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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 WEDNESDAY 2 OCTOBER, 2019

AT 10.00AM

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

MR ROBERTSON: Chief Commissioner.

THE COMMISSIONER: Mr Robertson.

MR ROBERTSON: Can I deal with some housekeeping matters first. In recent days I've asked questions of a number of witnesses regarding cheques in respect of which the payee was recorded as "ALP Chris Minns". The purpose of those questions was to seek to shed light on the conduct of Ernest Wong, Jonathan Yee and others in connection with the Chinese Friends of Labor event in 2015, including in particular whether those individuals engaged in a pattern of conduct designed to circumvent electoral laws. The investigation the subject of this public inquiry does not include an investigation into whether Mr Chris Minns had any involvement in the issue of the ALP Chris Minns cheques. Whether or not there should be such an investigation into that question is a matter, at least in the first instance, for the NSW Electoral Commission and not for this Commission, and I thought it was appropriate I should record that on the transcript in light of the questions that I've been asking in recent days.

THE COMMISSIONER: Yes, thank you, Mr Robertson. Just on that matter, Mr Minns has not given evidence in this Commission in this public inquiry. For reasons that you have indicated, it would be quite unfair for anyone to draw inferences or suggest the significance of any evidence concerning the cheques to which reference has been made in circumstances where Mr Minns has not given evidence at all about the matter and had not been required to give evidence. Yes, is there anything else?

MR ROBERTSON: Can I just deal with some issues of timetabling in terms of the program for the remainder of this week, that I expect to continue as announced, with the exception – as I indicated yesterday – I won't be recalling Ms Sibraa this morning because no one has indicated that they wish to seek leave to cross-examination her. The public inquiry will then continue into next week, it will continue until at least Thursday, it may continue until Friday, and a witness list I expect to be published tomorrow.

After that's occurred, in my submission the appropriate course is for the public inquiry to be adjourned rather than to end, in my submission in particular in light of the fact that much of the evidence of particular witnesses has changed. It's appropriate that there be a period of at least a few weeks for the Commission officers to review the material that has been obtained in connection with the investigation, and it may well be that there's material that was initially not seen to be relevant to the investigation when first reviewed but might, in light of the evidence that's emerged during the course of the investigation, be material which should be appropriately deployed or given notice of to either individuals or tendered as part of the public inquiry.

I'm not suggesting that there would need to be a further substantial program of witnesses. It's certainly my intention to call all of the witnesses that relate to the main factual matters being investigated during the course of the coming days. But it is appropriate, in my submission, that the matter be adjourned rather than ending in a formal sense, with a view to at least formally tendering any additional material that needs to be tendered when the public inquiry reconvenes. There is a possibility – we'll seek to avoid it – there's a possibility that we'll need to call some additional witnesses to put propositions in the event that it becomes apparent, in reviewing the material, that there's additional material which should be properly put to witnesses.

I also understand that the Australian Labor Party intend to provide a statement shortly regarding changes that they've made to their governance practices since 2015, and it may well be that I'll have some questions of the person who signed that statement. I would be most likely to call that witness to ask those questions in the reconvened section of the inquiry rather than in coming days, but again that would be focused on what I might describe as "looking forward" matters, matters of recommendations, rather than the factual matters that this public inquiry has been investigating in recent weeks. In the event that the Commission does adjourn in the fashion that I'm submitting, there'll need to be an announcement as to when that will occur. But my present indication is that the Commission may be in a position to reconvene for that purpose either in the last week of October or the first week of November, but that would be a matter that would need to be confirmed in terms of that particular timing.

THE COMMISSIONER: Yes. Well, Mr Robertson, thank you for raising that matter. I have given consideration to the future course of this public inquiry. It is, as you've suggested, appropriate not to complete the inquiry at the end of next week but to adjourn it for the reasons you have outlined, and that's the course I propose to follow. It will be necessary at an early date to advise interested parties' representatives as to when the adjourned hearing dates will take place, and it may well be it's in one or other of the weeks you have referred to or even both of those weeks, but that'll be determined as soon as possible.

MR ROBERTSON: And I should indicate, at least for my part, I would anticipate that that reconvened hearing would be relatively short. It may be as short as simply making some formal tenders of some documents and then making directions as to submissions and the like, or it may be in the, I would hope, no more than a small number of days. But plainly enough, that's a matter that will require some mature reflection over coming weeks.

THE COMMISSIONER: Yes. Thank you.

MR ROBERTSON: The only other matter of housekeeping is my learned friend Mr Finnane wished to raise something briefly regarding the

requirement for Mr Jonathan Yee to produce documents in relation to what I might describe as the ledger.

THE COMMISSIONER: Yes, thank you. Mr Finnane.

MR FINNANE: Mr Chief Commissioner, my client asked members of his staff to check last night. The particular document could not be found. It may have been misplaced. I'm sorry. The particular document could not be found. It may have been misplaced. The other possibility is that he can  
10 obtain diaries indicating particular days on which Mr Wong came to the place with large numbers of people. If he only came on his own, the point-of-sale system wouldn't show very much, but if he came with a big party, the point-of-sale system would show a large party was present. It may be by looking at that and looking at computerised records, some information can be obtained that would be put to the Commission. Mr Yee will go back today and see, will take steps to get whatever information he can possibly get, and we'll forward this to the Commission as soon as possible, we would hope by the end of this week but certainly early next week.

20 THE COMMISSIONER: All right. Well, thank you, Mr Finnane. The relevant period, as I understand it, is 2015 up to 2018. So there may be a number of documents that answer the description in the summons. Thank you for keeping us informed as to the situation and I would ask that Mr Jonathan Yee do what you've stated, that is to make diligent searches and proper searches for the documents as soon as he is released or soon after he is released from the hearing today.

MR FINNANE: Certainly. Your Honour, I don't intend to re-examine Mr Yee. I don't see any need to and I would be then, I would assume Mr Yee  
30 would be, for the moment excused and I would also leave because I have no interest in pursuing the people who have been called today.

THE COMMISSIONER: Yes. Look, that's quite in order, Mr Finnane. Thank you for you - - -

MR ROBERTSON: Can I just raise one matter before that happens. I have raised with my learned friend Mr Hale this morning, just by way of question than anything more, as to whether he was to put anything further to Mr Jonathan Yee in connection with what I might describe as the Masonic Club  
40 meeting. It's clear that Mr Hale has put to Mr Jonathan Yee page 1988 of the transcript, line - - -

THE COMMISSIONER: Sorry, page?

MR ROBERTSON: Page 1988 of the transcript, line 9. That it was, to use Mr Hale's phrase, a complete fabrication, that Mr Wong never told Mr Yee that Mr Huang donated the \$100,000. So that's certainly been put. I simply raised with Mr Hale whether he wished to put anything else with respect to

that conversation and I understand that my learned friend is satisfied that he has put what he wished to put. I am not suggesting for a moment that he hasn't put anything that he should properly put. I simply raise that because it's a matter that I have reflected on, albeit briefly, overnight.

THE COMMISSIONER: Yes. Very well.

MR ROBERTSON: I just raise that now before Mr Yee is released, at least for today's purposes.

10

THE COMMISSIONER: Yes. Mr Hale, just, sorry, before you respond, I'll just go to that page of the transcript.

MR HALE: I didn't get the page reference, I'm sorry.

THE COMMISSIONER: It's page 1988.

MR HALE: Yes. That was in relation to the 100,000. It will be conceded that there was a meeting at that time - - -

20

THE COMMISSIONER: That there was a?

MR HALE: That there was a meeting on that day.

THE COMMISSIONER: That's the Masonic premises, yes.

MR HALE: Yes. And it will be said that - - -

THE COMMISSIONER: Chinese Masonic Club.

30

MR HALE: Yes. And it will be said, it will be said that it was called at the request of Mr Yee and, without going into detail, but the central points of the discussion and why the family changed its mind, I had put to the witness and, in particular, I think – pardon me. It related to the questions I asked about the Tax Office and cash, you may remember.

THE COMMISSIONER: I do.

40

MR HALE: And that's the – I didn't see it necessary to put the minutiae but rather put the broad propositions and that's the way I approached the matter.

THE COMMISSIONER: Yes. Mr Hale, I think the point is only being raised in more abundant precaution. As you have stated yourself, the *Browne v Dunn* rule doesn't apply, as the standard directions indicated in its full form, that it does apply in other proceedings but that nonetheless there are matters that arise from time to time whereby the rule should be applied so that the witness who is being contradicted, in effect, has every opportunity to respond to any evidence that's later called and it aids the fact-

finding process when there is a proper joinder of issues on something that's material. I take the view that the rule *Browne v Dunn* should not be applied in such circumstances so that the Commission has the benefit of hearing both party's evidence on a disputed question of important fact.

MR HALE: Well, my, my approach is - - -

THE COMMISSIONER: But I'm not suggesting you haven't done it - - -

10 MR HALE: No.

THE COMMISSIONER: - - - and if there's nothing else you see necessary to put to Mr Jonathan Yee about it, then that's, then of course that's your judgement, not mine.

MR HALE: Yes. Well, as I think I said a few moments ago, the approach that I've adopted is to put the broad brush, as it were, of evidence that it is anticipated that will be given by Mr Wong when he's asked about these matters rather than going to the detail.

20

THE COMMISSIONER: Yes.

MR HALE: And the bit about taxation I think is, I can't pick up the references for the moment, even though I picked it up on my laptop a few moments ago, but that's the central point that will be, I anticipate that Mr Wong will speak about as being what he was told by Mr Yee as to why the family had changed its approach.

THE COMMISSIONER: That's at that meeting?

30

MR HALE: At that meeting.

THE COMMISSIONER: Yes, the Chinese Masonic premises.

MR HALE: Yes, yes.

THE COMMISSIONER: Thank you.

40 MR ROBERTSON: I can help my friend by noting it's page 1985 I think he's now referring to, starting about line 14 or thereabouts.

MR HALE: Yes.

THE COMMISSIONER: All right. Thank you.

MR HALE: Yes, that was the passage I was looking for.

THE COMMISSIONER: Okay. Thank you, Mr Hale.

MR FINNANE: Could I also ask this. The submissions, Counsel Assisting mentioned there would be submissions, I take it they won't be likely to be relevant till sometime in November?

THE COMMISSIONER: Sorry, I didn't quite catch the beginning of what you said.

MR FINNANE: Submissions.

10

THE COMMISSIONER: Oh, submissions.

MR FINNANE: Counsel Assisting mentioned submissions. I assume they're not likely to be taken till sometime in November.

20

THE COMMISSIONER: Yes. Well, Mr Finnane, I'll follow the practice of receiving written submissions, unless there's some application to have submissions, written submissions supplemented orally, it would be my intention to set a program, timetable for submissions from interested parties and that would be, make due allowance for the length of this public inquiry so that moving towards the back end of this year, counsel I know are busy and so on, but we'll try and fix a program that works and is realistic. But you'll certainly be given prompt notice of what that program will be.

MR ROBERTSON: And my submission will be that that timetable will be set when the public inquiry comes back in late October and November.

THE COMMISSIONER: Yes, yes.

30

MR ROBERTSON: That should give my learned friend the comfort of knowing that he won't be required to give written submissions before that period of time.

THE COMMISSIONER: All right. Does that satisfy your query?

MR FINNANE: Yes, that's very helpful.

40

THE COMMISSIONER: Thank you, Mr Finnane and feel free to withdraw at any time.

MR FINNANE: Yes. I'm likely to come back when Mr Wong attends I think.

THE COMMISSIONER: Yes, well, there's no, at the moment there's no foreseeable requirement for Mr Wong to return another day to give any further evidence so - - -

MR FINNANE: You mean Mr Yee?

MR ROBERTSON: I think you mean Mr Yee.

THE COMMISSIONER: Sorry, thank you, Mr Yee, not Mr Wong. Mr Yee is unlikely to be required to come back for further evidence on some other day, but as you know, with inquiries you just never know.

MR FINNANE: That's right, and I understand.

10 THE COMMISSIONER: You'll be given prompt notice, Mr Finnane.

MR FINNANE: Thank you, Commissioner.

THE COMMISSIONER: All right. Now - - -

MR ROBERTSON: So in light of that there's no further questions of Mr Yee, so Mr Yee can be released at least for today's purposes, although he shouldn't in my submission be released from the summons just in case.

20 THE COMMISSIONER: Yes. I do release Mr Jonathan Yee from further attendance today. The summons served on him still of course remains on foot. In the event that it becomes clear that he will no longer be required he'll be given due notice of that fact. Thank you.

**THE WITNESS STOOD DOWN**

**[10.24am]**

MR ROBERTSON: I call Teresa Tam.

30

THE COMMISSIONER: Madam Interpreter, we'll just take an affirmation from you.

**<GARMAN (JOANNA) LUM, affirmed**

**[10.25am]**

THE COMMISSIONER: Thank you.

40 THE INTERPRETER: Garman Lum, G-a-r-m-a-n L-u-m. Cantonese interpreter.

THE COMMISSIONER: Thank you. Yes.

MR ROBERTSON: I have no further questions for this witness, but I understand my learned friend Mr Hale applies for leave to cross-examine.

MR HALE: Yes. I assume nobody else is applying for leave.

THE COMMISSIONER: There's been no application made.

MR HALE: Yes.

THE COMMISSIONER: Just hold fire there. Yes. You take an affirmation? Yes, okay.

<TERESA TAM, affirmed

[10.26am]

THE COMMISSIONER: Thank you. Just take a seat. Yes, Mr Hale.

MR HALE: Ms Tam, I appear for Mr Wong.

10 MR ROBERTSON: Before my learned friend continues, on whether or not there's an application to be made or, alternatively, a confirmation that the previous declaration that was made in respect of this witness continues. Sorry for interrupting my friend.

THE COMMISSIONER: Ms Tam, asked and obtained a declaration under section 38 on the last occasion she gave evidence. Am I correct in assuming that she wants that declaration to continue to apply to today's evidence?

THE INTERPRETER: That is to protect for him?

20 MR ZHU: Commissioner, I appear for Ms Tam. I seek the declaration to continue.

THE COMMISSIONER: In relation to the witness, Ms Teresa Tam, on the last occasion that she gave evidence, application was made and granted for a declaration under section 38 of the Independent Commission Against Corruption Act. Ms Tam has been recalled today for the purpose of cross-examination. I confirm that the declaration made on the last occasion continues to apply to Ms Tam's evidence today. Yes, Mr Hale.

30 MR HALE: Ms Tam, you have told the Commission that you signed a document saying that you had donated money in connection with Chinese Friends of Labor, when in fact you did not. That's correct, isn't it?---\*Yes.\*

And you say that you signed that document because a person gave it to you to sign and said that Jonathan Yee had asked you and others to donate money to the Labor Party.---\*Yes.\*

And when you signed the document, you had no intention to make a donation.---\*That's right.\*

40 You were just following instructions.---\*Yes.\*

And you signed the document out of loyalty to Jonathan Yee.---\*Yes.\*

And you knew it was wrong.---\*Yes.\*

And then later Mr Yee gave you a letter to sign to the Electoral Commission, didn't he?---\*Yes.\*

And that document contained lies.---\*That's right.\*

And you collected bank statements to give to Mr Yee to be sent to the Electoral Commission to support the lies in the letter.---\*Yes.\*

And again, you did this because Jonathan Yee asked you to do it.---\*Yes.\*

And again, you knew it was wrong.---\*Yes.\*

10 And you did it out of loyalty to Jonathan Yee.---\*Yes.\*

And did you, at that time, speak to other employees at the Emperor's Gardens about them signing false donation forms?---\*No.\*

Did you ever speak to any of the other employees about the fact that Mr Yee had asked them to sign letters to the Electoral Commission?---\*To give to the Electoral Commission?\*

Yes.---\*No.\*

20

You didn't. The person who asked you to sign the document saying that you had donated money had said that others also had donated money to Labor?---\*Which document?\*

All right. Going back to the first document that you signed, which was brought to you by a person who you can't remember, which said that you donated money.---\*Yes. I don't recall that person.\*

30 Well, didn't the person who gave you the document to sign say that others had signed similar documents?---\*I don't know.\*

You don't know. So you never told anybody else at the restaurant about the document you had been asked to sign?---\*That person saw me signing it.\*

And who, can you remember who that person was?---\*It's been too long, I can't recall.\*

Was it an employee of Emperor's Gardens?---\*Yes.\*

40 And you knew at the time all the employees at Emperor's Gardens?  
---\*Yes.\*

And did that person tell you that other employees at Emperor's Gardens had been asked to sign similar documents?---\*No.\*

All right. Now, after signing the documents to the Electoral Commission, you received a summons to attend this Commission in a private inquiry, didn't you?---\*Yes.\*

And you told Jonathan Yee that you'd received the summons?---\*Yes.\*

And Mr Yee, Jonathan Yee told you what you should say at the private inquiry?---\*Yes.\*

And he told you to say that you had made the donations?---\*That's right.\*

10 And that the money had come from you, your husband and your daughter?  
---\*Yes.\*

You lied to the private inquiry?---\*Yes.\*

You lied because Mr Yee had instructed you to lie?---\*Yes.\*

And you lied out of loyalty to Mr Yee?---\*Because there were lies after lies and I had to continue with it.\*

20 And you did not, well, you lied partly because you did not want Mr Yee to  
get into trouble?---\*Yes.\*

Because you were very loyal to him.---\*Yeah.\*

And you did what he told you to do.---\*Yes.\*

Now, you, this year you got a summons to appear at this public inquiry,  
didn't you?---\*Yes.\*

30 And you again spoke to Jonathan Yee about the summons that you had  
received.---\*Yes.\*

And he told you what to say, didn't he?---\*No.\*

When you first got the summons he told you to say that, to say that when  
you gave evidence, I'm talking about when you first got the summons and  
you first spoke to him, he told you to give the same evidence as you had  
given at the private inquiry.---\*You're talking about this inquiry?\*

40 This, when Ms Tam first got the summons for this public inquiry.---\*Yes.\*

When you first got the inquiry you spoke – sorry, when you first got the  
summons you spoke to Mr Yee about the fact that you had got a summons.  
And he told you to stick to the same story that you had given at the private  
inquiry.---\*No, he didn't say so.\*

Right. If the witness could be shown the transcript at page 1420. 1520.

THE COMMISSIONER: 1520?

MR HALE: Yes. Yes, morning of 24 September. And if you could go to about line 28, in the middle of the page. You were asked the question, “And Jonathan told you to,” sorry.

THE COMMISSIONER: What line are we on?

10 MR HALE: Sorry, about line, about 25. “And you did lie at the private hearing, is that correct?” “Yes.” You see that line? And you answered, “Yes.”---\*Yes.\*

And then you were asked, “Did Jonathan also ask you to lie during the public hearing?” Can you remember being asked that question?---\*When was I asked this question?\*

You were asked by Mr Robertson, Counsel Assisting, on 24 September of this year.

20 THE INTERPRETER: So what does this question mean? I will interpret it for her.

MR HALE: Could you, with the Chief Commissioner’s leave, if you can interpret the question and answer, “And you did lie at that private hearing, is that correct?” “Yes.”---\*Yes.\*

Yes. You said that?---\*Yes.\*

30 And then you were asked, “Did Jonathan also tell you to lie during this public hearing?” Can you remember being asked that question?---\*I don’t recall.\*

Can you remember being asked that question?---\*I don’t recall.\*

Well, can you recall answering that question, “I only recall him saying that I have to stick to the statement”?---\*I, I meant Mr Wong at that time.\*

40 You meant Mr Wong, did you? So you were asked about if you – I withdraw that. If you then go to the next question, “And do you remember approximately when he told you to stick to the statement? This is Jonathan Yee I am talking about.” And you answered, “I think it was after when I received the summons from the ICAC and he told us to say we have donated.” Can you remember giving that answer?---\*I mean both Jonathan Yee and Ernest Wong have requested for me to do so and they asked me to meet up at the Emperor’s Garden restaurant.\*

Do you understand the question I have asked?

THE COMMISSIONER: Mr Hale (not transcribable) to interfere, but what's the purpose of putting to her - - -

MR HALE: One, of course, it goes to – but I'll cut to the chase. What I am suggesting to you is that after you received the summons, Jonathan Yee asked you to stick to the same story that you had given to the private inquiry, didn't he?---\*No, that was Ernest, that was Mr Wong.\*

10 I see. What I am suggesting to you, that after receiving the summons it was your intention to lie to the public inquiry just as you had to the private inquiry. This is when you first got the summons.---\*No.\*

So do you say, after you received the summons, Jonathan Yee never said anything about you repeating the same lies as you had given to the private inquiry?---\*He has not mentioned it.\*

20 He has not mentioned. Now, sometime after the weekend of 14 and 15 September, you again spoke to Jonathan Yee about the evidence that you would give to this public inquiry, didn't you?---\*Which day in September, did you say?\*

Sometime after the weekend of 14 or 15 September.---\*The 14<sup>th</sup>, no there was no talk about it. Nothing since 26 August.\*

I see. Didn't Mr Yee tell you that the family were changing their story in relation to the donations?---\*I see.\*

30 So do you say that you changed your story from what you said in the private inquiry simply because you felt uncomfortable lying?---\*That's right.\*

So you weren't in any way influenced by the fact that Jonathan Yee and the family were changing their story?---\*I was.\*

Perhaps I should ask it again. Were you influenced in your decision to change your story because you knew Jonathan Yee was changing his story? ---\*Yes.\*

40 Because Jonathan Yee had told you he was changing his story, didn't he? ---\*No.\*

Well, how did you know that Jonathan Yee was changing his story? ---\*Because the colleagues from the restaurant had been saying so.\*

I see. So you say that somebody in the restaurant had told you that Jonathan Yee was changing his story?---\*That's right.\*

THE COMMISSIONER: When do you recall hearing that?---\*It was recent in September. What day are we now? October. I think mid-September it was.\*

We know the public inquiry commenced on 26 August, and you're saying it was after then, and you believe at some time in September?  
---\*Approximately mid-September.\*

10 MR HALE: Who told you?---\*Just a message passed on and on between the colleagues, among the colleagues.\*

Who told you?---\*There was no particular person.\*

No particular person? Somebody must have told you.---\*No.\*

Well, how did you know if nobody told you?---\*It was just a message passed among us.\*

20 But somebody must have told you.---\*No.\*

Well, how did you learn about it if nobody told you?---\*All the colleagues were aware of it and everybody - - -\*

Sorry, can you please answer the question. How - - -?---\*Everybody was talking about it.\*

- - - could you have learnt about it if nobody told you?---\*The colleagues did.\*

30 Who did?---\*The colleagues did.\*

And which colleague?---\*Not a particular colleague, but they were talking among us about this matter.\*

Well, you must have been very interested in that.---\*Yes.\*

Did you make inquiries as to whether it was true?---\*I didn't inquire.\*

40 It would have been vitally important for you to know whether this was true or not.---\*Yes, but I didn't make inquiry but the most important thing is for me to tell the truth.\*

I see. You didn't – now, you say that you met with Mr Wong shortly before your husband gave evidence to the private inquiry of ICAC.  
---\*Yes.\*

And you wanted a solicitor to be arranged to advise your husband.---\*Yes.\*

And Jonathan Yee suggested that you meet with Mr Wong.---\*He didn't suggest but he told me to meet with Mr Wong.\*

And Mr Wong spoke to you about getting a solicitor for you.---\*Yes.\*

And Mr Wong said he couldn't act for you because he might have a conflict of interest. Isn't that what he said?---\*I haven't heard that saying.\*

10 All right. But Mr Wong arranged a solicitor for you.---\*Yes.\*

And then you had a second meeting with Mr Wong at the Emperor's Gardens, didn't you?---\*Yes.\*

Yes. And you wanted to speak to Mr Wong to get help for your husband. ---\*I didn't want to go to meet with Mr Wong, but he came, he walked in to see me.\*

20 What I'm suggesting to you is that you wanted further assistance from Mr Wong.---\*No, no.\*

Well, you asked, you spoke to Mr Wong about your family and your husband and the cash that the family had. Is that right?---\*No, he was the person who asked me about it.\*

Well, you asked Mr Wong to prepare a document to assist your husband, didn't you?---\*No.\*

30 And what I'm suggesting to you at the third meeting you had with Mr Wong, the third meeting you had with Mr Wong was at the restaurant at which you worked, wasn't it?---\*No, that wasn't the third time, that was the second time.\*

Well, you can recall Mr Wong coming into the restaurant and handing you the piece of paper which you then put in your pocket.---\*Yes.\*

And he gave it to you because you had asked him to prepare something for your husband.---\*No.\*

40 And the information that was on that document was information that you had provided to him in your second meeting.---\*No. I think you're confused with the phone meetings.\*

What I am suggesting to you, that at the fourth meeting, well, the fourth or fifth meeting you with Mr Wong - - -

THE INTERPRETER: Fourth or fifth, did you say?

MR HALE: Yes.

THE COMMISSIONER: Mr Hale, that risks confusion, I think. I think you've got to be precise.

MR HALE: I will do that.

10 THE COMMISSIONER: There was meetings before her husband gave evidence and a meeting after her husband gave evidence. I think it's important to be clear about it.

MR HALE: Yes. Before your husband gave evidence, Mr Wong said to you that if he gave evidence inconsistent with that you had said, it might cause trouble?

THE INTERPRETER: The "he" being the husband?

MR HALE: Yes.

20 THE WITNESS: \*Do you mean if he said those words to me?\*

MR HALE: It was my fault. I will start again. Before your husband gave evidence at the private inquiry, private session of the inquiry, Mr Wong said to you that if your husband gave evidence that was inconsistent with what you had previously said, there could be a problem?---\*Well, he didn't say so. He only told me what me what to do.\*

30 I see. What I am suggesting, you asked for advice and he told you that if your husband gave evidence that was inconsistent with what you had said, there might be a problem?---\*No.\*

What I am suggesting to you, he did not say anything about continuing to lie – I withdraw that. I'll come back to another question. You had a meeting prior to a meeting in or about August of this year, you say, with Mr Wong? ---\*August, yes.\*

And you say that Mr Wong told you to keep telling lies?---\*Yes.\*

40 What I suggest to you is he said no such thing.---\*He did.\*

What I suggest to you, at no stage did Mr Wong ever say to you to keep telling lies.---\*He did.\*

Yes, that's the cross-examination.

MR ROBERTSON: Can I just seek to clarify one matter that might be conveniently done now. Ms Tam, just to be clear, is was both Mr Wong and

the second master, Jonathan Yee, who told you to lie during the public hearing. Is that right?---\*Yes.\*

Thank you, Chief Commissioner.

THE COMMISSIONER: Yes, very well. That completes Ms Tam's - - -

10 MR ROBERTSON: Subject to re-examination and subject to one matter that has only just come to my attention. Can we please have on the screen - - -

THE COMMISSIONER: Just before you go to that. On that last matter you put to the witness, are you able to give me a transcript reference to - - -

20 MR ROBERTSON: I am, Chief Commissioner. Page 1520, line 27. What I was seeking to do by my question by way of clarification is in substance to confirm whether she adhered to that statement which was the subject of some questions my learned friend, Mr Hale, asked and at least in my mind it wasn't clear following Mr Hale's cross-examination what the witness's evidence was on that issue.

THE COMMISSIONER: And the evidence she gave refers to Mr Wong telling her to lie, that's - can you direct me to her evidence on that one?

MR ROBERTSON: I can. On the preceding page, page 1519, line 28 on page 1519 is, as it were, a summary of what comes before.

30 THE COMMISSIONER: Right. And that's dealing with the meeting of - - -

MR ROBERTSON: The meeting in the VIP room.

THE COMMISSIONER: 26 August, isn't it? No.

MR ROBERTSON: Some date after the public inquiry summons was issued. So page 1518, line 33, you see the introduction of Mr Wong.

40 THE COMMISSIONER: Yes, that's right. This is after the public inquiry started on 26 August. Is that right? Have I got the timing right?

MR ROBERTSON: Between the service of the summons - so page 1517, line 30 is answer, the question's at line 27.

THE COMMISSIONER: right.

MR ROBERTSON: And that was the indication of when that occurred.

THE COMMISSIONER: Yes.

MR ROBERTSON: So at least as I understand the witness's evidence it's after the public inquiry summons was served but it seems before the commencement of the public inquiry proper. And that seems to be the witness's answer in response to the question, the answer to which is at 1517, line 30. And then you see, Chief Commissioner, you seek to further clarify that starting about line 32.

10 THE COMMISSIONER: Yes. I think also, yes, 1519, 12, 15, that sort of area as well. Yes. All right. I just wanted to be satisfied that she had previously given precise evidence about - - -

MR ROBERTSON: So we at least have the bookends but I'm not sure on the evidence that there's a precise date, but we have some indication of - - -

THE COMMISSIONER: All right. Thank you. Sorry, you were going onto something else.

20 MR ROBERTSON: I was. Can we have on the screen, please, this is in light of Mr Hale's cross-examination, a document that's only just come to my attention, which is a translation of Exhibit 286.

THE COMMISSIONER: So this is the - - -

30 MR ROBERTSON: So if we just go down a few pages so I can identify the document. What we can now see on the screen is Exhibit 286, which is the note the subject of some cross-examination by my learned friend, Mr Hale, and a document that I'm now about to tender. If we go back to the first page.

THE COMMISSIONER: 286 is the note in Chinese language.

MR ROBERTSON: 286 is the note in Chinese language. What I'm about to tender now is a translation of that document, a certified translation. That translation has only just come to my notice, which is why I haven't drawn it to Mr Hale's attention before now, but I'm now doing that.

THE COMMISSIONER: Whose translation is it, do we know?

40 MR ROBERTSON: I think it's Ms Lum's.

MALE SPEAKER: It's on the bottom.

THE COMMISSIONER: It's got a - - -

MR ROBERTSON: It's Ms Lum's. Ms Lum is the present translator who's sitting in the witness box at the moment.

THE COMMISSIONER: It's got a certified translator stamp, yes.

MR ROBERTSON: I'll just confirm that with Ms Lum. This is your translation, is that right?

THE INTERPRETER: Yes.

10 MR ROBERTSON: So I tender the English translation of Exhibit 286. Perhaps that might be made Exhibit 286A so we don't get lost.

THE COMMISSIONER: Very well. The English translation with the certified translator's stamp bearing date, 30 September, 2019, will be admitted and become Exhibit 286A.

**#EXH-286A – ENGLISH TRANSLATION OF EXHIBIT EXH-286**

20 MR ZHU: Commissioner, I have got some questions.

THE COMMISSIONER: Yes, certainly. You go ahead.

MR ZHU: Ms Tam, it was Mr Wong who asked you your information and your family's information, right, during the meeting in August or September this year?---\*Yes.\*

So you never voluntarily provided such information to Mr Wong?

30 THE COMMISSIONER: Well - - -

MR ZHU: You never provided such information - - -

THE COMMISSIONER: You're entitled to put leading questions but sometimes it devalues the currency, if I can use that expression, of the answer you get.

40 MR ZHU: I withdraw the question. So you didn't know Mr Wong previously?---\*No, I don't.\*

So you would have no chance to prepare a story or information which is contained in the piece of paper that Mr Wong has assisted Jonathan Yee to help the police to - - -

MR HALE: Again, I hesitate to object but we're in the same territory where the evidence, if accepted, would be the cross-examiner's evidence rather than the witness's evidence.

THE COMMISSIONER: Well, I think - - -

MR HALE: Of course that is a matter for you, Commissioner but - - -

10 THE COMMISSIONER: Yes. Well, look, I think, Mr Zhu, if I didn't make myself plain, though you may put material in a leading fashion to your client, it's often in relation to matters that may depend on credit best to elicit the evidence from your client without suggesting the answer, if I can make that clear. But you proceed.

MR ZHU: I've got no further questions apart from that.

20 THE COMMISSIONER: Nothing else. All right. Thank you. Yes, very well. Thank you, Ms Tam. You may step down. You're excused today. The summons that's been issued for your attendance will remain on foot but if a decision is made that we don't need to trouble you again, then you will be advised of that as soon as possible.

**THE WITNESS WITHDREW** **[11.13am]**

MR ROBERTSON: I have one further witness for today but it may be conveniently done after morning tea.

30 THE COMMISSIONER: Yes. Very well. I'll take the morning tea adjournment.

**SHORT ADJOURNMENT** **[11.13am]**

MR ROBERTSON: I recall Wei Shi.

THE COMMISSIONER: Yes. Mr Wei Shi, you take an affirmation or an oath?

40 MR SHI: \*Affirmation.\*

THE COMMISSIONER: Thank you. Would you mind standing? Thank you.

<WEI SHI, affirmed

[11.40am]

MR ROBERTSON: I have no further questions for Mr Shi but I understand my learned friend, Mr Hale, requires leave to cross-examine.

THE COMMISSIONER: Yes. Just before you start, would you state your full name?---Wei Shi, W-e-i S-h-i.

10 On the last occasion that Mr Wei Shi gave evidence I made a declaration under section 38 of the Independent Commission Against Corruption Act. That declaration continues to apply to Mr Wei Shi's evidence today.

MR HALE: And for the benefit of you, Commissioner, and Counsel Assisting, the approach of cross-examination will be much the same as the last witness.

THE COMMISSIONER: All right. Thank you.

20 MR HALE: Mr Shi, I act for Mr Wong. Now, you have, Jonathan Yee asked you to sign forms in 2015 saying that you had donated \$5,000 to the ALP and \$5,000 to Country Labor. That's correct, isn't it?---\*Yes.\*

And that was false?---\*Yes.\*

And you signed those forms because you were asked to do so by Jonathan Yee.---\*Yes.\*

30 And you did, you did so because you, you did so out of loyalty to Mr Lee, Mr Yee, didn't you?---\*Yes.\*

And when you signed – and also because you trusted Mr Yee?---\*Yes.\*

And when you signed those documents you knew it was wrong to do so. ---\*I didn't know.\*

You didn't know it was wrong?---\*I only signed and after that he helped me filled it out.\*

40 Well, you signed a donation form saying that you had, that you had donated \$5,000 to the ALP and \$5,000 to Country Labor, didn't you?---\*I learned about it afterwards.\*

Do you say you didn't read the document you signed?---\*No, I didn't.\*

Did you know what the document was about?---\*No.\*

You had no idea that it was something to do with donations?---\*Jonathan Yee said that it related to donation and asked me to help sign on it.\*

And what did you think the document was?---\*Should be related to donation.\*

But you signed simply out of loyalty to Mr Yee.---\*Yes.\*

10 Not really knowing what the document had in it.---\*That's right.\*

Now, at a later time, Mr Yee asked you to sign documents to the Electoral Commission, didn't you?---\*Yes.\*

And you knew that was about the donation forms that you had signed about which I have asked a few questions a moment ago?---\*Yes.\*

And you signed those documents knowing they contained lies.---\*I didn't know.\*

20 You didn't know. You say you knew nothing about what was in those documents?---\*That's right.\*

Did you ask?---\*He only said that it related to donation.\*

And did you ask whether it related to the earlier document you had signed saying you had contributed \$5,000 to the ALP and \$5,000 to Country Labor?

30 MR ROBERTSON: I think, with respect, my learned friend needs to be a little bit careful about how he's framing these questions. In particular, as I understood the witness's evidence to my examinations, he recalled signing one reservation form and he wasn't sure whether there was two. I'm not sure whether he's putting to the witness that there was actually two rather than one. I'm happy to have the documents on the screen if that assists my learned friend.

MR HALE: No, well I'll move on, I'll move on.

40 MR ROBERTSON: I am not seeking to intervene against the question, simply to be clear about it.

THE COMMISSIONER: You appreciate we're talking about the forms that were the invitation forms as against the photocopies of them or what appear to be photocopies.

MR HALE: I'll move on. Did you ask Mr Yee why he was asking you to sign the letter to the Electoral Commission?---\*No.\*

You just signed because he asked you to?---\*Yes.\*

And you always do what Mr Yee asks you to do?---\*Yes.\*

And then can you recall receiving a summons to attend ICAC in a private hearing?---\*I do recall.\*

And you asked Mr Yee about it?---\*Yes.\*

10 And what did he tell you?---\*He said it was related to the inquiry from the Electoral Commission last time.\*

Well, that is in relation to the second document you'd signed?---\*I am not too sure but he said it related to the inquiry.\*

Did you ask him what it was that you had signed previously?---\*I didn't.\*

Did you ask him whether you were in trouble?---\*I did.\*

20 You were told it related to the documents that you had signed in the past in relation to the Electoral Commission?---\*Yes.\*

Did you ask him why he has asked you to sign those documents?---\*No.\*

Now, Mr Yee asked you to – I withdraw that. In the private inquiry you told the Commission that you had donated \$10,000 in 2015. Isn't that right?---\*Yes.\*

30 And that was a lie?---\*Yes.\*

And you told the private inquiry this lie because Jonathan Yee asked you to tell a lie.---\*Yes.\*

And you told a lie because you always do what Mr Yee asks you to do. ---\*Yes.\*

And you knew that you might get into – you knew what you were doing was wrong.---\*Yes.\*

40 And after that private inquiry, you were told not to tell anyone about what you had said at the private hearing, weren't you? ---\*Yes.\*

And you later received a summons in about August for a public hearing, didn't you? ---\*Yes.\*

And again you spoke to Mr Jonathan Yee about receiving the summons. Is that right? ---\*Yes.\*

And Mr Yee told you that you must say at the public hearing what you had said at the private hearing, didn't he? ---\*Yes.\*

And so when he told you that, you decided that you would have to lie to the public hearing at that time. ---\*I didn't know yet.\*

Well, you've told us that you always do what Mr Yee tells you to do, haven't you? ---\*Yes.\*

10 And Mr Yee told you to lie at the public hearing. ---\*Yes.\*

And so you intended to follow his instruction.---\*I was terrified. I haven't made up my mind yet.\*

THE COMMISSIONER: Mr Hale, when is it suggested that he was told by Mr Jonathan Yee to do that? I think the chronology is important.

MR HALE: I understand there is a sequence and that's when I was talking about - - -

20

THE COMMISSIONER: Well, if you're going to rely upon this evidence as happening in a sequential fashion then I think you need to put the sequence so it's clear. It's not clear to me what you're putting in terms of when this was put to him, that's all, because we - - -

MR HALE: I thought – I'll just make it plain. I think I did, with great respect, but I'll just make it plain. The conversation we are talking about is the conversation you had with Mr Yee soon after you received the summons to attend the public hearing. You understand that?---\*Yeah.\*

30

Just to be clear, Commissioner, I am talking about page 1540 of the transcript.

THE COMMISSIONER: Yes. I have that page open. Thank you.

MR HALE: When you had this conversation soon after receiving the summons, did you say to Mr Yee, "I'm not going to lie again"?---\*No, I haven't. No, I didn't.\*

40 After you received the summons for the public hearing, you learnt that other employees had also received summonses to attend the public hearing, didn't you?---\*Yes.\*

Did you speak to any of those employees about the fact that you'd received a summons?---\*No.\*

Why?---\*Because I was terrified.\*

Well, why didn't you talk to them about this, just because you were – I'll withdraw that. Just because you were terrified was no reason not to ask others about the summonses, was it?---\*Because I was terrified, I didn't want anyone, didn't want to be influenced by anyone and therefore I haven't told anyone and I don't want to, you know, be instructed by anyone to say anything. And therefore, I approached my solicitor afterwards.\*

Well, you did say, you did tell somebody that you'd received the summons and that was Mr Yee, wasn't it?---\*Yes.\*

10

And you knew that Mr Yee was likely to influence you in relation to the summons.---\*Yes.\*

And did anybody ask you whether you had received a summons?---\*I can't recall.\*

Do you know who else received a summons?---\*I learnt from the news afterwards.\*

20

And when was that?---\*When the inquiry started.\*

So you said nothing to – sorry. So none of the other employees mentioned to you that they had received summonses. Is that what you say?---\*I don't recall, neither do I want to hear from them about the summons.\*

So you say you cannot recall whether any other employees said that they had received summonses?---\*That's right.\*

30

You would agree that it would be important information to know whether or not some of the other employees had received summonses, wouldn't it? ---\*That had nothing to do with me.\*

So you say you had no interest in August of this year as to whether any other employees had received summonses?---\*I gave it to Jonathan and he told me about it and I started feeling really scared.\*

Did you ever make inquiries as to whether any other employee had been required to sign letters to the Electoral Commission like you had?---\*No.\*

40

You weren't interested to know?---\*I didn't want to know.\*

You weren't interested to know?---\*I was already scared, I didn't want to know what happened about the other people. I only wanted to know about myself.\*

Can you remember, can you remember being told at some time after 14 or 15 September of this year, a few weekends ago, that Mr Yee, Jonathan Yee was going to change his evidence?---\*I read from the newspaper about

Jonathan Yee's brother and then after that I feel so stressed I immediately spoke to my solicitor.\*

Did Mr Yee tell you that he was going to change his evidence?

THE INTERPRETER: Do you mean Jonathan Yee or - - -

MR HALE: Jonathan Yee.---\*No.\*

10 Did any of the other employees suggest to you that Jonathan Yee was going to change his evidence?---\*I cannot recall.\*

You have no recollection whether any of the other employees told you that Jonathan Yee was going to change his evidence?---\*I only knew that around maybe the time you suggested that they had a family meeting. I only knew that they had a family meeting together.\*

20 And you knew the result of the family meeting was that the family was going to give evidence that what was said before the private inquiry was a lie.---\*Yes.\*

And you knew that members of the family had decided to change their evidence and they were going to say that the letter to the Electoral Commission that were sent contained lies.---\*I don't know what was said among the family but I only, I know what the decision was.\*

And who told you that?---\*Jonathan Yee's brother, older brother.\*

30 And that's Valentine?---\*Yes.\*

He told you what the family had decided?---\*He told me that they decided to tell the truth.\*

They also told you that they were going to say that Mr Wong was at fault?---\*No.\*

Now, in your evidence, you refer to a private meeting that you had with Mr Wong.---\*Yes.\*

40 If I could have page 1542 brought up. If I could take you to 1542, there you refer to a meeting with Mr Wong in the VIP room, don't you?---\*On the second level of Emperor's Garden. There was no other staff around, no other clients around either.\*

And you were asked this question, about line 32 on 1542, "And is that the only time you had a private conversation with Mr Wong?" And you said, "Yes."---\*After the public inquiry, yes, only one time.\*

You only had the one private meeting with Mr Wong after the private inquiry?

THE INTERPRETER: Private inquiry?

MR HALE: Yes.

THE WITNESS: \*When I said that, that was after the public inquiry there was only one conversation.\*

10

MR HALE: And what I suggest to – and when do you say that conversation was?---\*It was after I have received, received it, in relation to the public inquiry.\*

THE COMMISSIONER: You're referring to the summons?---\*Yes.\*

MR HALE: And that was the only meeting that you had with Mr Wong after you had received the summons?---\*Yes.\*

20

What I suggest to you is at no time did you have a private meeting with Mr Wong after you received the summons.---\*I have met him many times at the restaurant, but in terms of a private meeting like this, there was only one time.\*

What I suggest to you, that you did not have a private meeting with Mr Wong after you had been served with the summons.---\*No.\*

30

What I'm suggesting to you, that on three occasions after receiving the summons you had a conversation with Mr Wong, but it was in the restaurant.

THE INTERPRETER: I beg your pardon, can you repeat?

MR HALE: Yes. What I'm suggesting to you is that after you received the summons you had three conversations with Mr Wong about the summons but none of them were private meetings.---\*No.\*

40

What I'm suggesting to you is in the first two of those meeting they were in the public areas of the restaurant.---\*Yes.\*

And what I suggest to you, in two of the conversations you had in the public areas of the restaurant, they were just general conversations about the fact that you had received a summons.---\*I don't understand.\*

Right. In the first of the conversations you had with Mr Wong, all you discussed with him was the fact that you had received a summons to attend ICAC in the public hearing.---\*After receiving the summons to public inquiry, the conversation was held privately, not in a public area.\*

Well, can you remember speaking to Mr Wong after having received the summons in the public areas of the restaurant?---\*There were conversations but none of them related to the inquiry. The conversation in relation to the inquiry was done privately.\*

And what I suggest to you, in one of the meetings, the third of the meetings, Mr Wong suggested, sorry, Mr Wong asked you whether you had a lawyer. ---\*He didn't ask this question, no.\*

10

Well, what I suggest - - -?---Sorry. \*What he said was that if I needed a lawyer, he can recommend someone.\*

Yes. And you said that you needed a taxation lawyer.---\*I said, what I said was, "I need a lawyer who can help me explain about taxation matters."\*

Yes. And you told him you needed a lawyer who can explain about taxation matters because you were concerned about the amount of cash, the number of cash transactions that you had been involved in.---\*That's right.\*

20

And you, the only person you told about the private inquiry was I think Mr Yee. Is that right?---\*No.\*

Well, you told us you told Jonathan Yee about what you said at the private inquiry.---\*Yes.\*

You were told, after the private inquiry, that you were not to talk about what was said at the private inquiry?---\*I only told him that I insisted what I said before, I maintained what I said before.\*

30

And Mr Jonathan Yee was the only person you told about what was said at the private inquiry?---\*No.\*

Well, who else do you say you told about what happened in the private inquiry?---\*Mr Wong.\*

When do you say you told him about what happened at the private inquiry? ---\*Usually after one day, one day after I have been here.\*

40

I suggest you didn't tell Mr Wong about what was said at the inquiry.---\*I did.\*

If you did, you could have got into trouble, couldn't you?---\*He was with Jonathan at that time.\*

That's the cross-examination.

MR ROBERTSON: A few points of clarification. You were asked some questions by Mr Hale regarding discussions about needing a lawyer. Do you remember those questions?

THE INTERPRETER: He's asked me to repeat.

MR ROBERTSON: Mr Hale asked you some questions about discussions you had with Mr Wong concerning whether you needed a lawyer for the public inquiry. Is that right?---\*Yes.\*

And to be clear, are you saying that during your discussion with Mr Wong in the VIP room after you received the summons for the public inquiry, one of the things you talked about is whether you needed a lawyer for the public inquiry?---\*Yes, that was discussed.\*

And you explained that you needed a lawyer who could help explain taxation matters, is that right?---\*Yes.\*

20 And one of the reasons you wanted a lawyer who could explain taxation matters was that you had dealt with some matters in cash. Is that right? ---\*Yes.\*

But another reason is that during the private hearing you were asked questions about your wine export business, correct?---\*Yes.\*

And so you were concerned that you might be asked questions in the public inquiry about your mine export business, correct?---\*Yes.\*

30 And that was one of the reasons why you explained that you needed a lawyer who knew about taxation matters. Correct?---\*Yes.\*

After you received the summons for the private hearing in December of 2018, you told Mr Jonathan Yee about the fact that you had received that summons. Is that right?---\*Yes.\*

And are you saying that Mr Ernest Wong was also present when you told Mr Yee about it?---\*No.\*

40 Well, did you tell Ernest Wong about the summons that you received for the compulsory examination, the private hearing?---\*Either on the day or the day after I returned from the hearing I spoke to Jonathan and at that time Ernest Wong was present.\*

I see. So before you attended the private hearing you told Jonathan that you had received a summons. Is that right? ---\*Yes.\*

And after you had participated in the private hearing you told Jonathan about the private hearing. Is that right? ---\*Yes.\*

And you also told Ernest Wong about it. Is that right? ---\*Yes.\*

Was that in a separate conversation with Ernest Wong or did you speak to Jonathan and Ernest Wong at the same time?---\*Together.\*

10 Where did that conversation take place?---\*Also at Emperor's Garden.\*

Where in Emperor's Garden?---\*Usually on the second floor.\*

On the particular occasion we're talking about with Mr Yee and Mr Wong, did that happen on the second floor? ---\*Yes.\*

Where on the second floor was it?---\*Near the bar.\*

20 And what did you say to Jonathan and Ernest Wong on that occasion?  
---\*That I maintained what I said before.\*

Did you say anything else?---\*No.\*

Did either Jonathan or Ernest Wong say anything to you in response?  
---\*They said, "Yeah, okay, as long as you persist you'll be okay."\*

Who said that, was that Jonathan or Mr Ernest Wong?---\*Both of them did.\*

30 Well, focussing on Ernest Wong first, what are the words that he said to you?---\*I should persist and maintain what I said before.\*

And what words did Jonathan Yee say to you?---\*Words to the same effect.\*

40 Can we go please to Exhibit 152, page 20. I'm just going to show you a document on the screen, Mr Shi. Now, I just want to be clear. Do you remember signing one form that looks like the one on the screen or more than one form?---\*I don't remember but I know this was my signature and the name up there was mine.\*

You remember signing at least one copy of a form that looks like the one on the screen, correct?---\*Yes.\*

And the form I've shown you on the screen is in colour. I'm now going to show you another form. If we can go to page 42, please. I am now showing you one that is not in full colour. Do you remember signing a form that looks like the one on the screen that is not in full colour?---\*I do not recall.\*

Did you take a photocopy of the first form that I showed you that was in full colour?---\*I didn't.\*

Did you ask anyone else to make such a photocopy?---\*I didn't.\*

Thank you, Chief Commissioner.

10 THE COMMISSIONER: Just one matter. After the private hearing you, as I understand it, told Jonathan Yee what you had said in the private hearing. Is that correct?---\*I told him that I maintained what I said before and I told the ideas he told me to say.\*

And you knew that you were prohibited from disclosing to anyone what you had said in a private hearing. Is that right?---\*Yes.\*

20 Can you provide an explanation then as to why you decided to act contrary to that prohibition and tell Jonathan Yee what you had said?---\*I was scared and I knew that this was not supposed to be so, so I told him only that I had maintained what I said before only.\*

But is your explanation for acting contrary to the prohibition the fact that you were scared?

THE INTERPRETER: I beg your pardon?

30 THE COMMISSIONER: Do you say that the explanation for acting contrary to the prohibition and you told Jonathan Yee what you had said in the private hearing because you were scared?---\*Yes.\*

And what in particular were you scared of?---\*Because before I have, he has written up lies and I have told them. I was worried that I can't explain the lies.\*

All right. Yes, now, Mr Overall, have you got anything, any questions or - -  
-

40 MR OVERALL: Yes, Chief Commissioner. Mr Shi, can you describe to the Commission your relationship with the Yee family and their business and how long that relationship has lasted?---\*It's been over 10 years.\*

That 10 years is the 10 years to date?---\*More than that.\*

Yes. And you worked for some time with East Ocean Restaurant?

THE INTERPRETER: With?

MR OVERALL: With East Ocean Restaurant.---\*Yes.\*

And before East Ocean you had previously worked for Emperor's Garden?  
---\*Yes.\*

10 So what is the best way to describe your relationship with the Yee family?  
---\*I see them as really good friends because they always help me with  
problems I have.\*

So what do they help you with mostly?---\*For example because of my  
limited English they would help me answer inquiries, something like that,  
and I had to buy a property before and they have recommended lawyers and  
people who could assist me.\*

20 And did they assist you with the finance for that property?---\*I didn't have  
enough money at that time and Jonathan Yee and his brother each lent me  
50,000 to purchase the property.\*

And were the terms and conditions of that loan in writing?---\*No.\*

It was just verbal?---\*Yes.\*

And at that time how long had, in total had you worked for Emperor's  
Garden, at the time of the loan?---\*Seven or eight years.\*

30 And before that, before those seven and eight years how long had you  
worked at Emperor's Garden?

INTERPRETER: Sorry, I don't understand the question. You were asking  
at the time of the loan how long has he worked there for.

MR OVERALL: Yes. There was a previous time he worked for Emperor's  
Garden before he left and went to East Ocean. I want to know how long  
that period was, the first period of employment with Emperor's Garden.  
---\*Seven or eight years.\*

40 That's a long time.---\*Yes.\*

And why did you stay with them for so long?---\*I found the job suitable.\*

And would you describe the Yee family as generous employers?---\*They  
are, they are.\*

And in relation to members of the Yee family, how close was your  
friendship?---\*I felt like when he asked me to help, when I can, I would.\*

Is your friendship close or very close?---\*I think it's rather close.\*

Your English is limited?---\*Yes.\*

Are you able to read documents in English?---\*No.\*

So when you receive a document in English, for example a letter, how do you know what's written in the letter?---\*I usually use Google to do a translation.\*

10

And do you get anybody to assist you?---\*I would because the translation, such translation is usually inaccurate.\*

And who do you get to assist you in translating English documents?  
---\*Jonathan usually.\*

And when he does that, does he tell you what's in the document?---\*Yes.\*

20

And does he tell you whether it's important or unimportant?---\*Yes, he would.\*

And does he tell you whether you should do anything with the document?  
---\*Yes.

And you take his advice?---\*I will, yes.\*

Because why? Why do you take his advice?---\*Because I trust him.\*

30

Commissioner, could I have the document of the invitation or the, with the coloured photograph.

MR ROBERTSON: Exhibit 152, page 20.

MR OVERALL: Mr Shi, we've looked at this document before. Do you see where your signature is?---\*Yes.\*

40

I'm going to ask you to read the five lines immediately above your signature. I'm going to ask you read them in English without the assistance of the interpreter. Could you read them to the Commission?

THE INTERPRETER: Do you want him to read to himself or read it out aloud?

MR OVERALL: Read it aloud to the Commission in English.---\*There are quite a few words in English, words that I don't know.\*

Okay. Just read what you can, please.---Okay. I confirm that this – \*I don't know this one\* – is not make by or on – \*Don't know that one\* – of –

\*Don't know that one either and I don't know any one of that follows\* – business interest and close – \*Don't know what that is.\* Yeah. 4A of part 6 of the – \*Don't know that one, what is this ACT 1981 New South Wales. I don't know.\* 5,000 cap – \*Something 5,000 cap\* – where I can to this – \*Where I, which I can what to this, what is that.\*

That's okay. When you signed that, did anybody translate that paragraph that you've just read into Cantonese or Mandarin for you?---\*No.\*

10 Is it correct to say that when you signed that document you didn't know what you were agreeing to?---\*That's right.\*

And it's true to say, isn't it, because you couldn't read that properly that - - - ?---\*That's right.\*

- - - you at the time did not intend to break the law?---\*No.\*

20 And can you tell the Commission again, did Jonathan Lee [sic] or anybody else summarise that paragraph for you into your own language, rather than read it out?---\*No.\*

I want you to recall the answers you gave to the Electoral Commission. Did you prepare those answers in English?---\*No.\*

It's true, isn't it, that Jonathan Yee prepared those answers for you? ---\*Yes.\*

30 Did he read them to you in Cantonese or Mandarin before the answers were sent to the Electoral Commission?---\*No.\*

So when you signed, when you signed the answers to the questions put to you by the Electoral Commission, is it true to say that you didn't know what you were signing?---\*I didn't know.\*

But you knew the general nature of those answers?---\*Yes.\*

And you knew they were probably, or were wrong?---\*Yes.\*

40 When you received the summons for the private hearing in this Commission, did you read that summons?---\*I couldn't understand it.\*

And where did you go to get that summons translated or interpreted into Chinese?---\*I gave it to Jonathan Yee so he could help me read it.\*

And that's because over the last 20 years, every time you've received an English document that you don't know about, you get Jonathan Yee to help you?---\*Yes.\*

And when you got the summons, did he tell you what it was? The summons for the private hearings, did he tell you what it was?---\*Yes.\*

And the summons for the public hearings, did you take that to Jonathan Yee as well?---\*Yes.\*

And he told you what that was?---\*Yes.\*

10 Just one other area of questioning. You expressed that you have a loyalty to the Yee family.---\*Yes.\*

And they return that loyalty to you?---\*Yes.\*

I want you to speculate on this. What would have happened if you had refused to participate or sign any document for Jonathan Yee?---\*It never occurred to me. I never thought about it.\*

20 And the reason that you never even gave it consideration is that there was a loyalty, a close friendship and trust?---\*Yes.\*

And you trusted Jonathan Yee not to mislead you?---\*Yes.\*

I have no further questions, Commissioner.

THE COMMISSIONER: Yes. Thank you, Mr Overall.

30 MR ROBERTSON: There is one point of clarification that arises from that, Commissioner. Back on the screen, please, Exhibit 152, page 20. Mr Shi, your barrister asked you some questions about the document on the screen. Do you remember?---\*Yes.\*

And you said that in signing this document you didn't intend to break the law, correct?---\*Because at that time, I didn't know what it meant.\*

But you at least knew that the form was about donations. Is that right? ---\*Yes.\*

40 And you knew that the form was saying that you had made a donation, correct?---\*I didn't know. I only knew that I had to sign and he will deal, Jonathan Yee would deal with the rest.\*

You knew more than that, you knew that the form was saying that you had something to do with a donation. Correct?---\*I didn't know. I knew it had to do with donation but I don't know about other details.\*

Well, you knew that it had, you knew that it was a form that said that you had something to do with donations. Do you agree?---\*Yes.\*

And at the time that you signed it, you did not intend to make any donations. Is that right?---\*Yeah.\*

And at that point you had not made any donations. Is that right?---\*That's right.\*

10

That's the questions for clarification.

THE COMMISSIONER: Yes, thank you. That completes the examination of Mr Wei Shi. You are excused. You are still under summons. It's unlikely that you will be recalled in the future, but when we're in a position to know we'll inform you if you're not required or if you are required. You're free to go today.

20

**THE WITNESS WITHDREW**

**[12.52pm]**

THE COMMISSIONER: Yes, thank you. Now, Mr Robertson.

MR ROBERTSON: The next witness is Mr Alex Wood. I propose to call him at 10.00am tomorrow, if that's convenient for the Commission.

THE COMMISSIONER: Yes, it is. Thank you. I'll adjourn till tomorrow at - - -

30

THE WITNESS: \*Your Honour, can I ask how long am I supposed to wait for because I might have a plan of is to travel overseas and I just want to know a time frame.\*

THE COMMISSIONER: You have plans to travel overseas?---\*Yes.\*

When?---\*On the 17<sup>th</sup> of this month.\*

For how long?---\*Two weeks only.\*

40

And where are you travelling to?---\*China.\*

All right. We'll endeavour to let you know before your departure whether you'll be required or not required, and if you are required we will endeavour to avoid your period of absence in China. Do you understand?---Okay, thank you. Thank you very much.

I'll adjourn.

**AT 12.53PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[12.53pm]**