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HEARING

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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 TUESDAY 17 SEPTEMBER, 2019

AT 2.00PM

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: I call May Ho Yee.

THE COMMISSIONER: Yes. Thank you. We'll swear the interpreter in, or affirm. Affirmation, I think it is, isn't it? Okay.

**<ROY YUN TSZ YAU, affirmed**

**[2.09pm]**

10 THE COMMISSIONER: Would you just put on the record your name?

THE INTERPRETER: My name is Roy Yau.

THE COMMISSIONER: Thank you. Now, the witness takes an affirmation, I understand? Yes. Okay. Would you mind - - -

<MAY HO YEE, affirmed

[2.10pm]

THE COMMISSIONER: Yes. Is there an application by Counsel? Yes.

MR CHAN: Yes. Commissioner, I seek a section 38 declaration.

THE COMMISSIONER: Yes. I'm not sure if I've granted you leave  
before, but if I haven't, I do confirm it, Mr Chan, grant you leave to appear.  
10 And you have explained, have you, to your client the provisions of section  
38 of the Independent Commission Against Corruption Act?

MR CHAN: Yes, I have.

THE COMMISSIONER: And she understands?

MR CHAN: Yes.

THE COMMISSIONER: Very well. Very good. Mrs Yee, I understand  
20 that you wish a declaration to be made under section 38, which prevents the  
evidence you give here today from being used in any other proceedings in  
the future. You must, however, answer all the questions truthfully, and the  
only exception to what I've said is that the evidence you give today could be  
used in, if there was an offence by you under the Independent Commission  
Against Corruption Act, such as an offence of giving false or misleading  
evidence. Apart from that exception, the section 38 declaration does  
prevent the use of your evidence today in other proceedings in the future.

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

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

THE COMMISSIONER: Yes, thank you.

MR ROBERTSON: Mrs Yee, you're the mother of Valentine Yee and Jonathan Yee, is that correct?---\*Yes.\*

And you are a director of Emperor's Garden Pty Ltd?---\*Yes.\*

Your husband is another director of that company, correct?---\*Yes.\*

10 And your two sons are the other two directors, is that right?---\*Yes.\*

And Emperor's Garden was a restaurant that you set up with your husband some time ago, is that right?---\*Yes.\*

Mrs Yee, did you donate \$5,000 to the Australian Labor Party in 2015? ---\*No.\*

Did you donate \$5,000 to Country Labor in 2015?---\*No.\*

20 Did you sign a document that said that you had contributed \$5,000 in connection with the Chinese Friends of Labor dinner in 2015?---\*Yes.\*

Can we have that on the screen, please, Exhibit 152 at page 22. Mrs Yee, I'm going to show you a document on the screen now. Is it your signature that appears on this document?---\*Yes.\*

And is it your handwriting where it says May Ho Yee?---\*That's my name and the signature, it's my signature.\*

30 But what about the handwriting of the words May Ho Yee? Is that your handwriting or someone else's handwriting?---\*Those words were written by someone else but I signed that signature.\*

Do you recognise whose handwriting the words May Ho Yee is?---\*No. No, I can't remember.\*

What about the \$5,000 you can see, do you recognise whose handwriting that is?---\*That's not my writing too.\*

40 But do you recognise whose writing it is?---\*I can't remember.\*

Why was it that you signed this form that's on the screen?---\*Because Jonathan, my son Jonathan asked me to donate \$5,000.\*

But did you donate \$5,000?---\*No.\*

Why then did you sign this form that has your signature and the sum of \$5,000 on it?---\*Because Jonathan asked me to help, to help with the event.\*

Did he explain why you wanted, why Jonathan wanted you to sign this form in order to help with the event?---\*I can't recall.\*

Are you saying that Jonathan did not explain to you why he wanted to sign this form?---\*No, he did not.\*

When you signed this form did it have other handwriting on it?---\*No.\*

10 Are you sure about that?---\*Yes.\*

Is it possible that the \$5,000 figure that appears on this form was on it when you signed it?---\*I really can't remember.\*

So it is possible that it was on the form but you cannot remember. Do you agree?---\*Yes.\*

What about the cross that is over the payment options. Did you do that cross?---\*No.\*

20

Was that cross on the document when you signed it?---\*It was already there.\*

Are you a member of the Australian Labor Party?---\*No.\*

Have you ever been a member of the Australian Labor Party?---\*No.\*

Are you a member of Chinese Friends of Labor?---\*No.\*

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

Do you know what Country Labor is?---\*I, I don't know.\*

Did you buy a seat or table at the Chinese Friends of Labor event on 12 March, 2015?---\*No.\*

Did you attend the Chinese Friends of Labor event on 12 March, 2015?---\*No.\*

40 Do you remember when you signed the form that was on the screen, could have it been in March of 2015?---\*I really can't remember.\*

Do you know whether you signed it before or after the dinner of 12 March, 2015?---\*I really can't remember. It was a long time ago.\*

Chief Commissioner, I apply for the direction that was made on 11 December, 2018, in relation to the compulsory examination of Ms May Ho Yee be lifted insofar as it would otherwise prohibit the publication of the

fact that Mrs Yee gave evidence on that occasion, and insofar as it would otherwise prohibit publication of any question asked or answer given in this public inquiry.

10 THE COMMISSIONER: Yes, in respect of the order made under section 112 of the Independent Commission Against Corruption Act, on 11 December, 2018 in respect of the compulsory examination of Ms May Ho Yee, I vary the order to permit publication firstly of the fact that Mrs Yee gave evidence in that compulsory examination on that date, and secondly, in respect of questions and answers put to and given by her as recorded in the transcript of the proceedings of that date.

20 **VARIATION OF SUPPRESSION ORDER: IN RESPECT OF THE ORDER MADE UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, ON 11 DECEMBER, 2018 IN RESPECT OF THE COMPULSORY EXAMINATION OF MS MAY HO YEE, I VARY THE ORDER TO PERMIT PUBLICATION FIRSTLY OF THE FACT THAT MRS YEE GAVE EVIDENCE IN THAT COMPULSORY EXAMINATION ON THAT DATE, AND SECONDLY, IN RESPECT OF QUESTIONS AND ANSWERS PUT TO AND GIVEN BY HER AS RECORDED IN THE TRANSCRIPT OF THE PROCEEDINGS OF THAT DATE.**

MR ROBERTSON: Mrs Yee, you participated in a private hearing before this Commission in December of last year, correct?---\*Yes.\*

30 And you were asked some questions by Mr Johnston regarding Chinese Friends of Labor and donations, correct?---\*Yes.\*

And you told the Commission on that occasion that you did attend the Chinese Friends of Labor event on 12 March, 2015, do you agree?---\*I disagree.\*

You disagree that you told the Commission that you attended the Chinese Friends of Labor event of 12 March, 2015, is that right?

40 THE INTERPRETER: Sorry, can you repeat the question, please?

MR ROBERTSON: Do you agree or disagree that in your private hearing last year before this Commission, you told the Commission that you had attended the Chinese Friends of Labor event of 12 March, 2015?---\*I, I said that. I, I, I agree I said that. Yes, I, I said that.\*

And are you now saying that when you told the Commission that last year that that was a lie. Is that what you're saying?---\*What do you mean?\*

Did you attend the Chinese Friends of Labor event on 12 March, 2015?  
---\*No, I didn't but I said the wrong thing, I said the wrong thing  
previously.\*

So in your private hearing last year you lied to this Commission. Is that  
right?---\*My, previously my son misled me into saying that.\*

10 THE COMMISSIONER: So is this the position, that in having said at the  
compulsory examination, sorry, at the private hearing in December last year  
that you were at the dinner that evidence was not true, it was false. Is that  
right?---\*That was not true.\*

Thank you.

MR ROBERTSON: Do you agree that you told the Commission last year  
that you had paid \$800 for a table at the Chinese Friends of Labor event of  
12 March, 2015?---\*I disagree. I did not say that.\*

20 Are you sure you didn't say that to the Commission last year that you paid  
cash of \$800 for a table?---\*I can't remember. I can't remember.\*

Can we go, please, to the - - -

THE COMMISSIONER: What page?

30 MR ROBERTSON: Page 569, Chief Commissioner. Can we go, please, to  
the compulsory examination transcript of 11 December, 2018 at 569, which  
is PDF page 43, at least in the version that I'm using. Mrs Yee, I'm going  
to show you the transcript of the hearing before this Commission on 11  
December, 2018.

THE COMMISSIONER: Mr Robertson, just before you go on, at line 24  
the question there, is that the question you're about to direct attention to?

MR ROBERTSON: Yes.

THE COMMISSIONER: I'm not sure whether I'm hearing things or  
whether you might have said 8,000 not 800.

40 MR ROBERTSON: I intended to say 800. If I did say 8,000 then - - -

THE COMMISSIONER: I'm not sure. I'm not sure quite frankly.

MR ROBERTSON: Then I misspoke.

THE COMMISSIONER: Anyway, we'll clear it up now anyway in case  
there was a slip.

MR ROBERTSON: I apologise if I did misspeak.

THE COMMISSIONER: No, no, I'm not saying you did but I may be imagining it.

MR ROBERTSON: And you may not be. I apologise if it was my mistake. Page 569 of the private transcript, please. At about line 25 on the screen, there is a record of a question, "And how much do you remember paying for that \$800 table?" and there's an answer recorded as, "I have paid cash. I  
10 paid \$800." Do you see that on the transcript, Mrs Yee?---\*I can't remember.\*

So even having looked at that transcript, you still can't remember the evidence that I've just drawn your attention to, is that right?---Mmm.

THE COMMISSIONER: If you did say that, that you'd paid cash, \$800 for a table at this dinner, that would be wrong, wouldn't it?---\*I, I did not say that. I, I remember what was said was, a table was purchased for \$5,000.\*

20 MR ROBERTSON: So Mrs Yee, you didn't buy a table at all at the Chinese Friends of Labor event, is that right?---\*No. Incorrect.\*

You didn't pay \$5,000 or \$800 or any other amount for a table at the Chinese Friends of Labor event on 12 March, 2015, correct?---\*No. No, I did not buy any table.\*

Can we have, please, volume 7, page 166, of the public inquiry brief on the screen, please? Now, Mrs Yee, I want to suggest to you that you did actually attend the event on 12 March, 2015. Do you want to just have a  
30 think about whether you attended the event on that date?---(No Audible Reply)

And if you can just have a look at the photograph that I'm about to put up on the screen. Now, that photograph contains a photo of you, your two sons, and your husband, is that right?---\*Yes.\*

And do you know who the gentleman in the red tie is?---\*I know him at a party, but I forgot his name.\*

40 Having looked at this photograph, does that help refresh your memory as to whether you attended the event on 12 March, 2015?---\*That night, yes. That night, yes. I'm very confused.\*

What I'm asking is whether having looked at the photograph you now think you may have attended the Chinese Friends of Labor dinner on 12 March, 2015.---\*The, yes, yes. That night, yes.\*

So is it right that you now remember that you did in fact attend the dinner on 12 March, 2015?---\*Yes.\*

I tender the photograph that is on the screen being page 166 of volume 7 of the public inquiry brief.

THE COMMISSIONER: Yes. The photograph will be admitted and be marked Exhibit 246.

10

**#EXH-246 – PHOTOGRAPH OF THE YEE FAMILY WITH LUKE FOLEY AT THE CHINESE FRIENDS OF LABOR DINNER ON 12 MARCH 2015**

MR ROBERTSON: Can we now, please, have Exhibit 186 on the screen. Mrs Yee, I'm now showing you a plan of tables for the ALP Chinese Friends of Labor dinner 12 March, 2015. Do you remember approximately where you sat at the Chinese Friends of Labor dinner?---\*I can't remember. Can't remember.\*

20

In your private hearing before this Commission you said you thought you may have sat near the kitchen. Does that help refresh your memory as to where you may have sat?---\*I think we would have been sitting near the bathroom, the toilet, near the bathroom.\*

And what table number might that be?---\*I, I can't remember.\*

But by reference to this plan when you say near the toilet, do you mean on the left-hand side or the right-hand side or some other place?---\*The right. I remember the, the, the bathroom were on the right-hand side, right-hand side.\*

30

And I'll just ask the translator for assistance. The witness was pointing somewhere on the screen. Can I just ask him to identify whereabouts on the screen he was pointing.

THE INTERPRETER: Ms Yee's finger were moving towards the right-hand side of the diagram, of the picture.

40

MR ROBERTSON: For example, near table 8 and 5. Is that right? ---\*Okay. Ms Yee's fingers were running from table 22 to table 6.\*

Mrs Yee, do you remember what colour tablecloth that table was that you sat at?---\*I can't remember.\*

Do you remember who you sat with?---\*With Jonathan, my husband, two grandchildren, I can't, I can't recall. Jonathan, myself, two, two grandchildren, I, I, and I can't recall.\*

At any point in the evening of the dinner on 12 March, 2015, did you see your son Jonathan carrying around cash?---\*No.\*

Did you see anyone else carrying around cash?---\*No.\*

10 And I take it you didn't see anyone giving Jonathan cash?---\*No.\*

And you didn't see Jonathan giving anyone cash?---\*No.\*

Do you know who Ernest Wong is?---\*Yes.\*

Did you see Ernest Wong on the night of the dinner?---\*On the night, yes.\*

Did you see Ernest Wong with cash at any point in the night?---\*No.\*

20 Did you see anyone give cash to Ernest Wong or put it on Ernest Wong's table?---\*I don't know.\*

You didn't see anyone give cash to Ernest Wong or put cash in front of Ernest Wong, is that right?---\*Well, I, I don't know.\*

I'm just asking whether you saw it, at the moment, Mrs Yee. If you did not see anything like that, that's fine, you can just say, "No, I did not see that." ---\*I did, I did not see it.\*

30 Did you see your son Jonathan give anyone a receipt on the evening of the dinner on 12 March, 2015?

THE INTERPRETER: From Jonathan or to Jonathan?

MR ROBERTSON: Jonathan giving a receipt to anyone.

THE WITNESS: \*I, I don't know.\*

40 MR ROBERTSON: You didn't see Jonathan give a receipt to anyone on that night, is that right?---\*Yes.\*

How do you know Ernest Wong?---\*Because he came to our restaurant to have meals. Sometimes he would come to our restaurant for birthday parties. Sometimes Lions Club, they would hold functions at our restaurant. My son actually knew Ernest Wong first, but after Ernest come to our restaurant, I, I also have come to know him.\*

Would you regard Ernest Wong as a friend of yours?---\*No.\*

To your knowledge was he a friend of your son, Jonathan?---\*Yes. Friends, yes.\*

Why did you think that Jonathan and Ernest were friends?---\*Because they, they've met each other at a function and they've become friends but I don't like to be a friend with Ernest.\*

10 Is it right that at least in 2015 and 2016 Ernest Wong would regularly attend your restaurant Emperor's Garden?---\*From time to time, yes.\*

Do you know who Mr Huang Xiangmo is?---\*No.\*

Have you heard that name before, Huang Xiangmo or Xiangmo Huang?---\*I read this name on, in the newspaper.\*

And did you know who Mr Xiangmo Huang was in 2015?---\*No.\*

20 Do you know whether your son Jonathan is friends with Mr Huang Xiangmo?---\*No. I don't know.\*

Do you know what Mr Huang Xiangmo looks like?---\*I don't know.\*

Do you know whether he has dined in your restaurant before?---\*I haven't seen him.\*

Well, is it the case that you don't know what he looks like?---\*I don't know.\*

30 So therefore you would not know whether you had seen him before. Is that correct?---\*Yes.\*

I might help you this way. Can we go to volume 3A, page 23 and we'll start from the right-hand side of this photograph. The first gentleman is the gentleman that was on the other photograph I showed you, Mr Foley. Do you know who the next gentleman along to the left with the blue tie is?---\*I don't know.\*

40 Do you recognise anyone else in this photograph?---\*Ernest Wong.\*

And Ernest Wong is the gentleman in what looks like a grey tie second from the left. Is that right?---\*Yes.\*

And do you recognise anyone else in this photograph?---\*No, I don't know.\*

Chief Commissioner, I should tender this photo. I've gone to it a number of times, but I think I've neglected to tender it. So I tender the photograph at volume 3A, page 23.

THE COMMISSIONER: Yes, the photograph will become Exhibit 247.

**#EXH-247 – PHOTOGRAPH OF PERSONS AT THE HEAD TABLE  
AT THE CHINESE FRIENDS OF LABOR DINNER ON 12 MARCH  
2015**

10 MR ROBERTSON: Mrs Yee, do you know who Chris Minns is?---\*I don't know.\*

Did you donate any money to the Australian Labor Party in 2015?---\*No.\*

Are you sure?---\*Yes.\*

Is it possible that you completed a cheque to make a donation to someone associated with the Australian Labor Party?---\*No. No.\*

20 Can I help try and refresh your memory this way, can we go to volume 3A, page 20?---Mmm.

Mrs Yee, is that your signature that you can see on the screen?---\*That's my, that's my signature and my son Valentine wrote on this cheque for me.\*

Are you sure it was your son Valentine and not your son Jonathan?  
---\*Valentine wrote it.\*

30 And so do you recognise the handwriting that says, "nine hundred dollars only" in words being Valentine's handwriting, is that what you're saying?  
---\*Yes.\*

And again, the \$900 in numbers, does that look like Valentine's handwriting as well?---\*Yes.\*

Do you remember why it was that you signed the cheque that appears on the screen?---\*It said it was for the ALP.\*

40 But who suggested that you should sign a cheque for the ALP? Was that your idea, or someone else's idea?---\*It wasn't my idea.\*

Whose idea was it?---\*Jonathan asked me.\*

So is it right that Jonathan asked you to make a donation to the ALP by cheque?---\*I only remember the donation was for the ALP, but I can't remember the rest.\*

Whose idea was it to donate \$900? Was that your idea, Jonathan's idea, or someone else's idea?---\*Jonathan's.\*

On the top line where it says, "ALP Chris Minns," do you recognise that handwriting?---\*In terms of the handwriting, I, Valentine wrote those words for me.\*

10 When you signed this cheque was that handwriting already on the cheque or did you sign a cheque that was blank?---\*It was already written.\*

So the words ALP Chris Minns and \$900 was written on the cheque when you signed it. Is that right?---\*Yes.\*

At the time that you've signed this cheque, did you intend to make a donation of \$900 to the Australian Labor Party?---\*Yes.\*

Did you intend to make a donation for the benefit of Chris Minns?---\*Yes.\*

20 How do you explain that you were intending to make a donation for the benefit of Chris Minns when you told me earlier that you didn't know who Chris Minns was?---\*I, I couldn't remember. I had forgotten earlier.\*

At the time that you signed this cheque you didn't know who Chris Minns was. Correct?---\*Correct.\*

And so is the truth that you intended to make a donation generally of \$900 to the Australian Labor Party but not to Chris Minns specifically?---\*Yes.\*

30 Did you sign any disclosure form in relation to this donation of \$900?  
---\*No.\*

Did you receive any receipt for this donation of \$900?---\*No.\*

Chief Commissioner, I tender the page that appears on the screen being a cheque from Ms May Ho Yee dated 8 March, 2015.

THE COMMISSIONER: Yes. The cheque dated 8 March, 2015 in the amount of \$900 made out to ALP Chris Minns will become Exhibit 248.

40

**#EXH-248 – CHEQUE SIGNED BY MAY HO YEE DATED 8 MARCH 2015 IN AMOUNT OF \$900 MADE OUT TO CHRIS MINNS**

MR ROBERTSON: Can I go back, please, to Exhibit 152, page 22. Mrs Yee, I'm showing you again the document that you and I discussed a little while ago that you signed. Do you see that on the screen now?  
---\*Yes.\*

Did you sign one copy of a form that looks like that on the screen or more than one?---\*One.\*

After you signed the form that is on the screen, did you receive any tax invoice or receipt within a few weeks of signing?---\*After, yes.\*

How much longer after, do you recall?---\*I can't recall.\*

10 Was it a few weeks or may have it been a few months or years?---\*Few weeks. Few weeks. About a few weeks.\*

I'm sorry, can you repeat that, Translator?

THE INTERPRETER: "About a few weeks."

MR ROBERTSON: Can we go to the preceding page of that exhibit, page 21? Do you see on the screen, Mrs Yee, a tax invoice dated 9 April, 2015? ---Mmm.

20

Did you receive this document from the Australian Labor Party?---\*I think this document came about because Valentine asked Jonathan, and, and something about the Labor Party's email. But so I, I have seen this document, yes.\*

So is it right that you didn't receive this document in the post?---\*No.\*

But you eventually got a document that looks like the one on the screen because Valentine asked Jonathan for it, is that right?---\*Yes.\*

30

And that happened after the NSW Electoral Commission was asking you to produce some documents, is that correct?---\*Yes.\*

Before that time, you had not seen a document that looks like the tax invoice that's on the screen, is that right?---\*Yes.\*

40

Can we go now, please, to page 43 in the same bundle? Mrs Yee, I'm now going to show you a similar document, but this time in the top left-hand corner, it says Country Labor. And is it right that again you didn't see a document that looks like this until after the Electoral Commission asked you to produce some documents and Valentine asked Jonathan to obtain some receipts or tax invoices?---\*Yes.\*

Can we go now, please, to the Electoral Commission bundle for Mrs Yee, and can we start on page 6? Mrs Yee, do you see on the screen now a letter of 20 January, 2016?---\*Yes.\*

Do you remember receiving this document?---\*This, this document was sent to me by the government.\*

And when you received this document from the government, what did you do about it?---\*I asked my son what this letter was about.\*

Which son are you referring to now?---\*Valentine.\*

10 And what did Valentine say?---\*I can't remember.\*

Can we go to page 12 of this bundle, please? Mrs Yee, did Valentine, in response to the letter from the government, suggest that you needed to fill out a form that looks like the one that's now on the screen?---\*He typed it up in the computer, and then asked me to sign it.\*

And so is it right that the signature that we can see on this page is your signature?---\*Yes.\*

20 But Valentine typed out the text in the fields, such as the name May Ho Yee?---\*Yes. Yes.\*

Did Valentine or anyone else explain to you what this document was?---\*It was for the union, for a, for, for a union.\*

For the union or for the government?---\*Government.\* Government.

So you knew that this was a document where you were telling things to the government, is that right?---\*Yes.\*

30 And can we turn two pages along, please, two further pages, to page 14? And Mrs Yee, do you see there that there's a reference to Country Labor and \$5,000, and ALP NSW and \$5,000?---\*I, I did not make that donations.\*

No, but when you signed this document, you knew that you were telling the government that you had made two donations of \$5,000, do you agree?---\*I disagree.\*

40 Do you at least agree that what is said on this screen is that a donation of \$5,000 had been made to Country Labor?---\*I can't remember.\*

Did Valentine explain to you what you would be telling the government if you signed this form?---\*No.\*

So you trusted Valentine to put in the details correctly, is that right? ---\*Yes.\*

But at the time that you signed this document, you knew that you hadn't made any donation or at least you hadn't made any donations of \$5,000 to Country Labor or Labor NSW, correct?---\*Correct.\*

And so when you signed this document, you knew that what you were telling the government was a lie, correct?---\*I don't think I was telling a lie, I was helping my son.\*

10 THE COMMISSIONER: Can I put it this way, when you signed this document that's on the screen, you knew that the information in it was wrong, is that right?---\*I didn't know.\*

Well, it was wrong because you know you didn't pay any donation money at all. You know that, don't you?---\*Yes.\*

And you knew at the time that you hadn't paid any money by way of a donation, so that the details in this form you appreciated were not correct, is that right?---\*Yes.\*

20 You were relying on your son, weren't you?---\*Yes.\*

And so the document was wrong, and in that sense, it was – you knew it wasn't a truthful document, that's the case, isn't it?---\*I, I didn't know.\*

MR ROBERTSON: Did you have any discussions with your son Jonathan regarding the form that is on the screen?---\*No. This form? No.\*

30 Did you, before signing the form, did you read this page of the form that is on the screen?---\*No.\*

Did Valentine explain this page of the form to you?---\*I can't remember whether he did or not.\*

Well, did Valentine explain why he wanted you to sign this form?---\*No, no, no explanation.\*

But you at least knew that Valentine wanted you to sign this form because it would help your brother, your son Jonathan, correct?---\*Yes.\*

40 Can we go, please, to page 18? I'm now going to show you another version of the form, Mrs Yee. Again, is this your signature towards the bottom of this page?---\*I, I, I did not sign this form.\*

So are you saying it's not your signature that we can see towards the bottom left of the screen?---\*I signed, I signed this form.\*

And is it your handwriting where it says "26/08/2016"?---\*It's Valentine's.\*

And did Valentine type in the text in the fields on this page, such as the words “Yee” and “May Ho”?---\*Yes. Yes, by, by using the computer.\*

Did Valentine explain to you why he wanted you to sign this form?---\*This is for the government.\*

Other than saying it was for the government, did he give any other explanation as to what this form was?---\*No.\*

10 But at the time that you signed this form, you at least knew that Valentine wanted you to sign it, to help your other son Jonathan, correct?---\*Yes.\*

Did you read the full form or have the form read to you before you signed it?---\*No. No.\*

So is it right then that other than knowing that Valentine wanted you to sign this form to help Jonathan, you didn't know what this form was about, other than that it was a form for the government?---\*He only said the form is for the government, and I didn't ask him anything further.\*

20

THE COMMISSIONER: Mr Robertson, just wondering whether, in relation to certain matters, as I understand it, this witness is prepared to make certain admissions. Whether or not it would be of any utility in a short adjournment in order for Mr Chan who represents Mrs Yee to, as necessary, take instructions from her. There may be a series of matters that could be reduced to writing by way of admission. Whether that's a course at this stage of the afternoon that's worthwhile pursuing or not, I don't know, but I just raise it as to whether you think there might be any utility in that. Maybe the witness is finding it hard to actually articulate certain admissions.

30

MR ROBERTSON: I'm in the Commissioner's hands as well as in my learned friend's hands. I'm certainly quite open to an easier way home.

THE COMMISSIONER: Well, we'll just see. Sorry, it's Mr Chan, isn't it?

MR CHAN: Yes.

40 THE COMMISSIONER: Mr Chan, it may be a difficult process for your client to go through and she might be finding it difficult to make admissions, which, as I understood, she was probably prepared to make. Would there be any utility in you speaking to her with a view to, after Counsel Assisting indicates the matters upon which admissions are sought, to take instruction so that you could in effect confirm that she does make certain admissions?

MR CHAN: Yes, that might be - - -

THE COMMISSIONER: There's one of two ways of doing it, and that's keep following the course we're following, but if there's a more effective and perhaps easier process for your client to follow, I'm willing to give her the opportunity of consulting with you so that if there are any particular matters Counsel Assisting wants submissions on, he can tell you what they are and they could be reduced to written form, and you could confirm then, when the witness is in the box, whether she adheres to any admissions that are recorded on that document, interpreted of course to her. Is that a course that's worthwhile pursuing?

10

MR CHAN: Yes, that would be, actually, and - - -

THE COMMISSIONER: I'm just mindful of her age and so on. From what I've heard in evidence, she's under some stress and I think if it can be made easier for her, then we could explore that.

MR CHAN: We're much obliged for that, Commissioner.

MR ROBERTSON: I can assist the Commission and my friend by noting that I'm now on the final stretch in terms of the documents, and so it may be that we can deal with the remainder relatively promptly. I was hoping to get through Mrs Yee today, if possible, to avoid her having to go over.

20

THE COMMISSIONER: Well, as I say, I'm in your hands, and that of Mr Chan for that matter, but if you think it's worthwhile spending 15 minutes, 20 minutes on that task.

MR ROBERTSON: Can I respectfully suggest a very brief adjournment. I'll speak to my learned friend and see if there's a quicker way home, but I'll attempt if possible to finish with Mrs Yee today.

30

THE COMMISSIONER: Well, what I'll do, my intention would be to spend not much more than 15 minutes for the exploratory exercise to be gone through so that you'll still have some time to complete the examination of this witness, even if it mean sitting on a little bit after 4 o'clock.

MR ROBERTSON: May it please the Commission.

THE COMMISSIONER: I'll adjourn, and if I could be informed when we're ready to proceed.

40

#### **SHORT ADJOURNMENT**

**[3.22pm]**

MR ROBERTSON: Thank you for that indulgence, Chief Commissioner. With Mr Chan's agreement, the proposal is to continue with a view to

finishing Mrs Yee's evidence today. That may mean that we'll need to sit until a little bit later, perhaps until 4.30.

THE COMMISSIONER: Very well.

MR ROBERTSON: And I'm grateful for that indulgence. Can we have page 18 of the Electoral Commission bundle on the screen, please. Now, just to confirm, Mrs Yee, in relation to this document, this is a document that you signed, correct?---\*Yes.\*

10

Valentine filled out the details by typing them into his computer, is that right?---\*Yes.\*

Valentine didn't give you a detailed explanation about what this document was for?---\*Yes.\*

You knew that the document was for the government and to help Jonathan, correct?---\*Yes.\*

20

But you didn't read this document carefully or have it read or explained to you?---\*Yes.\*

And you didn't know the details of what was being said to the government in this form, is that right?---\*Yes.\*

And the answers that you've just given apply equally both to this form that's on the screen and the similar form that I showed you earlier this afternoon, is that right?---\*To my knowledge, there was only one document.\*

30

So just have a look at this form on the screen. There's a form with the date of 26 August, 2016. Do you see that?---\*Yes.\*

And then if we go to page 12, please. There's another similar looking form that's dated 1 February, 2016. Do you see that?---\*Yes.\*

But is it the case that you left it to Valentine to fill out the details of those two forms and you just signed them?---\*Yes.\*

40

And you knew that the two forms were for the government and to help Jonathan?---\*Yes.\*

But you didn't understand the detail of what was being told to the government?---\*I didn't know.\*

Can we go to page 22 of the bundle, please. Now, you told us a little earlier, Mrs Yee, that the Electoral Commission asked you to produce some documents, is that right?---\*Yes.\*

And they sent you this letter of 22 February, 2017, asking you for documents, is that right?---\*I, I can't remember.\*

But you do remember the Electoral Commission asking you to produce documents, is that right?---\*I can't remember.\*

Do you remember sending some documents to the Electoral Commission?  
---\*This document?\*

10 Do you remember speaking to Valentine about sending documents to the Electoral Commission?---\*I can't remember.\*

I think you told us a little bit earlier today that Valentine organised some receipts from Jonathan so you could send it to the Electoral Commission, is that right?---\*Yes.\*

20 And so is it right that the Electoral Commission asked you to produce some documents, but between Valentine and Jonathan they got the documents that needed to be given to the Electoral Commission?---\*Yeah.\*

And if we can go to page 31, please, of the bundle. You'll see now a tax receipt dated 9 April, 2015. Do you see that, Mrs Yee?---\*Yes.\*

And that's one of the receipts that Valentine arranged for Jonathan to obtain, is that right?---\*Yes.\*

30 And if we turn the page, here's another one with another number, 40928. That's another one of the tax receipts that Valentine arranged for Jonathan to obtain, is that right?---\*The receipt was obtained by email. Emailed Jonathan asking for a receipt.\*

And is it right that you left it to Valentine to speak to Jonathan and to get the receipts, is that right?---\*Valentine asked Jonathan to email the receipt to Valentine, to him.\*

And then Valentine sent it off to the Electoral Commission, is that right?  
---\*Yes.\*

40 And then a little later on the Electoral Commission asked you some questions, is that right?---\*Yes.\*

And if we go, please, to page 41, Mrs Yee, do you recognise these as the questions that the Electoral Commission asked you?---\*Are these questions on the donations to the Labor Party?\*

Yes, on the screen there's some questions about donations to the Labor Party. But Valentine took responsibility for responding to these questions, is that right?---\*Yes.\*

You didn't tell Valentine what to say in response to the questions that the Electoral Commission was asking?---\*Correct.\*

Mrs Yee, we spoke earlier today about a private hearing that you did before this Commission. Do you remember that?---\*Yes.\*

10 Did you have any discussions with Jonathan or anyone else as to what you should say in the private hearing that took place in December of last year?  
---\*No.\*

So are you quite sure that Jonathan didn't suggest to you anything you should tell this Commission?---\*No.\*

During the private hearing you told this Commission that you donated \$5,000 for the dinner party in March of 2015, is that right?---\*Yes.\*

20 And that was a lie that you told to this Commission on that occasion, is that right?---\*Yes.\*

You said that some of the money for that \$5,000 contribution came from red packets, is that right?---\*Yeah, and also from my wages because I, I, I hadn't retired yet at the time so also from my wages.\*

But it was a lie to say that you had taken money from red packets to give for the dinner party, is that right?---\*Yes.\*

30 Whose idea was it to tell this Commission about red packets? Was that your idea or someone else's idea?---\*It was my idea.\*

Are you sure that it was not Jonathan that suggested to you that you should talk about red packets in your private hearing?---\*No.\*

You also told this Commission in the private hearing that you made donations using \$100 notes.---\*Yes.\*

Whose idea was it to say that to this Commission?---\*In terms of the \$100 notes?\*

40 Yes, whose idea was it to tell this Commission that you paid money using \$100 notes?---\*It was my idea.\*

It was not Jonathan's idea?---\*No.\*

And you'd said in the private hearing that you'd paid money at the reception desk.---\*I can't remember.\*

But is it your honest evidence that you didn't have a discussion with Jonathan where Jonathan told you what you should say to this Commission in the private hearing?---\*No. Can you, can you repeat the question?\*

Are you sure that you had no discussions with Jonathan where Jonathan suggested what you should say to this Commission in the private hearing? ---\*I'm sure, no.\*

10 You agree now, though, don't you, that many of the things you said to this Commission in the private hearing were lies?---\*Yes.\*

Why did you decide to lie to this Commission in the private hearing?---\*To help Jonathan.\*

Why did you think it would help Jonathan to tell lies to this Commission in the private hearing?---\*I can't remember.\*

Well, did Jonathan ask you to lie in the private hearing?---\*No.\*

20 Well, you must have had a reason, then, for lying at the private hearing.---\*I can't remember.\*

But you did think it would help your son Jonathan to tell the lies that you told, is that right?---\*I can't remember. I really can't remember.\*

Why have you now decided to tell this Commission the truth?---\*Because by telling the truth I can help the staff, I can help the family.\*

30 Did you have a family meeting with your husband and sons on the weekend in which you discussed what was happening in the public inquiry before this Commission?---\*Only with my husband. I, I said to him I, I want to tell the truth.\*

And what did your husband say in response?---\*He said yes.\*

Were your sons present at that meeting you've just mentioned?---\*No.\*

40 Have you had any discussions with Valentine or Jonathan over the weekend regarding this question, regarding the public inquiry of this Commission? ---\*No.\*

Did Valentine speak to you about what he told the Commission on Thursday or on Monday?---\*No.\*

So is it right that you haven't spoken to either Valentine or Jonathan regarding the questions of donations that this Commission is investigating since, say, Thursday of last week?---\*No.\*

That's the examination, Chief Commissioner.

THE COMMISSIONER: Does anybody want to cross-examine the witness? No. Mr Chan, do you want to ask her any questions?

MR CHAN: Yes. Just a couple of questions. Mrs Yee, can you read English?---\*No.\*

10

When you receive letters by post or otherwise which are in English, who do you get to read those letters for you?---\*Valentine.\*

No further questions.

THE COMMISSIONER: Yes, thank you.

MR ROBERTSON: I'll just ask one question by way of clarification. Mrs Yee, is it always Valentine you ask to interpret any letters you receive or is it sometimes other people?---\*Sometimes, for the letters that go to the restaurant, I would get Jonathan to read it for me too. But, but mostly Valentine reads the letters for me,\*

20

Mostly Valentine but sometimes Jonathan, is that right?---\*Well, for statement, mostly I would give it to Jonathan. For the statements regarding the restaurant, I would get Jonathan to read them but anything that's to do with our home, I would get Valentine to read them for me.\*

30

And so the documents that you and I have discussed today, Mrs Yee, they're documents that you asked Valentine for help with, is that right?---\*Yes.\*

Thank you, Mrs Yee.

THE COMMISSIONER: That completes your examination. Thank you, Mrs Yee. You may step down. Thank you. Nothing else?

MR ROBERTSON: One formal tender. I tender what I have described as the Electoral Commission bundle for Mrs May Ho Yee, being annexures MHY1 to MHY10 to Mr Baragry's statement.

40

THE COMMISSIONER: Yes. The document so described will become Exhibit 249.

**#EXH-249 – NSW ELECTORAL COMMISSION BUNDLE FOR  
MAY HO YEE – BEING ANNEXURES MHY 1 TO MHY 10 TO THE  
STATEMENT OF PETER BARAGRY DATED 20 SEPTEMBER 2018**

MR ROBERTSON: May it please the Commission.

THE COMMISSIONER: Yes, very well.

MR ROBERTSON: And Chief Commissioner, you might formally excuse the witness from the summons.

10 THE COMMISSIONER: Yes. I excuse Mrs Yee.

**THE WITNESS EXCUSED** **[4.04pm]**

THE COMMISSIONER: Yes, very well. Nothing else?

MR ROBERTSON: Nothing from me.

20 THE COMMISSIONER: Then I'll adjourn until 10 o'clock tomorrow.

**AT 4.04PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.04pm]**