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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

Reference: Operation E18/0093

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 12 SEPTEMBER, 2019

AT 10.00AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

MR ROBERTSON: Chief Commissioner, in terms of the program for today, I'll first call Mr Valentine Yee and I'll then call Mr Johnnie Lin. If Mr Lin doesn't finish today I intend to continue with him on Friday, and as I announced yesterday, I intend to recall Mr Alex Wood for further examination tomorrow. The effect of that is that I won't be in a position to call Mr Lei Mo on Friday as originally announced and instead I intend to call him on Tuesday of next week. The tentative program for next week has now been made available on the public website of this Commission. That tentative program indicates that the Commission won't be sitting on
10 Monday of next week. Can I also indicate that the program for next week is to some degree ambitious in the sense that there's a number of witnesses who require interpreters, and so there is a risk that there will need to be some changes during the course of the week for that program. Can I indicate that I'm unlikely to make any changes to calling Mr Ian Robertson on Wednesday, so that's likely to occur on Wednesday in any event. It may well be that some other changes need to be made, depending on how long the examinations proceed in relation to next week's witnesses.

Can I also indicate that late yesterday after Mr Wood was stood down, there
20 was a break in the recording of the transcript. We're attempting to fix that as it were and to provide that transcript, but can I just indicate in the meantime in general terms what I said towards the end of the transcript. I tendered an exhibit which is now Exhibit 240 which is a statement of Martin Frewen of 5 July, 2019. I indicated that I don't presently intend to call Mr Frewen to give oral evidence, but if any interested person has any questions for Mr Frewen they should draw that to my attention so I can consider whether to call him for oral evidence. Any applications for leave to cross-examine. The key aspects of Mr Frewen's was to note that Mr Steve Tong's
30 computer suffered some data loss on 17 September, 2017 and also it appear on 12 May, 2018 and that Dr Liao's computer suffered some data loss on 8 July, 2018, and you'll recall Chief Commissioner asked Mr Wood some questions concerning that matter. Those are the only housekeeping matters, subject to one matter. I understand my learned friend, Mr Chan, applies for leave to appear for May Ho Yee. That might be conveniently done now.

THE COMMISSIONER: Yes, very well.

MR ROBERTSON: He's I think in the back row or the penultimate row.

40 THE COMMISSIONER: Yes.

MR CHAN: Yes, Commissioner. Chan, I appear for Ms May Ho Yee, instructed by Justin Lewis of Biliias & Associates. Seek leave.

THE COMMISSIONER: Yes, I grant you leave, Mr Chan, to appear.

MR ROBERTSON: And my learned friend, Mr Glissan, I think applies for leave to appear for Mr Valentine Yee.

MR GLISSAN: Commissioner, if it please you, I apply for leave to appear for Mr Valentine Yee, instructed by Jeffreys & Associates Lawyers.

THE COMMISSIONER: Yes, Mr Glissan, I grant you leave.

MR GLISSAN: Thank you.

MR ROBERTSON: I call Valentine Yee.

10

THE COMMISSIONER: All right. Now, Mr Yee, do you take an oath or an affirmation to give evidence?

MR YEE: Affirmation. Affirmation, Commissioner.

THE COMMISSIONER: If you wouldn't mind standing, please, while we administer that.

THE COMMISSIONER: Thank you. Just take a seat. Yes, would you just put on the record your full name, Mr Yee.---My full name is Valentine Yee.

Thank you. Yes.

10 MR ROBERTSON: I'm not sure if there's any application that Mr Glissan wishes to make.

THE COMMISSIONER: Do you have -- yes, Mr Glissan?

MR GLISSAN: If Your Honour please, I'd make an application under section 38 that the witness's evidence be taken - - -

THE COMMISSIONER: Have you explained the provisions of the Act to your client?

20 MR GLISSAN: They have been explained to him.

THE COMMISSIONER: Yes, thank you.

MR GLISSAN: Thank you.

30 THE COMMISSIONER: Mr Yee, I've been asked to make a declaration under section 38 of the Independent Commission Against Corruption Act and you understand what that involves and what it means?---I do, Commissioner.

You understand of course that the making of a declaration under section 38 doesn't affect the position that you must answer all the questions and answer them truthfully. You understand that?---I do, Commissioner.

And if you're required to produce any item or document, that you are required to do so. You understand that?---I understand, Commissioner.

40 In short form the provisions of section 38, once a declaration is made, has the effect that the evidence you give here today can't be used in other proceedings in the future, but there is one exception to that, and that is the evidence can be used in relation to the prosecution for any offence under the Independent Commission Against Corruption Act, such as an offence of giving false or misleading evidence for which the penalty can be imprisonment for up to five years. Are you understanding what I'm saying? ---I understand, Commissioner.

Otherwise the protection under section 38 applies in respect of other proceedings.---I understand, Commissioner.

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

10

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

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DOCUMENT OR THING PRODUCED.

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Mr Yee, are you a director of Emperor's Garden Pty Ltd?---Yes.

And is that a company involved in the food service business?---Yes.

30 It has a yum cha restaurant and a barbecue restaurant, for example?---Yes.

And it has some other associated shops, such as a cake shop, is that right? ---Yes.

The other directors of that company are your brother Jonathan, your father Stanley, and your mother May Ho, is that right?---Yes.

And you're the Chief Executive Officer, sorry, the Chief Financial Officer of Emperor's Garden Pty Ltd, is that right?---That is correct.

40

And so I take it that you are responsible, amongst other things, for the accounts of that business, is that right?---That's correct.

Would it be fair to say that your main role in the Emperor's Garden business is back of house in the sense of dealing with matters such as accounts, the payments, employees and things of that nature?---Yes.

But you might assist from time to time in the front-of-house exercise?
---That is correct.

But is it fair to say that Jonathan Yee, your brother, he is mainly responsible for the front of house aspect of the business?---That is correct.

And Jonathan's indeed the general manager of the Emperor's Garden restaurants, is that right?---Yes, sir.

10 But you work together closely with Jonathan in running the business, is that right?---We, we've got, well, sorry, we've got our own roles, but I guess we just working towards the one target for the business.

Your father Stanley was the one who originally set up the business, is that right?---That is correct.

Is it fair to say he's now semi-retired?---Yes.

20 So he still does some work in the business, but leaves it mostly to you and your brother, is that fair?---Not completely, not completely true, because he's still, although he's semi-retired, but a lot of major decisions, oh, I, I think even smaller decisions, it has to go through him for approval.

So he's still involved at least in the big decisions of the business, is that right?---That is correct.

And he's probably treated by both you and your brother as the ultimate boss in the business, is that fair?---We – sorry, can you ask that question again?

30 Is it fair to say that your father is still really treated as the ultimate boss in the business, at least for the major decisions?---That's correct.

And in terms of your mother, is she also semi-retired?---That is correct.

Does she still do any work in the business?---She still comes in during the day, just, just, just, because as a person that's worked most of her life, they still have that habit of going into work as a routine thing.

40 And in particular, she'll help out at busy times in the business, is that right?
---That is correct.

Are you a member of the Australian Labor Party?---No, sir.

Have you ever been?---No.

Do you know what Country Labor is?---I, I guess if you just, by face value of Country Labor, it's, it's just the Labor Party that supports the, the country New South, country of, of Australia.

Did you know what Country Labor was in March of 2015?---This is what I know, basic understanding of it, yes.

Have you ever donated any money to Country Labor?---No. Oh, sorry, are you talking about personally, or - - -

Personally, at the moment.---No.

- 10 You qualified that, is that because your company Emperor's Garden Pty Ltd has donated money to Country Labor?---That is correct.

Well, we'll come back to that, but you said you weren't a member of the Australian Labor Party. Would you regard yourself as a supporter of that party, though?---I'll be honest with you, I'm not a supporter of that party.

You're probably more on the conservative side of politics, is that fair?
---That is correct.

- 20 So at least in terms of political views generally, you're on a different side of the coin to your brother Jonathan, is that right?---That is correct.

Are you a member of any political party?---I'm a member of a, a recently-established, or a, a year ago established party called The Small Business Party.

And other than being a member in that party, do you have any active role in it?---Not at the moment, no.

- 30 And I take it that if you are not and have never been a member of the Australian Labor Party, you're not and have never been a member of Chinese Friends of Labor?---Sorry?

Have you ever been a member of Chinese Friends of Labor?---No.

Have you ever made any contribution in connection with a Chinese Friends of Labor event?---Yes.

- 40 And was that to buy a table or seat at an event, or was that to make a donation?---Myself personally?

Yes, yourself personally.---Donation.

And how much was that donation?---5,000.

Are you quite sure it was 5,000 and not less or more than 5,000?---No, I'm definitely sure it's 5,000.

And it was definitely intended to be a donation as opposed to buying a seat or a table?---It's, it's actually a donation.

How many times have you made a donation in connection with the Chinese Friends of Labor event?---Myself personally?

Yourself personally?---One, 5,000.

And was that for the 2015 event?---Yes.

10

Why was it that you decided to make a donation of \$5,000 for Chinese Friends of Labor?---Basically at that point in time because Jonathan Yee, being my brother, he was supporting Ernest Wong and Luke Foley in the NSW election at that time and then through the Chinese Friends of Labor they put together people to actually do a fundraiser to support the NSW election.

THE COMMISSIONER: Did somebody ask you to make a donation?
---Yes.

20

Who?---Jonathan.

MR ROBERTSON: Is that the only person who encouraged you to make a donation in connection with the Chinese Friends of Labor event in 2015?
---Yes.

Ernest Wong didn't ask you to do it?---No.

30

Have you ever said to anyone that Ernest Wong was one of the persons who asked you to donate in relation to the Chinese Friends of Labor event in 2015?---I don't recall.

So you might have done that but you don't now recall?---I don't recall so - -
-

But if you had told someone that Ernest Wong had requested you to make the donation, that would be wrong. Correct?---Yes. I was supporting my brother in, in, in that thing, in that election.

40

But you were supporting your brother by making a donation for the benefit of the Australian Labor Party. Is that right?---That is correct.

And to go to a campaign that was being run by Luke Foley, the then state leader. Is that right?---That is correct.

Would you, at least as at 2015, would you describe your brother, Jonathan, as being politically ambitious?---Yes, sir.

At that point in time he had stood for election for the City of Sydney. Is that right?---2016.

But at least at 2015 he had ambitions to become involved in the political scene. Is that right?---That, that is correct.

10 So I'm just trying to understand the real reason for supporting your brother and making the donation. Is it right to say that it wasn't so much any support of the Australian Labor Party, you wanted to support your brother. Is that right?---That is correct.

Because the Australian Labor Party has different political views to the ones that you yourself hold. Is that - - -?---That is correct.

In terms of the money for the donation, where did you get that money from? ---As explained previously, basically a lot of money that I get from relatives through the Chinese culture, the lucky money stuff.

20 Well, let's talk about lucky money.---Yes.

So lucky money is an approach taken where one gives a token amount of money to someone else basically by way of a wish of good fortune. Is that right?---That is correct.

And it usually happens in connection with significant events such as Chinese New Year. Correct?---That is the main one, yes.

Another example might be a wedding for example?---Yes.

30 Red packet money or lucky money is very common at weddings. Correct? ---That is correct.

And it might also happen at other significant events, for example, milestone birthdays. Is that right?---That is correct.

But that's less common doing it then, than at for example, Chinese New Year. Is that right?---That is correct.

40 It's right to say, isn't it, that at least when one becomes an adult, one will likely give lucky money to their parents. Correct?---Ah, no.

So you're saying that it's uncommon to give lucky money to your parents when you're of age?---That is correct. It's usually the, the, the, the older people, the older generation people, for example, my father's age, they would give money to younger people.

And focussing on people about your age - - -?---Yes.

- - - in a position like yours, would you give lucky money to your employees?---I, I, I, look, if, if it was, it would be a very token amount, as a, like, as a, as a, as an amount.

So in terms of amounts like that, it would be something like maybe \$10, maybe \$20 as a token. Is that fair enough?---Fair enough, yes.

10 And is it right to say that at least in relation to the Chinese New Year, ordinarily in a red packet will be a token amount of money, say \$20, say \$50. Is that right?---If, if it's a person that you're not close to, those would be the sort of thing, but if - - -

And it will depend on the relationship with the particular person. If it's a close relationship, such as, as between parent and child, it's more likely to be a larger amount of money, correct?---Significantly larger.

20 Well, it would be uncommon, wouldn't it, for luck money to be more than say \$100 for a Chinese New Year lucky money, is that fair?---No. It's common that it could be higher than that.

THE COMMISSIONER: You're not trying to inflate this concept of red packets are you, for the purpose of - - -?---Certainly not, Commissioner.

No, no. You're not trying to inflate the value of lucky packets for the purposes of dealing with matters that will arise in this investigation, are you?---No, Commissioner.

You're not?---No.

30 You're being quite straightforward about discussing this topic of red packets, are you?---Yes, Commissioner.

And you realise the importance of talking truthfully about such matters?---I understand, Commissioner.

40 MR ROBERTSON: So in terms of an amount of money that might come by way of lucky money from a parent to a child, how much do you say is a common amount of money for that purpose?---I guess, sorry, can, can you rephrase that question, can you - - -

In terms of lucky money going from a parent to a child in connection with Chinese New Year, how much would you say is a common amount of money for that exercise?---It, it could vary between 100 to 1,000. It could vary, like, depending on how much the parent - - -

THE COMMISSIONER: \$1,000? Oh, come on. Are you being truthful? How often would that happen?---I guess depending on - - -

It would have to be a pretty big occasion, wouldn't it?---Oh, well, if, if the parents have a bit of money, okay, it could, it could go much more.

It would have to be a pretty big occasion for that sort of money to paid out of - - -?---Yeah, Chinese New Year is a pretty big - - -

No, you listen to me.---Sorry.

10 It would have to be a pretty big occasion for a parent to shell out \$1,000, wouldn't it?---That's, that's very common, those things.

Would you agree with me or disagree with me?---What - - -

That couldn't be just an ordinary occasion?---It, it's usually Chinese New Year would be the one.

20 MR ROBERTSON: This year, how much money did your father, Stanley, give you by way of lucky money for Chinese New Year?---Maybe about \$500. I can't, look, it's, it's been a while. Like, every year it, it varies.

Well, how much this year?---This year - - -

It wasn't that long ago, it was a few months ago, maybe six months ago. ---Six months ago. Well, this year was, business wasn't so good, so about \$500 maybe.

Did your mother give you any lucky money this year?---Certainly, she did.

30 How much?---Two to 300.

Who else gave you lucky money this year?---Various relatives.

How many of them?---Well, I don't keep a tab on them so I can't, I can't recall.

Well, roughly how many?---Maybe 10 or 20.

THE COMMISSIONER: How many?---10 to 20.

40 Are you guessing now, are you?---Well, I can't recall, so - - -

Is it more like one or two or - - -?---No.

Are you seriously suggesting as many as 20?---Yeah.

Are you telling the truth now?---Yeah, I'm telling the truth, Commissioner.

MR ROBERTSON: But those people would have given you a token amount, more like a \$20 or maybe a \$50 at most?---Well, depends on how close those relatives are to me, usually. So - - -

Yes, but they're not your parents, so they're not going to be giving you hundreds of dollars, are they?---Well, you know, I, I have had, I have had 100s, so - - -

10 I'm asking about this year, which was not that long ago. You're not seriously suggesting, are you, that you had swathes of relatives giving you hundreds of dollars for lucky money?---Well, if you added it all up, look, I've got \$100, like, I don't count them all. Okay, I just put them away.

You at least accept, don't you, that it would be unusual for someone within your family, other than your parents, to give you luck money of more than \$100, do you accept that or not?---Sorry, can you - - -

It would be unusual - - -

20 THE COMMISSIONER: Listen. Just listen to the question so they don't have to be repeated all the time. Now, just settle down. You're going to be asked questions today, it's your duty to listen carefully to the question so that you can identify the point of each question and then you respond to the point of each question. You understand? We'll get through this more expeditiously and efficiently if you follow that formula. You understand? ---I understand.

30 But if you genuinely need a question to be repeated then of course it's open to you to ask for it to be done but I would ask you to listen very carefully to the questions.

MR ROBERTSON: At Chinese New Year, it would be unusual for any relative other than your parents to give you more than \$100, correct?---That is, that is not unusual.

In fact, at least by way of average, the person who might give you lucky money, the average would be \$100 or less, correct?---More or less.

40 Well, about \$100 or less, do you agree with that or not?---It could be both.

On average, it would be about \$100, do you agree, or less?---I can't put a figure on it.

Chief Commissioner, I apply for a direction that the direction that was made in relation to the compulsory examination of Valentine Yee on 30 January, 2019, be lifted insofar as it would otherwise prevent the publication of the fact that Mr Yee gave evidence on 30 January, 2019, and insofar as it would

otherwise prohibit the publication of any question asked or answer given in this public inquiry.

THE COMMISSIONER: Yes. Are you able to identify the page number of the transcript? If you haven't got it, you can give it to - - -

MR ROBERTSON: In particular, the page number I'm about to go to is page 849.

10 THE COMMISSIONER: Yes, thank you. I vary the order made on 30 January, 2019, under section 112 of the Independent Commission Against Corruption Act, in terms as just stated by Counsel Assisting.

**VARIATION OF SUPPRESSION ORDER: COMMISSIONER'S
DIRECTION OF 30 JANUARY, 2019, MADE PURSUANT TO
SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST
CORRUPTION ACT, IS VARIED TO EXCLUDE EVIDENCE
GIVEN BY MR YEE IN THE COMPULSORY EXAMINATION ON
20 TRANSCRIPT PAGE 849**

MR ROBERTSON: Mr Yee, you participated in a compulsory examination before this Commission on 30 January, 2019, correct?---That, that is correct.

And during that compulsory examination, you indicated that the average that might be expected in the Chinese community of red packets at Chinese New Year would be about \$100, didn't you?---I may have said that, yes.

30 And when you gave that answer, that answer was correct, wasn't it?---Yes.

So having been reminded of that, do you accept that the average amount of money that might be received by you in red packets in connection with Chinese New Year would be \$100 or less?---Yes.

And I suggest to you that in answer to some of my previous questions, you were trying to inflate the amount of money that you might receive in red packets, because you realised the significance of that matter to this investigation, do you agree with that?---Not inflated.

40 So you're rejecting the suggestion that you're inflating the amount that you might receive in red packets, is that what you're saying?---That is correct.

Now, this Chinese New Year, who did you give lucky money to?---My kids.

And how much did you give to them?---I gave them \$20.

How many children do you have?---Two.

Did you give lucky money to anyone else?---Yeah, some staff members.

How much in total in lucky money would have you given to staff members?
---Staff members, I, I on average give \$5 per packet.

And is that a common amount to give by way of lucky money to a relationship of the employer versus employee?---Depending on how close you are with the employee.

10

But in any event, it'll be a token amount of money like \$5 or \$10 or \$20.---I have, I'm actually standard. I do, I do \$5.

But what I'm suggesting to you is that it would be unusual for an employer to give an employee more than a token amount of lucky money, more than, say, \$5 or \$10 or perhaps even \$20, is that fair?---Not exactly. My father would give a big amount.

20

Well, what's the largest amount that your father has given to an employee of which you're aware?---He, my understanding is, he's given -- he, he basically makes up envelopes of \$100 at least.

It would be unusual, wouldn't it, for an employer to give to an employee \$100 by way of lucky money, would you agree with that?---I don't, I don't agree with that.

30

Now, I take it that you're referring to a practice of your father some time ago when he was not semi-retired, is that right?---Started since he's been a business owner, yes.

Yes, but it's not something that he's done more recently, because he is no longer the general manager on a day-to-day basis, that's a role that your brother Jonathan performs, is that right?---No, actually he still gives out lucky money, as, even semi-retired.

How do you know that? You've seen him do it, have you?---Oh, I've seen him do it, yeah.

40

And in recent years, have you seen how much money he's given by way of lucky money to employees?---He hasn't really changed in the amount.

Well, no, well, how do you know that?---Because basically I've, I've seen him, staff members telling me that that's the sort of amount that he's giving out.

Well, lucky money is usually given in an envelope, correct?---Yes.

The envelope's usually sealed, correct?---Yes.

So are you saying that your father has told you how much money he's been giving to employees. Is that right?---Well, that's what I understand, look, if you're talking about - - -

I don't want to know what you understand. My question is, has your father, Stanley, told you how much money he gives to employees by way of lucky money?---Not directly, no, sir.

- 10 So you don't know, then, do you, how much your father has given employees by way of lucky money in recent years. Do you agree with that? ---No, if, if you put it in those strict terms, I don't see, he hasn't told me.

In terms of employees, approximately how many employees would have you given lucky money to of \$5 at the last Chinese New Year?---40 at most.

Have you given lucky money to anyone else, other than employees or, and your children?---No.

- 20 Not your parents?---No.

Not any relatives?---No.

The relatives who have given you lucky money over the years, what is your relationship between you and those persons? So you've described your parents.---Yes.

- 30 But who else in terms of family have given you lucky money in recent years?---My, basically my father's sister, they're here in Australia, they've been here for many years, my grandmother, my, my dad's uncles and my dad's cousins and there's also my aunts and uncles from my mother's side.

Is it right to say it's only people who are what I might describe as higher up the family tree, in other words, people who are senior to you in the community at least in age?---That's correct.

And is it right to say that you never give lucky money up the family tree, as it were, to people like grandparents or anyone of that kind?---That is correct.

- 40 But you do donate to people down the family tree or to your employees. Is that right?---That's correct.

But is it your honest evidence that the whole of the \$5,000 that you referred to came from lucky money?---Look, I'll be honest with you, like, not all, all, came, look, I have enough money to, to, to, to support myself from my wages, like, if you're talking about the whole lot, if you're talking about now I won't get, get \$5,000 in, in, in lucky money, but anything that I, I, if I

want to make or, or donate and I can afford, it will be part of my wages as well.

THE COMMISSIONER: Just based on your previous answer, I take it you're not in a position to say how much of the \$5,000 is attributable to lucky money. Is that fair?---Not all of it, no.

10 No, that's what I said. You're not in a position to say how much of the \$5,000 specifically came from lucky money?---I cannot specify, sir, Commissioner.

MR ROBERTSON: As at 2015 were you paid from Emperor's Garden Pty Ltd by way of electronic funds transfer, cheque, cash, or in some other way? ---Cash.

And so it's possible, isn't it, that at least some of the \$5,000 you refer to is from wages as opposed to lucky money. Is that right?---That is correct, sir.

20 Now, in terms of the \$5,000 contribution, when did you make that contribution, when did you hand the money over?---At the function in March.

So the Chinese Friends of Labor function on 12 March, 2015. Is that right? ---That is correct.

And who did you hand it to?---Jonathan.

And where did you do that?---At the party.

30 At the event itself?---That's right.

Whereabouts at the event, was it at your - - -?---The Eight, The Eight Modern Chinese Restaurant.

Whereabouts at the restaurant, was it at a table or was it at some other place?---The table.

40 So Jonathan is with you at the table that you were sitting on. Is that right? ---He, he, he, look, he, he, because he's part of running the, the event, so he sits at the table but he's all, he's all night running around doing this, this function.

So he had a seat on your table. Is that right?---I don't, I can't recall now whether he had a seat or not.

Well, when you handed the money to him was he sitting down or standing up?---He was sitting down and he was counting the money.

So there was at least a place for him to sit but whether or not it was actually his assigned seat is not clear to you, is that what you're saying?---That is correct.

And once you gave him the money, did he then count that money?---Yes.

Did he give you a receipt for the money?---Not on the day.

Not on the day?---No.

10

He didn't, for example, give you a handwritten receipt immediately upon you giving him the money?---No.

Did you tell this Commission in your compulsory examination that he did give you such a receipt?---I can't recall.

We'll go to that. Can we have the transcript of the compulsory examination available please. We'll go that in just a moment. The table that you were sitting at, whose table was it?---Whose table?

20

Yes.---Well, you mean the people that were - - -

Who paid for the table that you were sitting at, at the event?---I understand it was paid by, it was paid by my mum.

And do you know how much she paid for that table?---\$5,000.

How do you know that she paid \$5,000 for that table?---Well, I guess my mum gave my brother \$5,000 that night for the table.

30

Well, you guess that or has someone told you that?---No, I, I guess that.

But on what basis do you guess that the table you sat at was your mother's table and that she paid \$5,000 for it?---Me?

Yes. Why are you guessing that? What's the basis for your guess?---For what I have – because my donation is actually donation, it's not for the table.

40

I'm not asking about the donation. You've just said to us that you were sitting at a table that you thought had been paid for by your mother, is that right?---That's correct.

And your guess was that she paid \$5,000 for that table, correct?---She gave cash for, for that table.

She gave cash for that table on the night, is that right?---Yes.

So as well as you passing over \$5,000 in cash to Jonathan, are you saying you also saw your mother hand over \$5,000 to Jonathan, is that right?---Yes.

And was that in the form of a cheque, in the form of cash, credit card statement? How was that done?---It was cash.

And did Jonathan count that cash as well?---I, I wasn't actually concentrating on that. I just gave my money to Jonathan to count and - - -

10 So you gave your money to Jonathan to count and he counted it at the table, correct?---Yes.

And you saw your mother given Jonathan another \$5,000 at the table, correct?---Yep.

And you can't recall whether you saw that money being counted at the table or not?---I can't recall.

20 So how do you know that it was \$5,000 that your mother gave to Jonathan as opposed to some other figure?---Because that's, that's, I guess that's what's promised for that table, for the money.

No, but why do you think that it was \$5,000?---Well that's what the table cost is.

How do you know that that's what the table cost?---That's basically what, what, what this charity function is all about, like, the tables itself - - -

30 But how did you know that the table that you sat at cost \$5,000?---Because that's what I was told by my mother and Jonathan about it. That's it.

When did your mother tell you about that?---On that night.

So on the night your mother said, what, words to the effect of, "This is my table and I am going to pay \$5,000 for it," is that right?---That, well, I guess that, that would be it.

40 Well, no, I don't want you to guess. I want to know what you recall your mother telling you on the night about the table.---It was \$5,000 for the, for, for, for this fundraising event table.

So your mother told you on the night that the table that you were sitting at was her table, correct?---That's right.

And that she was paying \$5,000 for it, is that right?---Yes, that's correct.

And you also mentioned a moment ago that Jonathan told you that the table was worth \$5,000. When did Jonathan tell you that?---I can't recall that, sorry.

Well, you told us that Jonathan told you. So I want to know when Jonathan told you.---I guess that, at the same time, I guess. Maybe.

10 Well, again, I don't want you to guess. I want your evidence. So you told us a moment ago that Jonathan told you that the tables were \$5,000. When did he tell you that?---Look, I don't recall that, sorry. I, I retract what I was saying, okay?

So does that mean you want to revise your evidence before and say that it wasn't Jonathan that told you that the table was worth \$5,000, it was your mother?---Yes.

Now, when you participated in a compulsory examination before this Commission, you told us a different story - - -?---Yep.

20 - - - about whose table it was, didn't you?---I can't recall.

You told us that it wasn't – you didn't tell us that it was your mother's table, you told us that it was your father's table, correct?---Mmm. I, look, I guess, the, the thing is, there was money paid for the tables, and also the company paid for it as well.

No, no, listen carefully to my question.---Yep.

30 When you participated in a compulsory examination before this Commission on 30 January, 2019, you told the Commission that the table was purchased by your father, didn't you?---Yes, one table.

Now, are you now saying that that evidence was wrong?---No, sir.

40 Well, whose table was it that you sat on? Was it your father's or your mother's?---Well, my, my, my mother sat on the same table as us, okay? And, and you have to understand – I, I don't know how much you understand about these sort of functions. Basically, buying tables, they're hoping people come and support in this election.

Mr Yee, are you trying to vary the evidence that you gave on the last occasion because you're concerned that you gave answers on the last occasion that might incriminate you? Is that why you're changing your story?---No, sir.

So let's be clear about this. Who, to your knowledge, paid for the table that you sat at, at the Chinese Friends of Labor dinner in March, 2015? Who

was it? Your father, your mother, or someone else?---It's been a while now, I can't remember, if - - -

THE COMMISSIONER: So you just don't know?---No, no, I, I know, well, we had money, we paid it that day.

10 No, no, no, you don't know who paid for that table though, is that your position now?---No, sir. No, Commissioner. We've paid for it by cash, but I just can't remember now, but, so basically, on 30 January, what I said is, is what it stands, but maybe what you're saying in regards to what, what I just said about my mother, it was for some table. So, I, I must have forgotten what she paid for hers.

MR ROBERTSON: Well, Mr Yee, which one is it? In the evidence you've given today, you told us that your mother told you that it was her table, and she paid \$5,000 for it, correct?---That is correct.

20 In the compulsory examination on 30 January, 2019, you told this Commission that your father Stanley paid for the table that you sat, correct? ---Yes, sir.

Which one's right?---The first one's right, sorry.

The first one's right?---Yes.

Okay, so we scratch what you've told us this morning, do we, that you weren't sitting at a table that your mother paid for, is that right?---I was, I was sitting in the table that my father paid for.

30 I see. So how do you know your father paid for that table?---Because, as explained in my evidence previously, whatever donations for the company, how much an amount is, he decides.

Well, let's be clear about this. Are you saying that your company paid for the table that you sat at, is that what you're now saying?---Well, basically, well, my, that like we, we had a dinner, like, dinner that night, so what I told you before, is, is usually the money that's made, for, for my father to pay, it's usually him that pays for it, the company.

40 No, let's be clear about this, Mr Yee. So I think we've now got three possibilities in what you've told us so far.---Yep.

Either your mother paid for it, your father paid for it, or your company paid for it. Which one is it?---Um - - -

The answer is none of those, isn't it?---That is not correct, sir.

The answer is none of those.---That is not correct, sir.

You'd forgotten the detail of the evidence that you told us, told this Commission in January, 2019, and you've been caught out inventing another story, haven't you?---I'm not inventing a story, sir.

Well, let's get the story right.---Yep.

10 So who paid for the table on which you sat? Was it your father, was it your mother, was it you, was it Santa Claus, was it Emperor's Garden Pty Ltd?
---It's my father.

How much did he pay for the table?---I, I don't recall, sorry, sir.

Did you tell this Commission in your compulsory examination how much he paid for it?---I may have told, I may have told the Commission an, an amount I, I told, but I may have remembered an incorrect amount because of another function.

20 Well, what's your best recollection sitting there now as to what your father paid for the table?---Well, my, my recollection, and I think I said in my statement was 1,500.

So is that your recollection of what your father paid for the table?---My basic recollection for that is I may have incorrectly remembered, that 1,500 that was paid for was another function which was in 2016, it was a fundraising for my brother to become a councillor at the City of Sydney.

30 Have you realised after January, after you participated in a compulsory examination in January 2019 that your story didn't work by saying that your father paid \$1,500 and that's why you're trying to change your evidence now?---No, I'm not trying to change my evidence, sir.

So what is your recollection of what your father paid for the table at which you sat at the Chinese Friends of Labor event in March of 2015?---Um, I can't recall now, sir.

Let's take a step back. So you attend the event. You give a \$5,000 donation to Jonathan Yee who counts the money at your table. Correct?---Yes.

40 Now, is it still your evidence that in addition to that, your mother brings cash to the table and gives it to your brother, Jonathan Yee?---Yes.

And do you know how much cash that was?---I can only remember based on what I had to help my mother lodge in regards to her, her disclosure is \$5,000.

Well, we'll come to that, but you told us this morning that you had a recollection of your mother telling you on the night that she was paying

\$5,000 for the table that you sat at. Now, is that still your evidence or do you want to change that evidence?---I will need to retract all that.

So what, you just made that up when I asked you the question?---No, sorry, I didn't make it up. I know basically from what I've lodged for my mother, because her English is not so good.

10 But that's completely different to what you told me this morning. This morning what you told me, only about half an hour ago, was that you had a recollection of your mother telling you on the night that she was paying \$5,000 for the table. Correct?---What I said before was incorrect, I'm sorry, sir.

Now, but you're still saying that you saw your mother give a substantial amount of money to Jonathan on the night at the table. Is that right?---I believe that's so, yes.

20 Well, I don't want believe that's so. Is that still your recollection or do you want to change that bit of evidence too?---No, that is correct.

Now, did you see your father give any money to Jonathan that evening?
---Yes, yes.

How much money did you see your father give your brother on that evening?---10 grand.

How do you know it was 10 grand?---That's the donations.

30 Well, how do you know it was 10 grand?---Because it was in an envelope.

Yes, but was the envelope, did you count the money, did you?---I didn't count the money, my father counted it, because as I said in my previous evidence, whatever donations either himself or by the company, he decides on the amount.

Yes, but what I'm asking you is, how did you know it was \$10,000 that your father gave to your brother on the night?---Basically I, well, because - - -

40 Did he tell you that night, like you said that your mother told you?---Well, same, same, same thing is that I had to do all the disclosures and basically I confirmed with my father when I did the disclosures.

So are you saying this is not something that you knew at the time, it's something you later found out?---No, it was on the night I know there was some donation but it wasn't, I wasn't 100 per cent sure how much it was.

THE COMMISSIONER: Well, is the position you just did not know on the night how much it was that your father was donating?---Yeah, but, but I know that there was donations - - -

Stay with me. We're dealing with the night in question.---Yes.

12 March, 2015. Is the true position that you did not in fact know exactly how much your father was contributing?---Um - - -

10 Is that the position? That's all I'm asking.---Well, basically my understanding is that he was going to, he was going to donate money on the night, it wasn't announced on the night so I don't know how much, but afterwards I had to do all these disclosures for him so I (not transcribable)

Stay with 12 March, if you would. I take it from your answer that you neither saw how much money was handed over by your father. Firstly, that's true, isn't it?---Exact amount I know, I don't know but he did hand over money that night.

20 And do you, on your oath, say you witnessed that occurring?---Yes, sir.

How did it happen?---Well, basically it was, it was in, in an envelope and gave it to Jonathan to count and then that was part of the fundraising. So, because he's part of the party, so he - - -

Yes, but how do you know exactly how much was in the envelope? Do you know?---I don't know the exact amount in the envelope.

30 Well, do you know what approximate amount was in there or do you say, honestly, "I didn't see the money go into the envelope, so I can't say"?
---As, as per my previous evidence - - -

No, no. Just answer my question. Just answer my question. Is the truthful position that you simply say, quite honestly, "I don't know how much money my father put in the envelope because I didn't see it go into the envelope." Is that the truthful position?---No, sir. No, Commissioner.

40 Well, what do you say is the truthful position in that regard?---The truthful position is, I know he donated money. Approximately - - -

No, no, no. What did you - I'm dealing with whether you're, on your oath, putting to this Commission that you witnessed \$5,000 go into an envelope, being placed in the envelope by your father, before it was handed over. Are you seriously saying you witnessed that or are you saying, "No, that's not the position"?---I didn't see him put the money into the envelope and hand it over to Jonathan. He had the money but I just didn't, I didn't see him put the money in.

So is the truthful position is, you have no way of knowing how much money your father actually inserted into the envelope that night, is that the truthful position? That's all I'm asking.---I saw, I saw an envelope with money, that's all I know and again, to the donation.

Look, I told you before to listen to the questions. I'll put it again, my point. Are you listening?---Yes, sir.

10 My point is that the truthful position is that you did not yourself witness your father placing money in the envelope that night, is that correct?---I didn't see him put the money in the envelope, if that's what you're implying.

No, I'm not implying. I'm stating it in the plainest words possible. Why are you questioning the question? I'll put it again so that there's no misunderstanding. You did not see your father put cash into the envelope to which you refer, true?---Not see it directly, yes.

20 No, no. True, is that true?---True.

Thank you. Why has it taken so long to get to that point? You seem to be very evasive, Mr Yee. You seem to be very evasive, if I may say so. That may be because you're deliberately trying to be evasive or it may be for some other reason that's not so sinister. But you are not doing yourself any good at all by not fronting the question and answering the question. You tend to answer in a way as if a question was asked when it wasn't. I've asked you before to listen to the point of each question, don't shilly-shally, answer the point of each question. Am I making myself clear to you?---Yes, Commissioner.

30 You are clear?---Yes.

Well, let's see how we go from this point.

40 MR ROBERTSON: Mr Yee, I'll just get you to step back a little bit from the microphone. As long as you're talking in the direction of the microphone, you can see like with me, you don't have to be right there as if it's a handheld microphone. As long as it's in your direction, then it will be picked up. So I just want to be quite clear about this. You said in answer to a previous question that you understood that your father was going to be bringing money to the event, is that right?---That's correct.

How did you have that understanding?---Basically we were going to a fundraising event and then he was donating money to help my brother, brother, the Chinese Friends of Labor for that NSW election.

So did your father tell you in advance of the event that he was intending to make a donation?---Yes.

And what did he say about the donation?---Basically he said to me that he will be making a donation on that night and then basically he will be bringing cash to the event.

Did he tell you that he had bought a table?---Usually going to these functions, he would buy a table, yes.

10 Did he tell you that he bought a table?---Yes.

Did he tell you how much he paid for the table?---I can't remember now.

Did he tell you that you were going to sit together at his table?---Yes.

So in advance of the event you thought you were attending and you were going to sit at his table, is that right?---Yes.

And you in fact sat at his table, is that right?---That is correct.

20 Who else sat at that table?---My kids and wife.

Who else?---My, my, my, my sister and the kids.

So how many people is that in total?---It's, that's, well, so basically - - -

It sounds about, it sounds like about eight so far.---Eight. About eight or nine, yes.

30 Anyone else?---Maybe my father's friends.

Well, I don't want you to, well, do you have a recollection of your father's friends being on the table?---If they're both sitting on that same table (not transcribable) sitting at the table next door.

I'm asking about the table on which you sat. So your father sat at that table, correct?---Yes.

Your mother sat at that table, correct?---Yes.

40 Your brother, Jonathan, came and sat from time to time, but he was running around with the event, correct?---Yes.

And who else did you say was on that table?---Maybe my father's long-time friend.

Well, do you have a recollection of that or are you just speculating now?
---I'm not speculating.

So you do have a recollection of a friend of your father's sitting at the table?---Yes.

Who was that?---A person called Hatton Kwok.

So Hatton Kwok was sitting at the table as well, is that right?---Yes.

And who else? I think we've got up to five now so far.---Five?

10 I think we had five people on the table so far. We've got you, your mother, your mother. A spare seat for Jonathan. A friend of your father, I think. ---Yes.

So we've got five. Who else?---My, my family. So that's three. I've got, I've got a daughter - - -

So your wife.---Yes.

And two children.---Yes.

20

Who else?---My, my sister-in-law and the two kids.

Yes.---So - - -

So we've got to 11 people. Those are the 11 people who are sitting on the table, is that right?---Well, I believe that the seating is about 10 or 11. I can't remember what it was.

30 But you are recalling 11 people sitting at the table. There may have been 12, there may have been 10, is that fair?---Around about that number, yeah.

Were there any politicians sitting at your table?---No.

So it was just family members and friends of the family, is that right?---Yes.

Now, to be clear about the handover of money. So you handed \$5,000 to Jonathan, who counted it at the table, correct?---Yes.

40 Your mother handed over a sum of money to Jonathan, correct?---Yes.

She counted it at the table, correct?---She or - - -

Sorry, he counted it at the table?---I'm assuming so, yes.

Well, did you see your brother count it at the table or not?---Well, after counting mine, I, I, I wasn't - - -

So he may have, but you're not sure one way or the other?---That's right.

At the time that your mother handed over the money, did you know how much money that was that she was handing over?---At that time?

Yes.---No.

And your father handed over money as well at the table to Jonathan, is that right?---Yes.

10 And at that time did you know how much money was being handed over?
---At that time, no.

Did your father tell you in advance of the event how much money he was going to be handing over?---In advance, no.

So you found it out, did you, but later, is that right?---Well, basically, but later, after I saw money handing over.

20 And in advance of the event did your father tell you how much he was paying for the table?---No.

So if that's so, why did you tell this Commission on 30 January, 2019 that your father paid \$1,500 for the table at which you sat?---As I said, I must have remembered the wrong figure but maybe I shouldn't have said that, sorry. It was my fault.

30 Well, is the true reason that you've now found out that the table that you sat on was not sold for \$1,500, it was sold for a larger figure? Is that why you said that to the Commission in January?---No, sir. I must, I must have remembered the incorrect amount or I thought that was the amount.

Now, when you gave the money to Jonathan, did he give you a receipt?---I can't remember.

When your father gave money to Jonathan, did Jonathan give your father a receipt?---I don't recall.

40 When your mother gave the money to Jonathan, did Jonathan give her a receipt?---I don't recall.

Did you tell this Commission in January of 2019 that your father and you were given a receipt on the night?---I can't recall now.

Well, you did say it, didn't you, you did say that handwritten receipts, including one for \$1,500, was given to your father. Correct?---That could be the case. I don't remember.

So that was false evidence you gave in January 2019. Correct?---Not particularly false, it's just remembered the wrong, wrong, wrong party because being, going to so many different parties.

Well, you accept it was at least wrong, don't you?---That one, yes, sorry.

And you knew it was wrong at the time, didn't you?---It was just an honest mistake, sorry.

10 You were trying to invent a story that didn't implicate you or your brother. Correct?---No.

Now, when you handed over the cash to your brother, did you also give him anything else, for example a form?---On the night?

On the night.---A donation registration form?

I'll ask the question again. As well as giving Jonathan the cash, and that was cash in an envelope. Is that right?---Yes.
20

As well as giving him the envelope and the cash, did you give him anything else at that time?---I don't recall.

Well, did you give him any form to say I'm now giving you \$5,000 as a donation?---I understand I got, well, I, basically I remember that forms were filled out later.

So your best recollection, is it right to say your best recollection is on the night you gave Jonathan cash in an envelope - - -?---Yep.
30

- - - but nothing else. Is that right?---That is correct.

And that at some later stage you filled out a form. Correct?---Yes.

And that was after the event. Is that right?---That is correct.

Do you recall what denominations the cash was in, was it \$50 notes or was it in some other denomination?---Hundreds.

40 So you don't recall whether you gave a form, you've forgotten how much money people are handing over, but you've got a specific recollection that it was \$100 notes. Is that right?---Well, I know what I've donated, but with forms and all that, all those details, I can't exactly remember. Sorry, sir.

Why is that you can remember the detail of the denomination of the note and you can't remember all sorts of other matters concerning the event?
---It's four years ago.

Is it because you now know that money was deposited in the Australian Labor Party bank account and that at least some of that was \$100 notes?
---I don't know. Look, I give over the money, I don't know where, which, which bank account they actually deposit it in. After donating the money what they do with it as part of the fundraising is not my issue.

Well, I'm suggesting to you, Mr Yee, that you've got a selective memory. You're saying that you remember particular things now and when you get in trouble with your story, such as the \$1,500 for the table of Stanley Yee, you then just retreat and say, oh, well, I don't remember anymore. Is that fair?
10 ---I'm not saying that. Just - - -

Now, are you quite clear that the total contribution that you made in relation to the event was \$5,000 and not some other different figure?---That is correct.

Can we go please to, or can we get ready please Exhibit 186 and we'll bring that up in a moment. Can you remember roughly where in the room you were sitting on that night? In other words, were you sitting towards the back near the fish tank or were you sitting closer towards the stage?
20 ---At the back near the kitchen area.

At the back near the kitchen area?---So basically there's three rows in the, in the, in the party. Like, the front bit is on the left, if, if we're looking at the front, it's on the left if it's a middle table and on the right is where the kitchen is.

Are you quite sure about that?---Yep.

30 Can we have, just so we can see where that is tangibly, can we have Exhibit 168 on the screen, please. If you can just have a look on the screen just in front of you, Mr Yee. It'll come up in a moment. Just bear with us for a moment. It's come up on the larger screen but not on the personal screens. We'll do this the old-fashioned way, Mr Yee. We're going to hand to you Exhibit 186 which is on the large screens but not in the smaller screens. And on the main screen, please, can we have Exhibit 186. Now, by reference – we'll just pause for a moment, Mr Yee, so others can follow along, but do you agree that the document that I have just given you, Exhibit 40 186, appears to be a floor plan that represents The Eight Restaurant in Haymarket?---Yes.

Sorry, you just need to speak in the direction of the microphone.---Yes.

And that is consistent with your recollection, that seating plan is consistent with your recollection as to how the floor plan was set out in 2015, correct?
---Yes.

And can you just identify by reference to the table number which table you sat at on that night?---It was either 32 or 29, I can't recall exactly.

If you can just repeat that answer. What table number did you say?---It was either, like, it was either 32, 29 or 26. I can't exactly remember of those three tables there.

10 So it was towards the centre, going from left to right, but towards the back going from top to bottom, is that right?---Yes.

32, 29 - - -?---It was either 37, 32 or 29 - - -

37?---Those four tables at the back, I can't exactly remember.

37, 32 or 29?---Yeah, or 26. Like, I can't exactly remember. It's just that area, it's near the kitchen, I remember.

20 Now, you were asked the same question during the compulsory examination in January, do you remember that?---Yes.

And can we have up on the screen please, document 86 now. And on that occasion you said it was either table 27 or 29, correct?---As I said we were, like, yeah. I, I, I was sitting in that area.

But again – no, no.---Yeah.

But have a look at the plan I've given you.---Yes.

30 The hard copy plan. Have a look at where table 27 is. It's right by the stage, isn't it?---(not transcribable) Yes.

Well, let's do this in stages. Have a look on the screen.---Yeah.

Now, in your compulsory examination in January of 2019, you were asked to mark a map to indicate where you sat. Do you remember that?---Yes.

And on the screen now is the document that you marked, and you said it was either table 27 or 29. Do you see that?---Mmm.

40 So now you say it was table 29, 32 or 37, correct?---Yes.

Now, is this another example of where you're just changing your story, where on the one hand you were looking in January for a table that was roughly near the middle, and now you come out with a different story of a table near the kitchen?---No, sir.

Have you spoken to anyone about the evidence that you gave in January of 2019?---No.

Have you spoken to Jonathan about any evidence that he's given to this Commission?---No.

Have you spoken to your mother about any evidence that she's given before this Commission?---No.

Well, do you know whether either of those two have given evidence before this Commission?---You mean private inquiry-wise?

10

Yes.---I know my mum came and did the private inquiry because I had to take her up here. But - - -

And not only do you know that, you've discussed aspects of the evidence that your mother and your brother have given in private session, haven't you?---No.

20

So are you now saying – and if we could have Exhibit 186 back on the screen, please – your best recollection is that it was table 29, 32 or 37. Is that your evidence now? Or do we put 27 in the mix as well?---I can't remember now. It's been a while.

Well, what's your best recollection – sitting there now and accepting, as you have, that the floor plan looks like what you can see on the screen – what's your best recollection of where you sat at the event?---It has to be – 27 would be right, unfortunately.

30

What, so you now think it's 27, is that right?---Yeah, well, if, if, if that's what I gave you initially - - -

No, no. I'm asking you what's your best recollection sitting there now? You told us today that you were sitting near the kitchen, and the kitchen is towards the bottom of the page, is that right?---Yes.

So is that still your evidence or do you want to change that evidence too? ---27.

But 27 is not near the kitchen, is it?---No. The, the top bit.

40

I'm sorry, I don't understand what you're saying. Are you saying that you sat near the kitchen or not?---If 27 is what, what – it's 27.

So you didn't sit near the kitchen, is that what you're now saying?---I can't remember now, really, that one.

Sorry, is there something funny?---No. No, sir.

So is it now not your evidence that you sat near the kitchen, is that right?
---Yes, it originally was where I sat, at the table at the top there, 27.

So your best recollection is that you sat at table 27, is that right?---That's right.

And you sat with the people who you identified a moment ago, family members and people connected with family members, is that right?---Yes. Yes. Yes.

10

Can we go, please, to Exhibit 187. And can we start at PDF page 16, please. And you're quite clear in your mind that no politicians were sitting on the table with you, is that right?---I don't recall sitting with politicians.

No. You were sitting with family members, the individuals that you've -- family members and close friends, correct?---Yes.

And sitting right near the stage, is that right?---Yes.

20

And so we saw on the map, on the seating plan, we saw a stage and a rostrum area, and you're pretty much right near where the rostrum is, is that right?---Yes.

Can we have, please, Exhibit 187? What I'm now showing you on the screen is the guest list that was prepared for the event, in the form that it was briefly before the event. You'll see at the very top of the page in red writing, "12 March, 2015, 4.08pm." And can we turn, please, to page PDF 18, PDF page 18 of that exhibit, please? Have a look at table number 27, which is the one that you said you sat at.---Mmm.

30

That's Mr Chris Bowen's table.---Yep.

So was Chris Bowen sitting at your table?---(No Audible Reply)

Or do you want to amend your evidence again and say you weren't sitting at table 27?---(No Audible Reply)

Honourable Chris Bowen - - -?---Yep.

40

- - - Mr Chang, Mr Smith. None of those people sat at your table, did they?
---No, sir.

I'm sorry?---No.

You didn't sit on table 27, did you?---No, I can't remember what table I sat on, but I was at the party that night, for sure.

There was no table at the event that was in Emperor's Garden Pty Ltd's name, was there?---I'm sure there was.

You're sure there was?---Yeah.

Well, it's not table number 27. Do you know who Michelle Rowland is? Have a look at table number 29.---Mmm, Michelle Rowland, 29?

10 Yes. Do you know who Michelle Rowland is?---It sounds familiar but I can't remember who it is.

But she wasn't sitting at your table?---I can't remember.

No, but you would remember, it was a table full of family members.---Yep.

If there was a stranger there, you would have noticed, wouldn't you?---Yep.

So she wasn't sitting at the table, was she?---No.

20 So it wasn't table 29?---Yeah.

If we turn the page, table 32 was one of the ones you suggested before? ---Yep.

None of those people were sitting at your table, were they?---Don't recall.

No, but - - ?---Yep.

30 Let's get serious. You would recall if there was someone other than the group of people you identified, correct?---Yes.

It doesn't look like it was table 32.---No.

Table 37, Mr Sun. Mr Sun wasn't at your table either, was he?---No.

What I want to suggest to you is that there never was a table that was bought by your father, by Emperor's Garden Pty Ltd, by your mother, or anyone else. Do you agree with that?---No. I don't agree.

40 Because if they had bought a table, we would see it on the guest list, correct?---Ah hmm. Yep.

Now, when you attended the event, how did you know where to sit? ---Because there's people who were just, who were looking after the event that tells you where to sit.

So you asked someone where to sit, is that right?---I asked someone where was my seat.

And they told you where to sit, is that right?---Yep.

Can I assist you with this, this list here doesn't have your name on it. So how do you suggest that this random person knew where you were going to sit?---Well, I attended the event.

THE COMMISSIONER: I couldn't hear that.---I attended the event, for sure.

10

MR ROBERTSON: That wasn't my question.---Yep.

You're saying that someone told you where to sit, correct?---Yes.

That was one of the staff or volunteers for the event, is that right?---Yeah, because my name is on the list.

I see. On which list? Was it a list that looked something like this?---I didn't, look, I, I assume it was. I, but I didn't, I, they told me where to sit.

20

So do you say you've got a recollection of looking at a guest list and seeing your name?---I just asked the, the – I do recollect that. Well, got to look for it, find my name.

So you recall seeing a guest list and finding your name and seeing that there was a seat allocation for you, is that what you're saying?---Yep. That is correct.

Are you quite sure you attended this event?---Yes, sir, I did.

30

You've told us before you attend lots of these events and sometimes you get receipts and sometimes you don't. That was part of your explanation for your faulty memory before, correct?---No, sir. I've attended a lot of events in support of this Labor Party.

THE COMMISSIONER: Why would you have gone to this dinner?---In support of my, my brother in this, in the election.

Well, let's get this clear. You didn't have any interest in the Labor Party at that time, did you?---That is correct.

40

You certainly wouldn't have supported the Labor Party, because you were inclined to vote differently, is that right?---That is correct, sir.

And you say you want to support your brother, is that right?---Yes.

Well, you say you gave him 5,000. That would be giving him support real-time, wouldn't it?---Yes.

It wouldn't require your attendance at the dinner, would it?---Because we go as a family because my father and mother went as well. So we'd go as a family, these things.

Just answer my question.---Yes.

10 If you agreed to give him \$5,000, you'd just hand it to him, but you wouldn't go to the dinner because you had no interest in Labor politics, correct?---But that doesn't mean that I don't go to the party.

Look, Mr Yee, please don't play with the truth. You had no interest in the Labor Party on 12 March, did you?---Only in the sense of supporting my brother.

You answer my question.---Yep.

20 You had no interest in the Labor Party on 12 March, did you?---Strictly saying, yes.

Sorry?---Strictly saying, yes.

Are you agreeing with me?---Yes.

You had no interest in the Labor Party before 12 March or since, correct?---That is correct, sir.

You say you gave cash to your brother to help him, is that right?---Yes.

30 It certainly didn't require your attendance at the dinner, did it?---Um - - -

Your support was money, wasn't it? Not your presence, correct?---No, sir, because I think as a family, attending the dinner is actually a unity in family.

You are making that up, aren't you?---No, I'm not.

You've never suggested that before, have you?---Huh?

40 You've never suggested that you attended the dinner in order to support your brother, as distinct from supporting him financially.---Financially and also attending the dinner.

But your presence wasn't required in order to demonstrate support for him.---But - - -

Nobody, none of the politicians would know who you are, correct?---Ah - - -

None of the politicians who were at the dinner would know who you were, correct?---Well - - -

Correct?---Not directly, yes, you're right, sir.

Not at all.---I don't know.

They wouldn't recognise - - -?---They know me as my, as Stanley's son.

10 They wouldn't recognise you, would they? Take Chris Bowen or Luke Foley, for example. They wouldn't know who you were as at 12 March, correct?---Not completely. Ah, sorry, um - - -

You're agreeing with me?---I don't agree.

Had you actually met them before? Luke Foley?---Prior to there, yes, I did.

Luke Foley?---Yes.

20 You did?---Yes.

When?---At a family, like, basically he comes to the restaurant and has lunch, and is actually a long-time friend of my father's.

Yes, yes, yes. You see, you've always pitched your support as one of supporting your brother's requests to pay \$5,000. That's what you've always said, that you were supporting your brother and therefore you paid \$5,000, correct?---Yes.

30 And there's absolutely no reason for you to be at the dinner because you're not in the least bit interested in what the dinner was about, correct?---I disagree.

You disagree?---Yes.

Are you playing with the truth again?---I'm not playing with the truth, sir.

The truth is that you had no interest in the Labor Party on 12 March, correct?---Political-wise, yes.

40

I'll put it again. You've already answered this question. I just want to see how you answer it this time when I put it. You had no interest in the Labor Party as at 12 March, did you?---I disagree.

You've now just contradicted yourself. You realise that, don't you?---Yeah, but the interest is from - - -

You realise you've just contradicted your previous answer, don't you?
---Yes, sir.

And you know that the last answer you gave to that question was because you want to now present a picture where you did have some form of an interest other than monetary support by being there, is that right?---Yeah, but I was there, sir.

10 Yes. You're playing with the truth again, aren't you?---No, sir. I am not playing with the truth.

Well, on the first occasions I asked you and put it you, that you had no interest in the Labor Party as at 12 March, you agreed, didn't you? Didn't you?---In the overall picture, sir.

Didn't you? You agreed with me?---Yes, sir. Yes, sir. Yes, Commissioner.

20 And then just a few questions ago, I put it to you again, and now you're starting to resile from the previous answer, to suggest, well, there was some sort of an interest. Is that right?---Interest as in only family support, sir.

You had no interest in the Labor Party that would take you to that dinner, correct?---No, sir.

Are you agreeing with me?---I don't agree with that one.

30 You had no interest in the Labor Party as of 12 March which would take you to that dinner, correct?---Besides supporting my brother, no. That's the truth.

MR ROBERTSON: In truth, you didn't attend the Chinese Friends of Labor dinner on 12 March, 2015, did you?---That is incorrect.

And you certainly didn't sit on a table with your father, did you?---I, I, don't, look, I can't recall where I sat now. But I did - - -

40 Why do you keep giving answers to this Commission and then resiling from them a few minutes later? We spent a long time, Mr Yee, in identifying who was on the table and who paid for it. Do you want to change that evidence now too, do you?---No, sir.

So is it still your evidence that you sat on a table with your father, your mother and other close family and friends that you identified a moment ago? Is that still your evidence or do you want to change that?---I can't recall, sorry. I have to change that.

So we're going to change that bit of evidence too now, correct?---Yeah.

So, all right. We're going to have to go back. We're going to have to go back. So doing the best you can sitting in the witness box, who was on the table that you sat on? Is your father not on that table anymore on your recollection, despite telling us that this morning?---That is correct, no.

So he was on the table?---I, look, I do remember sitting on a table with him but I just can't remember which table it is now. I don't recall.

10 Let's put aside which table it was, whether it was 27, 29 or some other one. I had thought that you had given us clear evidence today that you were sitting on a table with your father. Is that your evidence or not?---(No Audible Reply)

Well, you would have to be sitting on your table with your father, wouldn't you, to see him pass the money over. Or do you want to change that bit of evidence too?---No, I'm not changing that evidence.

20 So we've at least got you sitting at a table with your father and your mother and you and you pass over money, your father passed over money and your mother passes over money, is that right?---That's correct.

So is it still your evidence that you sat on a table with your father? Is that your evidence or not?---Yes.

So you don't want to change what you told us this morning, you sat at a table with your father?---No.

30 Now, that is false evidence, I suggest to you. You were not sitting at a table with your father. Do you agree with that or not?---I don't agree.

Is that a convenient time, Chief Commissioner?

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

SHORT ADJOURNMENT

[11.33am]

40 MR ROBERTSON: Chief Commissioner, I apply for the direction that was made under section 112 of the Independent Commission Against Corruption Act in relation to the compulsory examination of May Ho Yee on 11 December, 2018 to be lifted in so far as it would otherwise prohibit publication of the fact that Ms May Ho Yee gave evidence on 11 December, 2018 and in so far as it would otherwise prohibit the publication of any question asked or answer given in this public inquiry. The relevant page of the private transcript is 574.

THE COMMISSIONER: 574. Sorry, who's the witness?

MR ROBERTSON: May Ho Yee, the present witness's mother.

THE COMMISSIONER: Yes, very well. I vary the order made under section 11, September 2018, in relation to the compulsory examination of May Ho Yee in terms stated by Counsel Assisting.

10 **VARIATION OF SUPPRESSION ORDER: COMMISSIONER'S
DIRECTION OF 11 DECEMBER, 2018, MADE PURSUANT TO
SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST
CORRUPTION ACT, IS VARIED TO EXCLUDE EVIDENCE
GIVEN BY MAY HO YEE ON TRANSCRIPT PAGE 574**

MR ROBERTSON: Mr Yee, you're aware that your mother, May Ho Yee, participated in a compulsory examination before this Commission. Correct?
---Yes, sir.

20

And I think you told us that you dropped her off to the compulsory examination. Is that right?---Yes, sir.

Where does your mother live? I don't want the full address but in what suburb does she live?---Bellevue Hill.

Do you also live in that suburb?---Yes.

30

Do you live in the same building?---Yes.

Do you live in the same residence, is that right?---Yes.

After your mother gave compulsory evidence before this Commission you discussed the fact that she had done so. Correct?--- Sorry, this, this - - -

After your mother participated in a compulsory examination before this Commission did you pick her up and take her home?---No.

40

But after the compulsory examination occurred, you discussed with her what happened during the course of the compulsory examination. Correct?

MR GLISSAN: I object to that question, Commissioner. It's misleading because it is capable of giving rise to an inference that - - -

THE COMMISSIONER: Sorry, could you just use a microphone, please?

MR GLISSAN: I do beg your pardon. It's misleading because it's capable of giving rise to an inference, left as it is, that the content of what was said

rather than the fact of the giving of evidence. If that's to be put it needs to be clear.

MR ROBERTSON: I'll rephrase it so it's clear. So I'll do it in stages. So you're aware that your mother participated in a compulsory examination before this Commission. Is that right?---That's correct.

Did you discuss the content of what occurred during the course of the compulsory examination?---No.

10

I suggest to you that your mother told you that she told this Commission that she was sitting at the Chinese Friends of Labor event in 2015 near the kitchen. Do you agree with that?---She didn't tell me anything about it.

Well, let's be clear. What I want to suggest to you is that your mother told you that she had told this Commission that she was sitting on a table near the kitchen. Do you agree with that?---I don't agree with that because I, we didn't discuss anything after her thing.

20 And that's why you told this Commission this morning that you were sitting on table 29, 32 or 37 near the kitchen, correct?---No.

And in point of fact, you weren't sitting on any of those tables, as you've ultimately admitted, is that right?---I said, no, I was - - -

You were sitting close to the stage on table 27, that's your evidence, correct?---Yes. Yeah.

30 Now, you told us this morning that after the event you signed a form regarding your donation, is that right?---That's correct.

And do you recall when you signed that form, what date that was?---Late March.

Can we have on the screen please Exhibit 252 at page 14. On the screen, is that a copy of the form that you're referring to?---Yes.

And the handwriting on the form, the words, "Valentine Yee", that's your brother's handwriting, correct?---That is correct.

40

And that's also the handwriting for the \$5,000 figure, is that right, just above your name?---Yes.

That's your brother, Jonathan's handwriting, correct?---More or less, similar, yes,

Well, you didn't write in the \$5,000 figure, correct?---No, I didn't. No.

It was on the form when it was given to you, is that right?---Yes.

And was it Jonathan who gave you the form?---Yes.

And is it your signature towards the bottom of the page?---That is correct.

And you put in the date?---Yes.

10 And you signed this form on 30 March, 2015, is that right?---That's correct.

And then you gave it back to your brother, I take it?---Yes.

Now, is this the only copy of a form that you signed in relation to Chinese Friends of Labor, NSW Labor Chinese launch for 2015, or did you sign more than one copy of a form that looks like this?---Personal one, you mean the personal donation?

20 Just in your name I'm talking about at the moment, yes.---This is the only one I signed.

So you're quite sure that there was only one and there wasn't two?---Not two.

You're quite sure about that?---I'm quite sure.

30 Now, can we please go to page 36 of the same bundle, and what I now want to show you is another document that was obtained by the Commission when it executed a search warrant at the offices of NSW Labor. And do you see there a document that looks very similar to the one I showed you a moment ago but it's in black-and-white rather than in colour?---Yep.

Now, do you recall whether you signed, in addition to the colour document I showed you, do you recall whether you signed a separate black-and-white one that looks like this?---No.

Did you ever - - -?---In personal, the personal one?

40 Just the personal one at the moment. I'm just talking about the personal one in your name.---Yep. No.

So you're quite clear in your mind that at least in your name, in Valentine Yee's name, you only ever signed one form that looks like this?---That's correct.

Did you ever photocopy the first colour form?---No.

Can we just combine those two documents, just so I can show you those two document separately. And while that's getting organised, to your

knowledge, did Jonathan photocopy the coloured form?---Not sure. To my knowledge, I'm not aware.

He didn't tell you that he was going to do it?---He didn't tell me he was going to do it.

And he didn't tell you that he did it?---He didn't, he told me – sorry. He didn't tell me that he photocopied it and I'm not aware that he was going to photocopy it.

10

I take it you've got a photocopier somewhere within Emperor's Garden?---I think I do, it may have gotten, gone missing.

THE COMMISSIONER: Sorry, what's your answer? Did you ever have a photocopying machine or have you ever had a photocopying machine at the premises?---There would be a photocopying machine there but I'm not – yes.

Not would be, was there?---Yes.

20

MR ROBERTSON: And there was one there is March and April of 2015, is that right?---Yes.

I take it there's obviously, you've obviously got printers in the office in Emperor's Garden?---Yes.

A colour printer, I assume?---Yes.

30

And can we just – can I just ask the operator to flick between the two forms, the 14 and the 36. You would at least agree with me, wouldn't you, that this appears to be two copies of the same form, do you agree with that?
---You, do it again, once more?

I'm just getting the operator to just flick up and back and up and back.
---Yes.

So you agree they appear to be a copy – the black-and-white one appears to be a copy of the colour one, correct?---Correct.

40

But you're saying that you didn't do that copy?---I didn't do the copy.

And if it is a copy, you don't know who did that copy, is that right?---That is correct.

THE COMMISSIONER: Have you ever seen that copy before?---The black-and-white one?

Mmm.---No.

MR ROBERTSON: Just taking a step back to the dinner and the money. So you've passed over your money to Jonathan, who's counted it. Your mother has, and your father has. What happened then to the money? Did you see what happened then to the money? Did Jonathan then just keep it, or did you see what then happened with it?---He walked off and give it to the people who - - -

10 THE COMMISSIONER: You'll have to keep your voice up, because I can't hear.---He walked away from the table. I'm assuming he's actually given it to the people who look after the fundraising money.

MR ROBERTSON: Well, did you see that happen?---I didn't see it myself.

I see. So you did see Jonathan leave the table with now a number of thousands of dollars in cash, correct?---Yes.

And he had three envelopes at that time, is that right?---Yes.

20 Yours, your mother's, and your father's?---Yep.

Did he have any other, was he given any other envelopes by anyone from your table?---No, well, I, I didn't see.

And I think you told us that you didn't give him any forms or anything at that time, is that right?---Yes.

30 The form that you did give him is the one that we saw on the screen a moment ago?---Yes.

What about your father and your mother? Did your father or your mother give him any forms?---No.

And did any of you, were any of you given a receipt on that night?---I don't recall now, as I've said before.

But you agree, don't you, that you told this Commission in the compulsory examination - - -?---Yes.

40 - - - that handwritten receipts were provided, is that right?---Yes.

THE COMMISSIONER: What happened to the handwritten receipt? ---Mmm (not transcribable) didn't think there was too important, just chucked it away.

I can't hear.---Oh, well, didn't think, like, after he's given me it, just showing us that he's got the money, and then I just chucked it away.

So let me get this right. So you handed over the large amount of money in cash that was processed. A handwritten receipt was then issued and handed to you.---Mmm.

And you go and throw it away. Is that right, that what you're telling us?
---Yes.

Why would you do that?---Well, I didn't think I needed it anymore afterwards.

10

Do you remember throwing it away?---Huh?

Do you remember throwing it away?---Well, like all rubbish, I don't remember throwing away, but it's more than likely to have been thrown away.

MR ROBERTSON: So you remember receiving a handwritten receipt on the night, and remember throwing it away later, is that right?---Some time later, yes.

20

But to be clear, you remember receiving a handwritten receipt on the night, correct?---Mmm. Mmm.

Yes?---Yes.

And that was given to you by Jonathan, correct?---Yes.

And did he also give your father and mother a receipt?---I'm not going to speculate, I can't remember.

30

Oh, I just want to ask whether you saw – so you saw the money being handed over from - - -?---Yes.

- - - your father and for your mother?---Yes.

And I want to ask you whether you saw Jonathan hand back a receipt in relation to that money.---No.

40 Did you have any role in organising the Chinese Friends of Labor event, or was that all left to your brother and others?---My brother.

You didn't personally have any involvement other than making a donation of \$5,000, is that right?---That is correct. Yes.

And attending the event as well.---Yes.

Other than the handwritten receipt, did you ever get any other receipt or tax invoice from the Australian Labor Party or Country Labor?---Yes. That was – do you mean during the event, or - - -

No, at any time. So I'm now really focusing on after the event.---Yep.

So let me put the question again. Putting aside the handwritten receipt that you received on the night and then threw out - - -?---Yep.

10 - - - were you ever sent any other tax invoice or receipt in relation to your \$5,000 contribution?---Yes.

And around about when was that sent to you?---(No Audible Reply)

Was it within a week or two of the event or was it some later time?
---Some later time.

Doing the best you can, how far after the event did that occur?---Um - - -

20 Is it months, is it years?---It would have been maybe a few months because with that sort of money I need to disclose to the, what do you call it?

The Electoral Commission?---Yeah, Electoral Commission.

So just to be clear about that, you got the handwritten receipt that you threw away. Correct?---(No Audible Reply)

Yes?---Yes.

30 And you got a few months later, you got a receipt from the Labor Party. Is that right, a receipt or tax invoice or some other similar document. Is that right?---Maybe it's not, not during that financial year because I had to fill in that form and then it was later on, maybe in 2016 sometime or other.

So it at least wasn't in the financial year ending 30 June, 2015. Correct?
---That's correct.

You got it sometime in the next financial year.---Yeah.

40 Between 1 July, 2015 or perhaps more likely in 2016. Is that what you're saying?---That's right.

Now, did you request that receipt or did it come to you automatically?---Oh, I had to request it because I got a notice from the Electoral Commission to fill out these forms.

So we'll come to that notice in a moment, but just to be clear about that, you get a notice from the Electoral Commission saying you need to put in your disclosure. Correct?---Yes.

And then you need the form in order to fill out the disclosure, is that right, sorry, a tax invoice or receipt to fill out the disclosure. Is that right?
---That's correct.

10 Who did you request to obtain that receipt or tax invoice?---Jonathan, because I don't know anybody in the Labor Party.

So you get the documentation from the Electoral Commission, you say to Jonathan please organise me a receipt. Correct?---Well, I needed official receipt to fill in for the disclosure.

Yes. But you request that from Jonathan. Correct?---Yes.

20 And then what, Jonathan eventually provides that to you, does he?
---But through, through his, through the Labor party, yes.

But did you receive the receipt or tax invoice from Jonathan or did you receive it from the Labor Party, do you recall?---It was, I think I, the personal one, if not, not, if, if I'm, if I'm not mistaken I recall it's actually from Jonathan. I think the company ones, I got it from the Labor Party.

So just focussing on the personal one at the moment.---Yeah.

30 You request it from Jonathan and Jonathan provides it to you. Correct?
---Yes.

And probably sometime in 2016. Correct?---Yes.

And do you keep this receipt or do you throw that one away like the handwritten one?---I don't, I don't keep hard copies. Once I've used it to lodge whatever, I've got records.

40 And so how did you get it from Jonathan, did he give it to you in a hard copy or did he email it to you or give it to you in some other way?---He emailed it to me.

But are you saying you've deleted that email, are you?---No.

You've got it in a, you've still got it in a soft copy somewhere.---Yeah.

You don't have it in a hard copy. Is that right?---No. Yes. That's correct.

Just to be clear, so - - -?---I don't keep hard copy documents.

No. But you didn't delete the electronic copy.---No.

And so you still have an electronic copy of the invoice that you were sent. Is that right?---Yes.

Can we go please to Exhibit 152 at page 13. I just want your assistance on what the receipt or tax invoice is that you obtained. Exhibit 152, volume 5 of the public inquiry brief, page 13. You see there a tax invoice, invoice number 4-0-9-1-4?---Yep.

10

Can you see that, Mr Yee?---Yes.

And that's dated 9 April, 2015. Do you see that there?---Yep.

Now, are you saying that although it's dated 9 April, 2015, you didn't in fact get a tax invoice or receipt that looks anything like this until 2016. Is that right?---Hmm, I may have got it but I can't remember, sorry.

20

Well, no. You were quite clear a moment ago. Are we having to change evidence again, are we?---No, I'm not changing. I'm not - - -

You were quite clear a moment ago that you didn't get a receipt until 2016. Is that still your evidence or not?---I'm not going to change anything but I, I may have got it earlier but I can't remember now.

30

So at least your best recollection is that you didn't receive a tax invoice or receipt from the Australian Labor Party other than the handwritten one that you threw out until 2016, correct?---Yeah, well I guess I didn't request one until then. Yes.

Well, I want to be clear about this. The only time you ever obtained an A4 tax invoice or receipt that's printed out rather than handwritten, was in response to a request that you made, correct?---That's correct.

The request that you made, you made in 2016, correct?---That's the best I can recall, yes.

40

You didn't get one automatically, you only got one by way of request, correct?---Yes.

You didn't make a request until the Electoral Commission came knocking, correct?---Yes.

And so I think it's still your evidence, but correct me if I'm wrong, that you didn't receive a document that looks like the one on the screen within a few weeks or months of the event, rather you got it later when you requested it after the Electoral Commission made enquiries with you, correct?---In regards to the disclosure, is that, sir?

I'll rephrase. It's your evidence, isn't it, that you only received an A4 tax invoice or receipt after you requested it, correct?---Yes.

You requested it from Jonathan, correct?---Yes.

You didn't make that request until the Electoral Commission made contact with you to say that you need to lodge a disclosure form, correct?---That's correct.

10

Can I then show you another document. Can we go please to page 35 of the same bundle. And like what I just showed you, this is a, the thing I'm about to show you was taken from NSW Labor as part of the search warrant that was executed at the Sussex Street offices. Do you see now there's another tax invoice dated – tax invoice number 4-0-9-2-4. But this time, if you look very closely in the top left-hand corner, instead of it being addressed to Australian Labor Party NSW Branch where it's coming from, it's coming from Country Labor. Do you see that there?---Yes.

20 Do you recall whether you ever received a tax invoice in the sum of \$5,000 or indeed in any other sum that was headed up Country Labor as opposed to Australian Labor Party NSW Branch?---No.

So are you quite sure, are you fairly sure that you haven't received a document of that kind, headed up Country Labor?---I am very sure, sir.

So you're very sure that you never received a Country Labor invoice, is that right?---That's correct.

30 And so you haven't received the document that we can see on the page, is that right?---That's correct.

And when you made the request of Jonathan, that we referred to before, he response to it by giving you one tax invoice from Australian Labor Party NSW and not any tax invoice from Country Labor, correct?---That is correct.

40 Can we go now please to the Electoral Commission bundle and can we start please on page 13 of that bundle. Now do you see there, Mr Yee, a - - -?--- Yep.

- - - disclosure of political donations, major political donor form, do you see that there?---Yes.

Now, did you fill this out of your own initiative, or do you say that the Electoral Commission made contact with you and asked you to fill out such a form?---The Electoral Commission asked me to fill in, I must, I must, I

didn't fill in that disclosure. Oh, sorry, I didn't actually know that I had to just do this disclosure form until they send it to me.

Well, I just want to be clear about that.---Yeah.

So, is it the case, are you saying that before you filled out this document - - - ?---Yep.

10 - - - you were contacted by the Electoral Commission, is that what you're saying?---That's correct, yes.

But you told us a moment ago that that didn't happen until 2016, and can you have a look at the stamp in the bottom left corner?---Yep. October - - -

That appears to be received by the Electoral Commission in October, 2015. ---Yeah, it was around, well, that's the same yearend, right, like, 2016 yearend?

20 Right, so - - -?---Yeah.

Are you saying that after 30 June, 2015 - - -?---Yeah.

- - - the Electoral Commission made contact with you and asked you to put in a disclosure form, is that what you're saying?---Yes.

And how did the Electoral Commission make that contact?---Yes, email. They usually have forms that I have to fill in.

30 Are you sure that you're referring to a communication for the Electoral Commission directly to you, rather than to the company, namely Emperor's Garden?---Well, I got, I got two, I think I got two, two lots.

Just pardon me for a moment.---Yeah.

Doing the best you can, what was the nature of the communication from the Electoral Commission that you're referring to?---Um - - -

40 Was it telling you to make a lodgement, is that what you're saying?---Yes. And I think I, we got a warning letter for, for non-lodgement or like, late lodgement or whatever, I can't remember, but basically it may be in relation to the company as well, how to do it.

Well, are you quite sure that you did get a communication before sending in this form?---I might have mixed up with the company.

Well, can I try and help you this way?---Yes.

At least as I understand it, based on what the Electoral Commission has told me - - -?---Yes.

- - - there was no such form - - -?---Yep.

- - - there was no such document reminding you to lodge before 19 October, 2015.---Okay.

10 But are you saying you have a different recollection to what I've just sought to summarise?---I can't recall now, sorry. This is – there were so many different forms I have to fill out for these.

Well, let me put it this way.---Yep.

20 Is it quite clear in your mind that the reason that you filled out a form of the kind that we see on the screen was that the Electoral Commission told you to, or at least reminded you to?---I can't whether, I can't remember whether it's by the Electoral Commission or that the Labor Party had sent me information that, oh, as a reminder that I have to lodge these sort of forms.

I see. So it's possible that it wasn't actually the Electoral Commission that raised the point. It's possible that it was the Labor Party, is that right? ---Yeah, I guess as a courtesy, yes, from them.

Well, I'm just trying to understand your best recollection about this. You first told us that it was the Electoral Commission that identified the fact that you should fill out one of these forms, is that right?---Um - - -

30 But are you now saying that on reflection it may have actually been the Labor Party?---Maybe, yes.

Now, do you agree that you are sending this form in on about 12 October, 2015? Just have a look at the signature line and the date there. Is that when you signed this document?---Yes.

And can you remember whether you sent it in to the Electoral Commission or whether you gave it to someone else to do?---I emailed it.

40 You emailed it to the Electoral Commission?---Yeah.

And if we can just turn the page, please, can you see there there's a receipt number of 4-0-9-1-4. Do you see that there?---Yes.

And that was the receipt number of the invoice that I showed you, the Labor Party invoice that I showed you a little moment ago.---Yeah.

And so do we take it from that then that you had the Australian Labor Party NSW Branch tax invoice in your possession by 12 October, 2015 when you signed this form?---Yes, sir.

So do we take it from that, that the request that you say you made of Jonathan for a copy of a tax invoice must have happened somewhere around October of 2015. Is that what you're saying?---Yes.

10 And so you at that point, armed with the tax invoice with number 4-0-9-1-4, you fill out the page that we can see on the screen. Is that right?---That is correct.

And is that your handwriting on the screen?---That is correct.

And if you just have a look in the left-hand column, do you see where it says, "Date Donation was Made"?---Yes.

And can you see that says 9 April, 2015?---As per the invoice, yes.

20 You can see that it says, "Date Donation was Made" was 9 April, 2015. Correct?---Yeah.

Now, the invoice, sorry, the donation was not made on 9 April, 2015, was it?---No.

It was made on 12 March, 2015. Correct?---That's correct.

30 So you at least accept, don't you, that what's said on this form in terms of the date the donation was made is wrong. Do you agree?---Yes.

And is what you're saying that you made a mistake on this form and instead of putting the date donation was made, you put the date of the invoice. Is that what you're saying?---That's correct, yes.

Why would you put the date of the invoice? It's an invoice that you didn't have until October of 2015 and the form is telling, the form is asking you when the donation was made?---I, I guess I just read the date of the invoice without thinking of it carefully.

40 Is it possible that you didn't actually make the donation on the night and instead made it on 9 April?---No, I made it on the 12 March.

You're quite clear in your mind that it was made at the event itself. Is that right?---Yes.

And then if you just have a look where it says Part A, Reportable Political Donations Made – General Not Made at a Fundraising Function or Venture. Do you see that there?---Yeah.

And so that's another error in what you told the Electoral Commission, isn't it?---Yes.

Because you say that you made the donation at a fundraising function or venture. Correct?---Yes.

10 Now, the Electoral Commission ultimately said to you that the first version of the form that you sent in was erroneous and needed to be fixed. Is that right?---That's right.

And can we just, we'll just have a look at that in context. So we'll first go in the same document to page 15. In fact before we go there, just so you've got the full context, we'll go to page 8. I'll show you page 8 first. See dated 12 October, 2015, received on 19 October, 2015. Do you see that there?---Yep.

20 And if we just turn the page to page 9, we have, that's your handwriting, isn't it, NSW Labor, et cetera?---Yes, yes.

You had the invoice, invoice number 4-0-9-1-4 in your possession at the time that you wrote this. Correct?---Yeah.

And the Electoral Commission made contact with you to say that you needed to send in another form because you had only put in one page, the part A, and you hadn't put in the part B. Is that right?---That's correct, yeah.

30 And if we then jump to page 13, what you've then done, if you just have a look in the bottom left-hand of the screen, 19 October, 2015, it says received?---Yeah.

40 But then we've got a new stamp on this document, 28 October, 2015, and is that because you added a page to the document that you first sent to the Electoral Commission, is that right? In other words, the first document you sent to the Electoral Commission was a two-page document, had the first page and part A. They then said to you, "No, no, that's not the complete form. Please send us the third page," and you then added the third page and sent it to the Electoral Commission, is that right?---I thought I completed a new one. I can't remember.

There was an amended form which we'll come to later but I'm now just talking about the two-page form versus the three-page form.---Yep.

Well, let me help you this way. If you have a look at this document, it is your signature on the date of 12 October, 2015. Do you see that?---Yes.

And that's the same date that we saw on page 8? Just jump back to page 8 quickly. See that there?---Yes.

But if you just look at this one, the earlier one, it doesn't have the received stamp in the top right-hand corner. Do you see that?---That's correct, yeah.

And if we then turn back to page 13, do you see it now has a received stamp in the top right corner?---Yep.

- 10 But if we then turn a page, we've got the page that you've already seen and we turn a another page, we've then got a new page. Do you see that there? ---Yep.

And does that refresh your memory that what you did is you first submitted something that was two pages, the Electoral Commission wasn't happy, and you then submitted again with a new page attached, is that right?---That's -- I think I scrapped, I believe I scrapped the other page because it wasn't relevant anymore.

- 20 Well, in any event, what you can see on the screen is in your handwriting, correct?---Yes.

And the narrative there, the name and location, "Dinner with Luke Foley at The Eight Modern Restaurant, Haymarket," did you come up with that language or did someone suggest that language to you?---Well, that's what, what that function was.

- 30 But did you come up with that language or did someone suggest that language to you?---I came up with that because I was just following the example at the top there, really.

So what's the example at the top you're referring to?---Dinner with candidate at XYZ hotel in North Sydney.

I see. So you've taken those instructions and you've sought to explain the dinner as best you could, is that right?---Yes.

- 40 Now, we'll just turn to the next page because this might refresh your memory in the timing. So do you see there a letter from NSW Labor of 6 September, 2015?---Yep.

Thanking you for your support in the 2014/15 financial year?---Yep.

Now, could that have been the letter that you were talking about that prompted you to send the form, in other words, a letter from Labor rather than from the Electoral Commission?---That is most likely, yes.

So having seen that, is it your best recollection that the reason that you sent the first form that you and I talked about, was that the Labor Party had told you to, as opposed to the Electoral Commission telling you to, is that right? ---Now, that would be the case then, yes.

That's your best recollection sitting there now, is that right?---Yeah. Yeah, yeah, yeah.

10 Can we turn please to page 18. The Electoral Commission then write to you and says, "Well, now you've given us a part A and a part B that are identical, so you're going to need to fix that as well," correct?---Yep, yes.

Do you remember getting this email?---Yes.

And then if we turn the page, you've got the amended disclosure form, blank at that point in time. Let's keep flicking through, please operator. And then we'll go to page 24. And you remember, don't you, sending a signed amended disclosure to the Electoral Commission?---Yep.

20 And if we can just flick to the next page of that, now this one's now typed rather than handwritten. Do you see that there?---Yep.

Who did that typing?---I typed it, I would have typed it.

So you typed all of the details in this form?---Yep.

It was not done by Jonathan or someone else?---No.

30 And then would it be right to say that you signed this form on about 28 January, 2016?---That is correct, yes.

And if they then just turn the page to page 26. Again this is something that you typed in?---Yeah. I got it wrong again.

But why are you putting that in as not made at a fundraising function or venture even though you've told us that the amount was made at a fundraising function or venture?---Made the same mistake again.

40 And again you'd agree that this form is wrong in the sense that it says Date Donation was Made, 9 April, 2015 - - -?---Yeah.

- - - whereas in fact it was made on 12 March, 2015. Is that right?---Yes.

If you then turn please to page 29. In February 2017 the Electoral Commission wrote to you and asked you to produce certain documents. Correct?---Yes.

And if you just refresh your memory at the second paragraph here of this letter from Mr Baragry, do you see that Mr Baragry is informing you that the Electoral Commission was investigating whether a number of donations made by individuals were made for or on behalf of other persons. Do you see that there?---Yep.

10 And so do you agree that as at February of 2017 you knew that the Electoral Commission was investigating whether there was what I'll call straw donors or pretend donors, in other words, people saying that they had made a donation in connection with the Chinese Friends of Labor event in 2015, but not being the true donors. Correct?---That's what it says in that letter.

That's what it says, and you understood that that's what the Electoral Commission were investigating at least as at February of 2017. Is that right?---That's right.

And if we then turn to page 33, that's the formal notice being sent to you. ---Mmm.

20 And can you see in the second paragraph Mr Baragry is stating that he has reason to suspect that there is what I called straw donors or pretend donors. Do you see that in the second paragraph?---Starting with I, is that right?

Yes. I, Peter Baragry.---Yes.

And if we then turn the page you'll see that Mr Baragry is asking you for your personal bank statements and copies of receipts. Correct?---Correct, yes.

30 Now, you ultimately provided some bank statements and a receipt to Mr Baragry. Correct?---Yes.

And did you provide him the receipt that you and I talked about that you had in 2015 or did you provide him with some other receipt?---I may have asked the Labor Party to give me that receipt because I wasn't actually keeping everyone on - - -

Well, let's get this right. So you had the, you had a tax invoice - - -?---Yep.

40 - - - at the time that you completed the first disclosure - - -?---Yes.

- - - that we saw in October of 2015. Correct?---Yes.

And the way you got that is you requested it of Jonathan and Jonathan emailed it to you. Correct?---Yes.

You don't have a practice of deleting your emails, you keep your emails is what you told us before. Correct?---That's correct, yes.

And so at the time of this notice you still had the receipt that you had in October 2015 because you still had your emails. Correct?---That's correct.

And is that the copy of the tax invoice that you used and gave back to Mr Baragry or did you obtain another tax invoice or receipt from Jonathan or anyone else?---Because I wanted to get it done very quickly with the information I actually, and then I didn't go back and ask, looked at my own documents, I had requested the, the, the receipt again from Jonathan just, just for efficiency's sake to get this thing done quickly.

Okay. So you're getting this notice to produce in February of 2017. Correct?---Yes.

And instead of going back through your emails to find the receipt that you had in October 2015, you make another request of Jonathan. Is that right? ---Yes.

And does Jonathan then email you another copy of the receipt?---A copy of the - - -

Or the tax invoice.---The tax invoice of, tax receipt number 4-0-9-1-4, yes.

Now, do you know where he got that from? Did he keep it from when he sent it to you before or do you know whether he requested the Labor Party to produce it or did you just leave all of that to him?---Well, I asked him, I asked him to get it, I'm assuming he's getting it from the Labor Party.

You assumed that, but he didn't tell you one way or the other?---No.

And you then provided that tax invoice to Mr Baragry. Correct?---That's correct, yes.

You also provided some bank statements to him.---Yes.

Who obtained those bank statements? Is that something you did yourself or did you - - -?---Of course myself, yeah.

- - - get someone else to do it?---That's my bank statements. I get them myself.

And if we can turn please to page 369 of that same bundle. Now, does this appear to be a copy of the invoice that you sent to Mr Baragry?---Yes.

Now, can I draw your attention to the bottom left-hand corner.---Yep.

There's a segment that says, "By accepting this invoice I declare that," et cetera. Do you see that there?---Yep.

And if you just go down a couple of paragraphs, can you see that it refers to the year 2016-2017?---Yes.

Do you know why it refers to 2016-2017 in circumstances where you made the donation in 2014-2015?---Don't know what the Labor Party did.

10 So is it right to say you know no reason as to why that refers to 2016-2017 rather than 2014-2015?---I don't know, maybe because I got a hard copy so I'm not sure in the Labor Party how they actually generate these invoices.

You got it in hard copy? I'm sorry, I thought you said you got it by way of email from - - -?---No, no, sorry, no, no, email, sorry, they're from emails, sorry.

Yes.---Sorry. I, I, I said the wrong thing. I got that by email.

You got this by email from Mr Jonathan Yee. Is that right?---Yes.

20 But are you saying that you know no reason as to why it's referring to 2016-2017 as opposed to the year where you actually made the donation, being 2014-2015?---I don't know, sorry, don't know.

You know no reason for that?---Don't know.

Mr Jonathan Yee didn't tell you and no one else told you why that might be the case. Is that right?---That's correct.

30 Would you at least agree though that this document that you've provided to Mr Baragry, a tax invoice here described as a tax receipt number, is a different document to the one that you first provided to the Electoral Commission in 2015? If you want me to go back to the 2015 one I'm quite happy to do so.---Well, it's got 2016-2017 there, it's different then, yeah, but - - -

40 So let's just put that beyond doubt. Let's go back please to Exhibit 152 at page 13.---You don't need to, I know, like, basically as I said I requested it from my brother to get it emailed to me so I can satisfy those obligations (not transcribable)

But you agree that the document that is now on the screen is not simply a copy of what you provided the Electoral Commission in 2015, it's a document that has similar but no identical information. Do you agree with that?---Yes.

But is it right that you know no reason why it's a different document but contains similar information but not identical information?---No, sorry.

I'm sorry, I didn't hear your response?---There is no reason, yes, that's correct.

There's no reason that you know of as to why you were being sent not a copy of what you already had in October 2015, but a document that contains some of the same information but has some differences. Is that right?
---Yes.

10 Can we go now please to page 60 of the same bundle. Now, after you've provided that response to the Electoral Commission, the Electoral Commission gave you a notice requiring you to answer certain questions. Correct?---Yeah, that is correct.

And the cover page of that notice dated 24 May, 2017, is on the screen. Correct?---Correct.

And if we can turn please to page 64. That's the first page of the formal notice. Do you see that there?---Yes.

20 And you'll see that Mr Baragry reminds you again that he considers that he has reason to suspect that there were straw donors of the kind that I have identified, correct?---Correct.

And if we then turn to page 66, do you see there a series of questions?
---Yes.

And you remember receiving this document with the questions, correct?
---Yes.

30 And then you ultimately provided a response to those questions, correct?
---Yes.

And if we turn please to page 68, starting about three-tenths of the way down the page, that's the email where you sent the responses though to Mr Baragry, correct?---Yes.

And if we then turn to page 71, those are the responses that you prepared in relation to questions, is that right?---Yes.

40 Now, you typed those responses into a computer, is that right?---That's correct.

And you, do you say that the responses that you gave in this document were honest?---Yes.

Each and every one of them?---Yes.

Can you just have a look towards the bottom. It says, "Were you asked to donate on this occasion. If yes, who asked you to donate to the Australian Labor Party NSW and the Country Labor Party?" And you respond, "Jonathan Yee and Ernest Wong." Do you see that there?---Yep.

Now, I asked you this morning whether Ernest Wong asked you to donate to the Australian Labor Party and you said he didn't, correct?---That's correct.

10 So which one's right? Is it the one that's on the screen or is it what you told us this morning?---He may have asked me but I can't remember now, Ernest Wong but definitely Jonathan asked me.

Yes, we made that clear this morning but did Ernest Wong ask you to donate, as you told the Electoral Commission in response to its requirement that you answer questions?---He may have asked. I can't remember.

I'm sorry?---He may have asked, I can't remember.

20 He may have asked now?---Yes.

So we're revising another part of your evidence this morning, are we? So instead of – the question I asked you this morning was whether Ernest Wong had asked you to donate the money, the answer then was no and it's now, what, yes or what it is?---He may have asked, that's all I can say. If that's what has to be revised, then I guess that's what it is.

30 But you're not suggesting, are you, that you just made up the idea that Ernest Wong had asked you to donate the money in this document you sent to the Electoral Commission, are you?---No.

You realised that this requirement to answer questions was a serious legal requirement, correct?---I understand, sir. I understand, sir.

And you knew that at the time, correct?---Which one? Yes, sir.

When you provided these responses you knew that it was serious matter that required you to give honest answers to the Electoral Commission, correct? ---Yes, sir.

40 And at the time that you said that Ernest Wong asked you to donate money to the Australian Labor Party, was it your recollection that Ernest Wong did ask you to donate money to the Australian Labor Party?---Sorry, I can't recollect now. It's mainly Jonathan, through Jonathan.

No, I want to be quite clear about this. You told the Electoral Commission in 2017 that Ernest Wong asked you to donate to the Australian Labor Party of NSW, correct?---Yes.

You can see that. We'll put that back on the screen. You can see that on the screen, correct?---Yes.

Was that an honest or dishonest answer to the Electoral Commission?---It's an honest.

Sorry, is there something funny?---No, sir.

10 Are you laughing because you've been caught out in another lie? Is that why you're laughing and giggling?---No, sir.

So we revise your evidence of this morning, do we, when I said to you, "Did Ernest Wong ask you donate?" The answer was no, it's now yes, is that right?---Maybe.

It's now maybe.---Maybe.

20 So it was no this morning, it was yes in the correspondence to the Electoral Commission in 2017 and now it's maybe, is that right?---That's correct, sir.

What recollection do you have sitting there now of any request Ernest Wong making of you to donate to the Australian Labor Party NSW?---Just the \$5,000 donation.

THE COMMISSIONER: And keeping your voice up, I can't hear you. I can't hear what you're saying.---The \$5,000.

Just move just slightly closer, that's much better.

30 MR ROBERTSON: As long, if you just, just make sure your mouth is pointing in the direction of the speaker, the microphone, it'll pick you up. ---Yep.

You can move it around if you need to.---Can you hear me now? Yep.

Yes.

THE WITNESS: Can you hear, Commissioner?

40 THE COMMISSIONER: Thank you.

MR ROBERTSON: So what did Mr Ernest Wong say to you about donating money to the Australian Labor Party?---Just supporting the, sort of the Chinese Friends of Labor supporting the, for a fundraiser for the NSW election.

THE COMMISSIONER: But what did he actually say to you? Did he say, "Valentine, I've got a proposition to put to you"? I mean, how did he

address it? As best as you recall, the words he actually used when he raised this subject with you.---It would have been together, I guess.

No, not “would have”.---Yeah.

What did he say to you on this matter?---That this fundraising of money helps with the NSW election.

10 That’s not a question. That’s just a statement. What did he say, what did – see, the question was, were you asked to donate, and you said, you answered in the affirmative. What did he ask you? What did he say to you - - -?---He - - -

- - - to make that request? How did he ask? What words did he use?
---Words of, in effect of - - -

No, just tell me. What words did he use? Put it in the first person.
“Valentine, I just need to talk to you. I want you” – that’s sort of in the first person. You understand? As best you are able to reconstruct it. What did
20 he say?---Okay. “Currently is the NSW election coming up. I would like you and your family to help me in this current election by donating money to the NSW Labor Party, and we’re having this function on 12 March, and then I would like you to donate money through the Chinese Friends of Labor, to help in the, in, in this election, what do you think?”

MR ROBERTSON: Did he make any suggestion to you as to how much you should donate?---No.

30 Why was it that you decided to donate \$5,000 as distinct from some other figure?---Oh, I believe that if I can afford it, I’ll afford it, \$5,000.

Why was it \$5,000, rather than \$4,888, or \$6,000, or \$2,000, for example?
---Well, \$5,000, I believe I can afford that, so I put in the 5,000.

So it was you who decided on \$5,000, rather than some greater figure or lesser figure, is that right?---That’s correct.

40 No-one suggested to you that you should donate that amount of money, as opposed to some other amount of money?---That is correct, sir.

But why was it \$5,000? Why not \$6,000, for example, or four and a half thousand dollars?---Well, I – the thing is I, I don’t think I can afford too much more than that. I think I – I have a family to look after as well, so I thought what I can give is what, what it is, and that’s it.

But \$5,000 is a lot of money, isn’t it?---On my salary, I think it’s still affordable.

THE COMMISSIONER: No, that's not the question.---Yeah.

Just answer the question.---Yes.

MR ROBERTSON: \$5,000 is a lot of money, isn't it?---Yes and no.

THE COMMISSIONER: What's your answer?---Yes and no.

Yes and no?---Yeah.

10

How can it be both?

MR ROBERTSON: Can you choose one?---Mmm.

THE COMMISSIONER: How can it both yes and no? Just think about it. With great respect, it's not a very sensible answer.---Mmm.

You're an intelligent person, aren't you, you're an accountant, aren't you? ---Yes.

20

Okay. Let's see if you can answer that question again.

MR ROBERTSON: You'd agree that \$5,000 is a substantial sum of money, correct?---Yes.

In fact, \$4,000 is a substantial sum of money, isn't it? It's less, but it's still a substantial amount.---Mmm. Yes.

30

You were, you still would have been supporting your brother if you donated \$4,000 rather than \$5,000, correct?---You can say that, but I, I thought that 5,000 was the point that I wanted.

What I'm suggesting to you is that you didn't just pluck \$5,000 out of the air. You must have had a reason for donating that amount as distinct from some other amount.---No, I thought about it, and \$5,000 was what I was going to donate.

THE COMMISSIONER: Is that a truthful answer?---Yes, sir. Yes, Commissioner.

40

MR ROBERTSON: Jonathan Yee specifically provided you with a form that had \$5,000 already filled out, correct?---Yes, but that was afterwards.

And it was Jonathan who was raising the number \$5,000. It wasn't a figure that you simply plucked out of the air, correct?---No.

In point of fact, you didn't actually donate a cent, did you?---I disagree.

What you did was you signed a form that Mr Jonathan Yee had filled out for you that said that you made a \$5,000 donation even though you didn't, correct?---Incorrect.

If we go back to the response to the Electoral Commission, page 71. Just have a look, about halfway down the page you're being asked, "Where did the payment come from?" Do you see that there?---Yep.

10 And your response is "Cash received from lucky money packets," correct?
---Yes.

Now, that's why you were trying to expand the amount of money in lucky money packets this morning, wasn't it? You knew that you told the Electoral Commission that that's where the money had come from and you wanted to give answers that suggested that you got a lot more lucky money in 2015 than you in fact received. Do you agree?---No, sir.

20 But you at least agreed this morning eventually that the average amount of lucky money that you would receive from an individual would be about \$100, correct?---Yes, sir.

So, and the answer you're giving to the Electoral Commission was to the effect that for Chinese New Year you had lots of lucky money lying around, correct?---Yes.

And you had that lying around because Chinese New Year had happened a short period of time before the Chinese Friends of Labor event, correct?
---May, um, can you elaborate on what is short considered?

30 Chinese New Year in 2015 was in February of 2015, correct?---Yes.

And so the effect of your response or the intent of your response to the Electoral Commission was to say, "I've been given lucky money for Chinese New Year and therefore I had cash available to make a donation of \$5,000," correct?---Correct.

40 You weren't suggesting that you had large amounts of cash sitting at home and it was easy to simply pick up \$5,000 and give it by way of a donation, correct?---No. I have other, if you think about it, Chinese New Year comes around every year.

Yes.---So I may have spent some of the ones in prior years and also got more, so it's not just one year.

Well, let's go back to the document, page 71.---Yep.

So you're referring specifically to lucky money, correct?---Yep.

And the lucky money that you and I have been talking about is lucky money received in the 2015 calendar year, correct?---Yes.

And so for the answer that you gave to the Electoral Commission to be right, there would have to be 50 people, roughly, who gave you lucky money in 2015, correct?---Yes.

Because it's an average of 100.---Yep.

10 And you're an accountant.---Yes.

And even if you're not an accountant, you should be able to divide 5,000 by 100, correct?---Yes. Yes.

So are you seriously saying that 50 people gave you an average of \$100 in lucky money in 2015? Is that your serious evidence?---Yes.

50 people?---Yes.

20 So who are they? There's your parents, uncles, et cetera, others up the family tree.---Yes.

Are you saying there were 50 people, roughly 50 people in 2015, who gave you lucky money, is that what you're saying?---Well, the \$100 average is only an average, so it could be more. But - - -

30 And it could be less. That's what an average is, isn't it?---But, but, but you think, but, but, but if you think about it, though, sir, is that basically not all my relatives are in Australia. They could be overseas. They could be coming here to visit. So - - -

Is that your serious evidence, that in 2015, 50 separate people gave you lucky money of an average of \$100? Is that what you're saying?---Yes, sir. Yes, sir.

That's your honest evidence, is it?---Yes.

40 THE COMMISSIONER: It's nonsense, isn't it? That's a nonsense answer, isn't it?---No, sir.

MR ROBERTSON: Is that a convenient time, Chief Commissioner?

THE COMMISSIONER: Yes, it is.

MR ROBERTSON: I expect to finish this witness today, and I would propose to still call Mr Lin this afternoon, but I doubt that I'll finish Mr Lin today, although I will speak to his representatives this afternoon in case that causes any particular difficulty.

THE COMMISSIONER: Very good. I'll adjourn, 2 o'clock.

LUNCHEON ADJOURNMENT

[1.00pm]