on 22 March, 2015 in order to give evidence to this Commission?---Vice versa, Ernest was giving me advice on that.

No, well, I was asking - - -?---You were asking whether I was giving advice to Ernest, weren't you?

20

No. I was asking about you knew you had to give evidence at this public inquiry.---True.

You knew this public inquiry would be looking at the source of the \$100,000 that had been delivered to the head office of the Australian Labor Party.---True.

You were trying to think back upon everything that you could remember about the events relating to the March 2015 dinner.---Yes.

30

You were seeking to look back upon everything you could remember concerning Mr Huang and his possible involvement with the dinner. ---Yes.

And despite that, until lying on your bed last night you say you had never recalled this meeting, sorry, this discussion you had with Mr Wong a couple of weekends ago when you say Mr Wong said that Mr Huang was the person who donated the money. Is that what you say?---Can you - - -

40

I'll start it again.---Yeah.

This morning you told us about Mr Huang. You said you were lying on your bed last night and you suddenly remembered what Mr Wong had said at your meeting a couple of weekends ago about Mr Huang.---Yes.

It hadn't, you hadn't thought about it the day before?---Well, if I had I would have already spoken of it.

Yes. And you recognised that was a significant matter.---I would assume it would be.

And it's the sort of matter that you would keep in your mind. It was only two weeks ago.---As I said to you, whoever made the donation I didn't really care.

10 I see. What I'm suggesting to you, that is a complete fabrication, that Mr Wong never told you that Mr Huang donated the \$100,000.---That's not true.

Now, you gave some evidence about the filling-out of the forms to the Electoral Commission, and you spoke about the role that Mr Wong had in assisting you to fill out those documents. Can you remember that?  
---Yes, I do.

At no stage did you actually show him any of the documents.---I did show him the documents.

20 What I'm suggesting to you, you just spoke in general terms about the circumstances of the donations, in broad terms?---No, I showed him the documents.

And what I'm suggesting to you, at no point did you say to Mr Wong that these were straw donors. That's what I'm suggesting to you.---Might not have used the word "straw", but they were fake donors, definitely.

30 Well, at no stage did you say to him they were fake donors.---Oh, why would I say to him, when he asked me to organise it?

Well, that's where I'm suggesting to you, I'm suggesting to you that he never asked you to organise any fake donors, but what he did is he provided you with money and said you can use that money, the \$20,000.---\$20,000, you're still quite far away from \$100,000. But at the same time, I want to reply to you is that he asked me to find these fake donors.

40 What I'm suggesting - - -?---It was me, it was us always in communication of what's happening in all the investigation and inquiries. It was the constant back and forth that I will talk to him about this issue, and initially the story was not a story until the Australian Electoral Commission was inquiring about this issue.

What I'm suggesting to you that your family, on the weekend before last, made a decision that it should minimise its involvement and your involvement in arranging for fake donors, and that you should blame Mr Wong as much as possible for what occurred.---That's false. I have done what I've done. There's no disagreement [sic] in that what I have done is totally stupid. In this Commission, that we've already heard that I've

admitted to what I've done, and if I reduce my involvement in there it does not help me in any way at all.

And what I'm suggesting to you, that you were seeking to minimise your family's involvement in the fake donors.---No, they're already fake donors. How could they minimise it? That's the truth.

10 And that's why you want to blame Mr Wong for what you did.---Firstly, those fake donors, I asked them to sign. Secondly, I, I don't disagree that I asked them to sign the documents and anything that's related to this particular inquiry, but it was Mr Wong that asked me to find these fake donors. And in saying that, the initial conversation – I can't remember when, it would have to be before the dinner – it was that I'll find five to 10 people, and he'll try to find five to 10 people, so they can make up the sum, whatever the sum is coming to be in.

20 What I'm suggesting to you, that when – and I know you've rejected the suggestion that Mr Wong gave you \$20,000. But what I'm suggesting to you, that Mr Wong gave you that sum of money, and said that you could use it, and you understood from that that you could use that money to pay for donations or tables, and that's what he was suggesting to you.---But he didn't give me \$20,000. He didn't suggest that to me.

Now also, in relation to some of the donors or the people who falsely signed donation forms, you spoke to Mr Wong on a number of occasions and said there are a number of people who have been approached to give evidence before this inquiry, who in fact falsely signed donation forms.---I didn't have to say that, he knows it's false.

30 So what I am suggesting – sorry, I withdraw that. What I am suggesting to you is – I withdraw that last question. What I'm suggesting to you, that you told Mr Wong that there are a number of people who had signed or made declarations who were being approached to give evidence to this Commission.---Yes.

And you asked, it was you who asked Mr Wong to speak to them?---No.

40 Because they were concerned, and you thought Mr Wong might be able to assist them?---How they assist them, how could Mr Wong assist them when they're very concerned? It was Mr Wong's concern that the, this story will bust. He needs, needed to speak to the individuals.

What I am suggesting to you, and again, that at no stage did you ever identify to him which people were false donors?---Over the four years, he definitely knows.

I'm suggesting to you at no stage did you speak to Mr Wong and identify particular people as being false donors or straw donors?---Yes, I did.

And when did you do that?---Over the period of four years.

You, over that period of four years, you referred to particular individuals and said, "That person's signed a declaration and it's false"?---Well, over the four years, he has been speaking to them.

I see. Yes, that's the cross-examination.

10

MR ROBERTSON: There's a few matters by way of clarification. Whether it's seen to be done now before my learned friend, Mr Finnane, asks any questions.

THE COMMISSIONER: I'm sorry, Mr Robertson. I couldn't - - -

MR ROBERTSON: There's a few matters of clarification on my part.

THE COMMISSIONER: Yes, yes.

20

MR ROBERTSON: I apply for the direction that was made on 26 June, 2019, by Commissioner Rushton in relation to the compulsory examination of Mr Jonathan Yee that commenced on that date and continued on 27 June, 2019, be varied insofar as it would otherwise prohibit the publication of the fact that Mr Yee gave evidence on that occasion and insofar as it would otherwise prohibit the publication of any question asked or answer given in this public inquiry.

30

THE COMMISSIONER: Yes. I vary the directions made by Commissioner Rushton on 6 June, 27 June, 2019, insofar as it will prohibit disclosure of the fact that Mr Yee gave evidence in those examinations and would prevent questions and answers being received.

MR ROBERTSON: I may have said the dates wrongly then, Chief Commissioner, I apologise. 27<sup>th</sup> was the day that the compulsory examination commenced and it continued onto the 28<sup>th</sup>. I may have said - - -

40

THE COMMISSIONER: 27<sup>th</sup> and 28<sup>th</sup>?

MR ROBERTSON: 27 and 28. I may have said 26<sup>th</sup> and 27<sup>th</sup>.

THE COMMISSIONER: Is 6 June relevant or is it just 27/28?

MR ROBERTSON: 27 and 28. I apologise.

THE COMMISSIONER: Well, I amend the direction that I have just made, to delete reference to a compulsory examination on 6 June. The varied

direction applies to the compulsory examinations carried out on 27 and 28 June, 2019.

**VARIATION OF SUPPRESSION ORDER: I VARY THE DIRECTIONS MADE BY COMMISSIONER RUSHTON ON 27 AND 28 JUNE, 2019, INsofar AS IT WILL PROHIBIT DISCLOSURE OF THE FACT THAT MR YEE GAVE EVIDENCE IN THOSE EXAMINATIONS AND WOULD PREVENT QUESTIONS AND ANSWERS BEING RECEIVED.**

MR ROBERTSON: May it please the Commission. I apologise for that error. Mr Yee, you participated in a compulsory examination before this Commission on 27 and 28 June of this year, correct?---Yes.

During the course of that compulsory examination, you admitted that there was staff of Emperor's Garden Pty Ltd who were off the books. Is that right?---That's correct.

In other words, there were staff who were paid in cash but the amounts paid to them were not reported to the Australian Taxation Office?---That's correct.

And there was no reporting in turn to the Taxation Office in relation to amounts paid and any amounts withheld by way of tax and matters of that kind. Is that right?---That's correct.

In answer to one of my learned friend, Mr Hale's questions, I think you said that you sold some \$5,000 tables. Is that right?---Yes.

To whom did you sell the \$5,000 tables?---It's been so long ago, I cannot remember exactly which individual came to the \$5,000 table.

So you have no recollection of the particular individuals or organisations to whom you sold the \$5,000 tables?---It not an organisation, it would have been sold to individuals.

Well, can I attempt to help you this way. Can we go to Exhibit 184, please. While that's being brought up, I'll ask you quickly about another matter. My friend Mr Hale asked you about the Emperor's Garden account that Mr Wong maintains.---Yes.

And in particular he put to you matters concerning amounts paid in favour of that account that was put to you was done in 2015. Do you remember those questions?---I, I remember those questions.

And you rejected the proposition that in about February of 2015 an amount of \$20,000, or thereabouts, was advanced towards the account, is that right?  
---That's correct.

You produced an expander file this morning with a series of receipts and the like, is that right?---Yes. Yes.

But is it right that those receipts and the like only go back to about 2018?  
---Early 2018, yes.

10

Now, the account itself, I think you've accepted, existed from at least 2015, is that right?---Yes.

So what's happened to the records in relation to the period from 2015 until the earliest date we can see in the expander file, which appears to be somewhere around 2018?---I would need to go back and ask my brother if he's still got those files. When \$5,000 is used up, that bunch of dockets we would probably put aside. I'd need to confirm that, so - - -

20

Well, the Chief Commissioner, as you recall, gave you a direction in relation to that matter. Can I ask you to reflect on that direction in coming days, and if there's further documents that respond to that direction, they'll need to be produced to the Commission.---Yes. Definitely, definitely.

THE COMMISSIONER: The ledger entries for 2015-2018 would be required to be maintained?---Yes.

So you should be able to access those and produce those tomorrow morning?---I hope I can find it when I go back to work later on.

30

Well, you understand an obligation to diligently - - -?---I understand.

- - - search for those records and produce them by 10 o'clock tomorrow morning?---I understand.

MR ROBERTSON: But just to be clear, the form in which records of that kind – if you still have them – exist, are similar to the versions which - - -?  
---They'll be the same.

40

- - - we have in the expander file, is that right?---That's correct.

And so it's a handwritten document that on a payment-by-payment basis identifies the amount of money that's being applied to that account, is that right?---That's correct.

And if it still exists, it – like what's in the expander file – will have receipts - - -?---Yep.

- - - from a point-of-sale system showing the individual figures, is that right?---Yes.

Can we have Exhibit 184 on the screen, please? I'm going back to the question I asked you about \$5,000 tables. And can we go – what I'm showing you now is a document from Mr Wong's system that's called Payment Registry.---Yes.

10 And can we go, please, to PDF page 4, which has the number 42 in the corner. And I'll draw your attention first to table number 25, about three-tenths of the way down the page.---Yes.

Now, just to assist you with this document, table 23, between the three individuals there, that seems to be \$5,000 associated with table 23, at least according to this document.---Yes. Yes.

\$5,000 appears to be associated with Sydney Today.---Yes.

20 Table number 25. Table number 27 seems to have \$5,000 associated with it.---Yes.

But cut up in the way that it's cut up on this document. And tables numbered 29 and 31 also seem to have \$5,000 associated with it, at least according to Mr Wong's spreadsheet.---Yes.

Does that assist you in recalling whether you sold at least any of those tables for \$5,000?---I don't think I sold any of those tables.

30 So your best recollection is that none of the tables that I've just identified – namely tables marked as 23, 25, 27, 29 and 31 – were tables that you organised the sale of, is that right?---That's correct. Alex Lin, I know him. I know Winson Chang. Sydney Today is one of those Chinese media in Sydney. I only question the one with Frank Wong. He, if that's the same Frank Wong who's the past president of the Chung Shan Society of Australia, he wouldn't take a table of 5,000. I was just wondering if I would be sitting on that table sharing the cost.

40 So to be clear about that, you're saying that Mr Wong, if we're talking about Fung Wa Wong, that's his Chinese name, is that right?---Frank Wong, is it?

That says Frank Wong on the screen, but his - - -?---Is that Fung Wa Wong?

But his Chinese name – well, there is at least a Frank Wong whose Chinese name is Fung Wa Wong, is that right?---I don't know. I know a Frank Wong as in Frank Wong, as in not Fung Wa Wong.

But are you drawing attention to the fact that there's a Frank Wong, what, who's not also called Fung Wa Wong?---That's correct. I don't know Fung Wa Wong.

But I think you said a moment ago that Mr Wong, Mr Frank Wong wouldn't be someone who would buy a \$5,000 table.---Frank Wong as in the Frank Wong I know, which is the past president of the Chung Shan Society of Australia.

10 You recall that I think yesterday I showed you a form, a reservation form  
- - -?---Yes.

- - - for Frank Wong that had a credit card details filled out?---Yes.

And I suggested to you that that credit card receipt in fact, or at least those credit card details were in fact put through the Emperor's Garden merchant facility in the sum of \$5,000 - - -?---Yes, you did say that, yes.

20 - - - around about the time of the 2015 Chinese Friends of Labor event?  
---Ah hmm.

Now, adding those two bits of information together, does that assist you in recalling whether you had anything to do with at least table number 29?  
---No. The Frank Wong I'm thinking of is the one that I know personally. Wong whatever, Wa, is it, Wong something that you said a moment ago, I don't know him.

30 So the Mr Frank Wong in respect of whom I showed you the reservation form I think yesterday - - -?---Ah hmm.

- - - that's a different Frank Wong to the one that you are now talking about, is it?---That I'm talking about, yes.

And so to be clear, you're saying you had no involvement in table 23, 25, 27 and 31. Is that right?---Yes, yes.

40 You may have had some involvement - - -?---Well, I know, I know Wilson Chan, he's, he's from the Bank of Queensland, Alex Lin, his mother opens a poultry, what do you call it, butchery, not butchery, but they break up the chicken and sell them in pieces.

But really my question is, were you involved in selling any of the tables that I just identified, namely tables - - -?---I don't recall these names, I don't recall selling to them.

And with respect to table 29, you may have had, what, some involvement in the Frank Wong table but you're just not sure one way or the other. Is that right?---If that is the same Frank Wong I'm referring to.

In answer to another one of my learned friend, Mr Hale's, questions, you made reference to a listing to reach certain donations. Mr Hale was asking you about whether there was targets for particular events, things of that kind.---Yes.

And at least my note was that there was a listing to reach certain donations. What did you mean by that phrase, "Listing to reach certain donations?"  
---Listing?

10

Yes. That was my note of what you said but I may have got my note wrong. ---I was referring to that the Action Committees or the Friends of Labor within Labor Party, they have a list of what they should be targeting. Say if it's, if for example, the Arabic Friends of Labor, that year they need to target \$20,000.

So who comes up with the dollar figure to go onto that list?---I would assume head office.

20 Well, is that something you have knowledge of?---It was only this, this information was only passed to me from Ernest.

So are you saying that at some point in time you had a discussion with Ernest where he identified the amount that was on the list that pertained to Chinese Friends of Labor. Is that right?---Yes.

And was that specific to the 2015 Chinese Friends of Labor event?  
---Recollection, I believe so, yes.

30 And did Mr Wong tell you anything about the source of that list? You've said it was probably from head office, I'm trying to understand why you're saying it was probably from head office.---He said it's, it's minuted in the, the minutes that they have at head office, or something like that.

So are you saying that Mr Wong was communicating to you that someone within head office had communicated to him that there was a list containing a, perhaps an estimate, perhaps an expectation of a particular figure. Is that right?---That's correct.

40 And a particular figure in respect of the 2015 Chinese Friends of Labor dinner. Is that right?---I cannot recall Ernest specifically said for 2015 but I believe it would be 2015.

And did Mr Wong tell you who from within head office gave him the information about the amount on the list?---He didn't tell me that.

But did he tell you the amount on that list?---\$100,000.

That's the further clarification questions. I'm not sure whether my learned friend, Mr Finnane, wishes to ask anything by way of re-examination.

MR FINNANE: Can I defer that until tomorrow morning because my client has to produce some material.

THE COMMISSIONER: Very well, Mr Finnane. You want the opportunity to talk to your client?

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MR FINNANE: Yes.

THE COMMISSIONER: Yes. Is there anything else?

MR ROBERTSON: Not from my part, Chief Commissioner.

THE COMMISSIONER: Very well. Mr Robertson, again, the program for tomorrow, what does that look like now?

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MR ROBERTSON: I expect tomorrow will be a relatively short day. It'll be two witnesses as announced. As I indicated directly after lunch, I won't be recalling Ms Sibraa because those who indicated that they may wish to seek leave to cross-examine have now indicated that they no longer press those applications or no longer wish to make those applications.

THE COMMISSIONER: Thank you. Well, Mr Yee, you'll be required to return tomorrow. If you could produce those documents also, you were reminded about this afternoon. We'll see you back here in the morning at 10 o'clock. I'll adjourn.

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**THE WITNESS STOOD DOWN**

**[3.51pm]**

**AT 3.51PM THE MATTER WAS ADJOURNED ACCORDINGLY**

**[3.51pm]**