

AEROPUB01423
20/09/2019

AERO
pp 01423-01469

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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 FRIDAY 20 SEPTEMBER, 2019

AT 10.30AM

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, there's only one witness today, Ms Patricia Siu, and so therefore today will be a short day. The program of witnesses for next week has been uploaded. The Commission won't be sitting on Monday but the witnesses on the tentative program for the remainder of the week are now uploaded.

THE COMMISSIONER: Good, thank you.

10 MR ROBERTSON: Those are the only housekeeping matters from my perspective.

THE COMMISSIONER: Thank you, Mr Robertson.

MR ROBERTSON: I call Patricia Siu.

THE COMMISSIONER: Yes, thank you. Mr Hodges, you seek leave to appear for Patricia?

20 MR HODGES: Yes, I do seek leave to appear.

THE COMMISSIONER: Yes, I grant leave. Yes. Good morning. We'll swear the interpreter, thank you.

<GARMAN (JOANNA) LUM, sworn

[10.37am]

30 THE COMMISSIONER: Thank you, State your name for the record if you wouldn't mind.

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

THE COMMISSIONER: Thank you. Now, Ms Siu, do you take an oath or an affirmation to give evidence?

MS SIU: *Affirmation.*

THE COMMISSIONER: Thank you. Would you mind standing.

THE COMMISSIONER: Would you state your full name.---*Patricia Siu.*

Now, Ms Siu, I understand you do speak English and you wish to proceed in English but use the interpreter as you require. Is that the position?---Yes.

Yes?---Yes.

10

Thank you. All right. Mr Hodges, any applications due?

MR HODGES: Yes, I seek a declaration under section 38.

THE COMMISSIONER: Have you explained that to Ms Siu?

MR HODGES: Yes, I have.

20

THE COMMISSIONER: Thank you. Ms Siu, you understand the provisions of section 38 as has been apparently explained to you by Mr Hodges, is that right?---Yes.

And you understand, however, that you must answer all questions truthfully?---Yes.

30

Thank you. The purpose of making a declaration under section 38 is to provide protection for you so that the evidence you give today can't be used in future proceedings but you understand you nonetheless must answer truthfully, is that right?---That's right.

There's only one exception and that is that the evidence could be used against you for an offence under the Independent Commission Against Corruption Act, such as giving false or misleading evidence, the penalty for which is a term of imprisonment for up to five years but otherwise the evidence can't be used in other proceedings. You understand?---I understand .

40

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Patricia Siu, during the course of her evidence at this public inquiry are to be regarded as having been given or produced on objection. There is accordingly no need for Ms Siu to make objection in respect of 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, PATRICIA SIU,**

DURING THE COURSE OF HER EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. THERE IS ACCORDINGLY NO NEED FOR MS SIU TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

10 THE COMMISSIONER: Thank you, Mr Robertson.

MR ROBERTSON: Ms Siu, did you donate \$5,000 to the Australian Labor Party in 2015?---I didn't. I didn't.

Did you donate \$5,000 to Country Labor in 2015?---I didn't.

Did you buy a seat or table at the Chinese Friends of Labor event on 12 March, 2015?---I never.

20 Did you attend the Chinese Friends of Labor event in 2015?---I didn't.

Are you a member of the Australian Labor Party?---I'm not.

Have you ever been a member of the Australian Labor Party?---Never.

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

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

30 Well, I'll ask it a little bit differently. Did you sign any document regarding the Chinese Friends of Labor dinner in 2015?---I did.

Can we have on the screen, please, page 8 of Exhibit 152. I'm just going to show you a document that will come up on the screen in front of you, Ms Siu. Ms Siu, on the document that is on the screen, is it your signature in the bottom right-hand corner?---It look like it. It's my signature.

That looks like your signature, is that right?---Yeah, it is. Yeah.

40 And what about the handwriting for 30/3/15? Is that your handwriting as well in the bottom right-hand corner?---I'm not sure this one.

What about the name "Patricia G. Siu"?---Yeah, this is my writing.

So do you remember signing a form that looks something like the one on the screen?---I can't remember.

But it at least looks like your signature in the bottom right-hand corner, is that right?---That's right.

Where you can see \$5,000 towards the top of the screen, does that look like your handwriting or someone else's handwriting?---Look like somebody else.

10 And what about the slashes you can see on the screen? Do you remember whether that's something that you did or could it be something that someone else did?---Do you mean the cross?

I mean the cross, yes.---No, I didn't do that.

You didn't do a cross - - -?---I'm not sure.

You're not sure?---I'm not sure.

20 And is it right that you may have signed a document like the one that appears on the screen?---It look like my signature.

It looks like your signature and you may have signed a document like the one that's on the screen, is that right?---I may, yeah.

And do you know whether you signed one of the documents or two of the documents that looks like the ones on the screen?---So what are the document?

30 I think you're accepting that you may have signed a document that looks like the one on the screen, is that right?---Yes.

And can I show you another one, if we go to page 28 of the same bundle, so there's a colour one that I've just shown you with your signature, and can you see now there's a very similar one but this time it's in black-and-white? Do you see that on the screen?---Yes.

Now, do you have any recollection of whether you signed one or two documents that look like the ones on the screen?---I can't remember.

40 But this still looks like your signature at the bottom of the page, is that right?---Yes.

You didn't sign the coloured one and then photocopy it, did you?---I don't know about that.

But you don't remember taking any photocopies of a document like the one we can see on the screen, is that right?---No. I can't remember.

Do you know whether there's a photocopier at the Emperor's Garden restaurant?---In the office.

There is one in the office?---Yeah.

Have you ever used that photocopier?---Not very often.

You have sometimes but not very often, is that right?---Yes.

10 You were a cashier at the Emperor's Garden restaurant, is that right?---Yes.

And sometimes you help in the waitressing duties, is that right?---Yes.

And is it right that most of your role is a front-of-house role, dealing with customers, rather than a back-of-house role, dealing with things like paperwork. Is that right?---Dealing with customer.

20 Is most of what you do is to deal with customers, is that right?---That's right, yeah.

You don't deal with paperwork and things like that, is that right?---No, no.

Do you remember whether you ever received a tax invoice or receipt from the Australian Labor Party or Country Labor regarding 2015?---Yes. I did.

Do you recall approximately when you received such a tax invoice?---About April or May, I'm not sure.

30 About April or May of 2015, is that what you mean?---Yeah, yes.

And just looking at the document on the screen, can you see how there's a date of 30 March, 2015, just in the bottom right-hand corner?---Yeah.

And does that look like it might be in your handwriting?---I'm not sure.

But would it be right to say that if you signed this document you probably signed it around 30 March, 2015?---Probably.

40 And can we go please to page 7 of this bundle. And, Ms Siu, you mentioned a tax invoice document. Does it look like the one that you can now see on the screen?---Yes.

And if you have a look in the top right-hand corner it says, "9/4/2015." Do you see that date there?---Yes.

Do you remember whether you received a document that looked like this around April of 2015 or might have it been somewhat later than April of 2015?---About that time, after that day.

So you mean around about April of 2015, is that what you mean?---Yes.

And how did you receive the invoice? Did you receive it in the post or did someone give it to you, can you remember?---In the post.

And if you just have a look in the top left-hand corner it says, "Australian Labor Party NSW." Do you see that there?---Yeah.

10 And can we turn please to page 45 – sorry, I withdraw that. Page 27. I'm now showing you a document that looks very similar but if you have a look in the top left-hand corner can you see it says, "Country Labor," can you see that there, Ms Siu?---Yes.

So the last one said, "Australian Labor Party NSW Branch," this one says, "Country Labor." Can you remember seeing a document that looks like this but from Country Labor rather than from Australian Labor Party NSW? ---Yes. I received two document at the same time.

20 And you received that in the post, is that right?---In the same post.

And your best recollection was that it was around April of 2015, is that right?---Yeah. Yes.

Do you have any idea whether it was near 9 April, 2015, or might have it been a bit later in April or perhaps even in May?---I can't remember.

When you received these invoices in the post, were you surprised?---I don't know what happened.

30 But when you received them and you opened up the post, were you surprised to receive these tax invoices?---Yes.

And why were you surprised?---Because I never donated \$5,000.

THE COMMISSIONER: Sorry, what did you say? What did you say? I couldn't hear.---I didn't, I never donated 5,000 to this party.

40 MR ROBERTSON: And so you were surprised because you were receiving a tax invoice even though you had not donated any money to the Australian Labor Party or Country Labor, is that right?---Yes.

Can we go, please, now to the Electoral Commission bundle and start on page 8, please. While that's happening, Ms Siu, do you still work at the Emperor's Garden Restaurant?---Yes.

Do you work on a full-time basis, a part-time basis or a casual basis?---On full-time.

And Jonathan Yee is your boss, is that right?---Yes.

And his brother, Valentine Yee, also works at Emperor's Garden, is that right?---Yeah, right, that's right.

But he is mainly responsible for things like accounts and other things in the back of house rather than working with customers, is that right?---Yeah, that's right.

10

And so you know Jonathan Yee very well, is that right?---I see him every day, yes.

And how long have you worked at Emperor's Garden Restaurant?---More than 10 years.

And you know Valentine Yee very well as well, is that right?---I see him quite often.

20

So you see Jonathan every day because he's your boss and the general manager of Emperor's Garden, is that right?---Yeah.

And you see Valentine sometimes but not as often as Jonathan, is that right?---But he's still coming every day.

So you still see Valentine every day, is that right?---Yeah.

But you work more closely with Jonathan, is that right?---That's correct.

30

And so you would speak to Jonathan every day or almost every day, is that right?---Almost.

If you can have a look on the screen, there's a letter of 20 January, 2016. Do you see that?---Seen that, yes.

And this is a letter from the Electoral Commission that's telling you that they want you to fill out a form. Do you see that?---Yes.

40

Do you remember receiving this letter?---Can't remember.

Can we go, please, to page 16 of the same bundle. Ms Siu, I'm now putting on the screen a document called Disclosure of Political Donations for a Major Political Donor for the year ending 30 June, 2015. Do you see that on the screen?---Yes.

And this is a document that you signed, is that right?---Right.

And the handwriting on this document, is that your handwriting or someone else's handwriting?---Is my handwriting.

And can you see above your signature it's got your name, Patricia Siu, and then it says 31/1/2016. Do you see that there?---Yes.

And so is it right that you signed this document on about 31 January, 2016?
---I can't remember the day I signed.

10 But it would have been towards the start of 2016, is that right?---Maybe.

Why did you sign this document?---Because Jonathan Yee asked me to.

THE COMMISSIONER: Sorry, because what?---Jonathan Yee asked me to sign.

MR ROBERTSON: Jonathan Yee asked you to sign this document, is that right?---Yes.

20 Did he explain to you why he wanted you to sign this document?---Need to declare the donation of the – yeah.

But you had not made a donation at that point, is that right?---Yes, it's true.

And so why did Jonathan want you to sign a document to declare a donation when you had not made a donation?---Because he, he asked me to.

But did he explain why he wanted you to sign to say that you had made a donation even though you hadn't?---I don't know.

30 Well, he must have given you some explanation as to why he wanted you to sign this document. Do you agree?---Yeah.

THE COMMISSIONER: Could you just try and put yourself back into the time when this document was put before you and you were asked to write on it and to sign it. You say that the document was brought to you by Jonathan Yee and asked you to sign it. Is that right?---True.

40 Can you recall, as best you can, I know it's difficult but sometimes it's better to be able to give evidence as to what Jonathan actually said to you. If you can just think back what he said to you. That is, he said, "Here is a form," and whatever he might have said. So if you can try and reconstruct, as best you can, the words he used or the meaning, the essence of what he said to you on this occasion about the document and about you signing it?
---"I need you to, need to declare the donation to the party so that, to prove that you made the donation."

MR ROBERTSON: So before that discussion with Jonathan, you must have had a previous discussion with Jonathan regarding donations, is that right?---Not a lot about.

No, but before you had a discussion about the form on the screen, you had a previous discussion with Jonathan regarding donations, is that right?---No, he just said, "You need to declare the donation. You didn't do it last year."

10 But I'm asking you to step back in time now, so this looks like it happened in about January of 2016. Before January '16, did you have a discussion with Jonathan about donations? Did he ask you to make a donation or did he ask you to sign a form that said that you'd made a donation?---He didn't ask me to, to do a donation, he just asked me to sign that form.

And before he asked you to sign the form on the screen, he asked you to sign a different form to say that you had made a donation, is that right, in the previous year, in 2015?---Do you mean that other form before?

20 The other form I showed you. I'm suggesting that Jonathan gave you that form in 2015 and asked you to sign it. Do you agree?---Yes.

And do you remember what Jonathan said to you when he gave you that form to sign?---He just, just said to do a signature or something.

THE COMMISSIONER: Sorry, he said what?---Just do the signature, just sign it.

30 But did he say why? I mean, he must have explained to you what he was about to ask you to do. What explanation did he give?---No explanation.

MR ROBERTSON: But he must have said something about donations, mustn't he? Because you knew that he was asking you to sign a form about donations, is that right?---*When are you talking about as to what he has or has not explained to me? When, what time frame are you, are you asking?*

40 So let's go back to Exhibit 152, page 8 and I'm going to put the original form back on the screen, Ms Siu. Now, what I'm suggesting, Ms Siu, is that in March of 2015, Jonathan Yee gave you a form that looks like this to sign.---*Yes.*

And when he gave you that form, what did he tell you about the form? ---*He didn't explain about it. He just asked me to sign on it.*

But he at least said something about donations, is that right?---*No, he didn't.*

So he simply asked you to sign this form but didn't explain why, is that right?---*He didn't explain, no.*

THE COMMISSIONER: You would normally not sign a document without reading it or without understanding it, would you?---*Because I trust him.*

So does that mean that you would do anything that Jonathan Yee asked you to do?---*Yes, because I trust him.*

10 MR ROBERTSON: Can we go back to the Electoral Commission bundle, please. And let's go to page 8 first. So I'm going to go back, Ms Siu, to the letter of 20 January, 2016, which is a letter I showed you before. Now, did you give this letter to Jonathan?---*I have not received this letter.*

And can we go to page 16, please. Now we're back on the form that you and I were discussing a little while ago. And are you saying that Jonathan presented you this form to sign, is that right?---*Yes.*

And so he told you to fill out the details and to sign it, is that right?---*Yes.*

20 If we can just turn to the next page, please. The handwriting that is on this document, is that your handwriting or someone else's handwriting?---*That was my handwriting.*

THE COMMISSIONER: Who told you to write on that document?
---*Jonathan did.*

Did you ask him why?---*Because I have donated.*

Because I - - -?

30 THE INTERPRETER: "I have donated."

THE COMMISSIONER: "I have to make it"?

THE INTERPRETER: "I have donated."

THE COMMISSIONER: "I have donated." "Because I have donated," yes. But you had not in fact donated?---Not in fact.

40 Why would you write something that was not the truth?---*Because I trusted him.*

Do you still trust him?---*No, I have to think twice.*

And the reason for that is what?---*Because he might be telling me to do something that is not right.*

And would you ask twice now because of this matter concerning the alleged donations?---*Yes.*

That is because he asked you to sign something which was incorrect, is that right?---*I didn't know at that time.*

MR ROBERTSON: But do you agree that it was not right for you to write what is on the form on the screen?---*I agree.*

10 And it was not right because you were telling a lie to the Electoral Commission because this form says you donated \$5,000 when you did not?
---*Correct.*

Can we turn to the next page, please. The handwriting on this page, is that also your handwriting?---Yes, it's my handwriting.

Did Jonathan tell you what to write on this page or did you decide what to write on this page?---*He told me.*

He told you what to write on this page, is that right?---*That's right.*

20 If you have a look closely, the third to last column is a column that says, "Receipt number." Do you see that there?---Yes, I do see.

And you've left that column blank on this page, is that right?---*He didn't ask me to put it in, put anything in. I didn't know what it should be.*

But what I'm asking is why didn't you write the receipt number from the tax invoice that I showed you before?---I don't know. I just wrote whatever Jon told me to write on.

30 But it is possible that you didn't have the tax invoice at the time that you prepared this document in January 2019?

THE INTERPRETER: January 2019?

MR ROBERTSON: I'm sorry. I gave the wrong date. Is it possible that when you signed this form in January 2016, you didn't have the tax invoices that I showed you before?---*The fact is, I wouldn't have it.*

40 But you told us before that you received some tax invoices in the post in about April of 2015. Do you remember that?---*The invoice you mean?*

The tax invoices, I mean.---*I can't remember because according to the day – when I received the invoice, after that day, I'm not sure, sure.*

Can we go back to Exhibit 152 just so we can make this clear. We'll just put the invoice back on the screen, Ms Siu, just so we can be clear about what your answer is. Page 7 of Exhibit 152, please. Now, you remember receiving an invoice like this in the post, is that right?---Yes.

And is it your memory that you received this in about April or May of 2015, is that right?---Yes.

It wasn't later than that, it was in April or May of 2015, is that right?---*It's some time after the date here.*

Within a few weeks of the date or a few months or maybe even later or when?---*A few weeks after.*

10

Could we go back to the Electoral Commission bundle, please. Page 16. Now, you explained to us earlier that Jonathan said to you that you needed to sign this document because you needed to declare the donations, do I have that right?---Yes.

But they were donations that you had not in fact made, is that right?---Yes, it's right.

20

Can you remember whether Jonathan said anything else to you at the time that he asked you to sign this document?---He said he didn't done, make the declaration at the year, so I have to do it, do it this year.

Do you remember where you were when you signed this document?---In the office.

In the office at Emperor's Garden restaurant?---Yes.

30

So does that mean that Jonathan asked you to come up to the office to sign this document?---That's right.

And did you fill it out whilst you were with Jonathan or did you take it away to fill it out?---With Jonathan.

So you were sitting in Jonathan's office and he told you what to write, and you wrote it out, is that right?---Right.

Did you then take the document away or did you leave it with Jonathan?---I leave it with Jonathan.

40

And do you remember when you filled out what is on this page, did it have those other pages with it? So was it one page or was it many pages that you filled out on that occasion?---Maybe with the other one after. I can't remember.

Can we go now to page 3 of this bundle. I'm now putting on the screen a letter of 25 August, 2016, saying, "Warning, failure to lodge declaration within the required time." Do you see that, Ms Siu?---I see that letter now.

Do you remember receiving this letter?---I don't know about this letter.

So you can't remember whether you received this letter, is that right?---I can't remember.

And can we go, please, to page 12 of the bundle. Now, Ms Siu, I'm now showing you a similar form to the one we looked at before, but this one has some different typing in it, and it has a different date, called Disclosure of Political Donations for a Major Political Donor, for the year ended 30 June,
10 2015. Can you see that on the screen?---Yes.

And is it your signature towards the bottom of this page?---It look like my signature.

It looks like your signature, is that what you just said?---Yes.

The typing that you can see on this form, so, "Siu, Patricia," et cetera, did you type that in or did someone else type that in?---Someone else.

20 Do you know who that someone else was?---I don't know.

Can you remember signing this document?---I can't remember.

But you're not denying that you did sign this document, is that right?
---Because it's not like my writing.

And if we turn the page, please, again I take it was someone else that did the typing of, "Patricia Siu, ALP NSW and Country Labor," is that right?---Yes.

30 And so do you remember signing a document that had this page attached to it?---I can't remember.

But you would agree, wouldn't you, that this form as well is telling a lie to the Electoral Commission, do you agree?---I agree.

It's telling a lie because you didn't donate \$5,000 to ALP NSW or \$5,000 to Country Labor, is that correct?---Yes, correct. I didn't donate any money.

40 Now, in September of 2016, the Electoral Commission asked you to given them some documents. Is that right?---Yes.

And can we go to page 20, please, of the bundle. We're putting up on the screen a letter dated 14 September, 2016, from a Mr Smithers. Do you see that, Ms Siu?---Yes.

And do you remember receiving this letter?---Yes.

And I take it you read this letter when you received it from the Electoral Commission?---Yes, I did.

And so you knew that the Electoral Commission was conducting an investigation as to whether donations were made for or on behalf of other persons that might amount to a breach of the piece of legislation. Do you agree?---I agree.

10 And so you knew that the Electoral Commission was investigating whether there were people who said that they had donated money even though they had not donated money. Do you agree?---Can you say that again?

When you received this letter, you knew that the Electoral Commission was investigating whether there were people who had said that they had donated money even though they had not donated money. Do you agree?---Agree.

After you received this letter, what did you do about the letter?---I show it to Jonathan.

20 And where were you when you showed it to Jonathan?---At work.

What did Jonathan say to you as to what you should do about this letter? ---Just gather all the document, gather all the document.

So gather all the documents together?---Whatever they want, yeah and - - -

30 So let's go to page 25 of this bundle, please. And so these are the documents that Mr Smithers asked you to produce. You remember seeing this page before?---Yes.

And so you gathered the documents that Mr Smithers wanted, is that right? ---Yes.

And can you just have a look at item number 4, where it says, "Provide copies of the receipts." Can you see that there?---Yes.

Now, where did you get the receipts from so that you could give them to Mr Smithers?---I haven't provided on, on that occasion.

40 I'm sorry, you'll need to repeat that.---Because I lost it. *I haven't provided it on that occasion because I have lost it.*

So is it right that at the time that you received this document from Mr Smithers, you no longer had the tax invoices that you and I discussed before, is that right?---Right.

And so you therefore needed to attain new copies of receipts to give to Mr Smithers, is that right?---I don't have any more copy.

But did you arrange to get new copies of receipts so you could give them to Mr Smithers?---No, I didn't have any.

But did you ask Jonathan or someone else to get new receipts?---I did. I did, yes.

10 You did? So just looking at the categories on the page, the first one was a copy of payment summaries or group certificates for 2014/2015 financial year. Do you see that?---*That's right.*

Is that a document that you collected from home or is it a document that you asked Jonathan to find?---I can't remember the document.

You can't – I'm sorry, you'll have to - - -?---*I can't remember the document.*

20 What about the next one, the notice of assessment? Is that something that you collated, you obtained?---Yes.

And what about the bank statements, number 3?---Number 3. Yes, I, I did get it from the bank statement, from the bank.

So you got those documents together, and then what did you do with them? ---Send it to the Electoral Commission.

Did you give them to Jonathan first or did you send them to the Electoral Commission?---There's also a letter in the document.

30 Let's go to that, then. Can we go to page 27. Ms Siu, is this the letter that you're referring to?---Yes.

Is this in your handwriting?---My handwriting, yes.

Did you come up with the words to put in handwriting or was that someone else?---Jonathan give me a copy of the letter and asked me to copy that to explain the money where I come from, where is it come from.

40 So just to understand the order, you got the letter from Mr Smithers - - -? ---Yes.

- - - and you then, and then you then showed it to Jonathan, is that right? ---That's right, yes.

And then when you showed it to Jonathan, did Jonathan give you a draft letter immediately or did you speak to him at some later point?---Not immediately.

So you get the letter from Mr Smithers, you show it to Jonathan and Jonathan tells you to get the documents together, is that right?---Yeah.

And you then see Jonathan at some later stage after you've arranged the documents, is that right?---Yes.

And at that time Jonathan gives you a draft letter to Mr Smithers, is that right?---Yes.

10 Do you remember where you were when this happened?---In the restaurant.

And whereabouts in the restaurant?---*I can't remember.*

Could it have been in Jonathan's office, perhaps?---Yeah, maybe in the office.

Now, the draft letter than Jonathan gave you, was that a typewritten letter or was that a handwritten letter?---Handwritten.

20 And was it in Jonathan's handwriting, do you remember?---I'm not sure, he just, I didn't see him write the letter, he just, just give me the letter.

And so are you - - ?---Just showed me the letter.

And so are you sitting down then and you've got a letter that Jonathan has given you, is that right?---Yes.

And Jonathan asked you to write out the same words on another piece of paper, is that what you're saying?---Yes.

30 And so Jonathan gives you a piece of paper to do that, does he?---Yes.

And do you then write out word for word what Jonathan has suggested? ---Yes.

But what you wrote out that we can see on the page is not true, do you agree?---Yes, I agree.

40 Now, can you see in the third line or starting with the second line, it says, "I have enclosed the four documents you have requested." Do you see that there?---Yes.

Now, did Jonathan give you any of the documents to enclose with the letter that you handwrote out, do you remember? Or did you bring all of those documents in yourself from home or elsewhere?---Only the letter that he gave me.

So let's just have a look at what then gets sent to the Electoral Commission. So we've got the letter here, if we then just turn the page, here's a payment summary document. Did you give that to Jonathan or did Jonathan already have it at the time that you were handwriting out the letter?---I gave it, I bring it in.

You brought it in, brought it in from home, did you?---Yes.

10 And then if we turn the page, again, is this something you brought in from home, the tax receipt?---Yes.

And then if we turn the page again, we've got a bank account statement. Is that something that you brought in as well?---Yes.

And if we can turn all the way now to page 39. Is this something that you brought in from home as well or is it something that Jonathan gave to you or added?---I haven't. It's not, I haven't got it at home because I lost it.

20 So was this something that Jonathan had with him at the time that you handwrote out the letter, is that right?---I can't remember. I don't think it's in there.

THE COMMISSIONER: Do you remember where you got this tax invoice from? How did you get it?---I get it, I get it from the post.

Get it from the post?---I did.

30 MR ROBERTSON: But the one you got from the post, you lost, is that right?---I did, yeah.

And so this, the one that's the on the screen is not the one from the post, is that right?---Not the one from the post.

THE COMMISSIONER: So this is a replacement copy of the tax invoice, is it?---*I can't recall but Jonathan gave it to me at a later stage again.*

MR ROBERTSON: Did you ask Jonathan to provide a replacement copy of the tax invoice or did he just do that himself?---*I did ask him.*

40 So did you tell him that you had lost the tax invoice that was received in the post, is that right?---Yes.

Now, after the letter is handwritten and the other documents that Mr Smithers asked for had been organised, did you send it to the Electoral Commission or did Jonathan or someone else?---I bring it to the commission.

You brought it into the commission?---I brought it, yeah.

So you have a meeting with Jonathan, you were in his office, you're sitting down, you handwrite out what he wants you to write and you put the documents together and then you take them away out of Jonathan's office, is that right?---Yes.

And you then take them down to the Electoral Commission, is that right?
---Yes.

10 If we go back to page 27, the handwritten document, can you see at the top of the page it says, "26 – Sept – 2016"? Do you see that, Ms Siu?---Yes.

Is that in your handwriting?---Yes, my handwriting.

And can you see there's then a "received" stamp that says 27 September, 2016, I assume?---Yes.

Now, the handwritten letter, would it be right that you did that on 26
20 September but you then delivered it to the Electoral Commission the next day, 27 September, 2016?---I do it in the morning.

So you do it the next day, after you have taken it from Jonathan's office, is that right?---Yes.

And you take it in personally to the Electoral Commission and give it to them, is that right?---Personally.

Do you remember whether you gave it to Mr Smithers or is it possible you just left it at the reception desk?---I left it at reception.
30

Now, then the next year, so in 2017, the Electoral Commission wrote to you and asked you to answer some questions, is that right?---Yes.

And if we can go, please, to page 42 of the Electoral Commission bundle. I've now put on the screen a letter of 4 May, 2017, which is called a notice to answer questions. Do you see that there, Ms Siu?---Yes.

And you remember receiving this letter?---Yes.

40 And after you received this letter, what did you do about the letter?---Take it to Jonathan.

And what did Jonathan say to you about this letter?---I tell them that you, I cannot come on that day for the interview. Do it another day.

Can we go, please, to page 48. Ms Siu, one of the documents attached to this letter were some written questions that you can now see on the screen. Do you remember that?---Yes, I remember.

And did you ask Jonathan what to do about these written questions?---Yes, I do.

And what did he say in response?---“Let me handle it. I, I email that for you. I will answer that question for you.”

10 So did Jonathan give you answers that he said you should give or did he just say that he would take care of answering the questions for you?---He will answer the question for me.

And if we can turn, please, to page 50 of the bundle. Do you see here an email from you to Mr Baragry that says, “Please find my answers to your questions below”?---Yes.

Did you send this email to Mr Baragry?---Jonathan did.

20 But it seems to be an email coming from your email address, do you agree?
---I agree. I use my laptop to do it.

So are you saying that you used your laptop and logged into your email account?---I did, yes.

And did you then give your laptop to Jonathan so that he could send an email from your email address, is that what you’re saying?---Yes.

And can you see here it says the sent date is Sunday, 14 May, 2017, 8.03pm. Do you see that there about two-tenths of the way down the page?---Yes.

30 Do you usually work Sundays at Emperor’s Garden restaurant?---Usually.

But on this particular day, 14 May, 2017, are you saying you brought your laptop in to work?---Yes.

And you brought it up to Jonathan’s office, is that right?---Yes.

And then Jonathan typed in the text that we can see on the page, is that right?---Right.

40 Had Jonathan already arranged to do that with you in advance of Sunday or was it your idea to log him into your email address?---He asked me to.

So that happened before Sunday, 14 May, 2017, is that right?---I can’t remember what day.

But it was not on 14 May, 2017, you had a discussion before then, is that right?---I really can’t remember.

Well, let me help this way. The letter from the Electoral Commission was 4 May, 2017. We'll go back to page 42. Now, do I take it that soon after you received this letter you brought it into Jonathan, is that right?---Yes.

And you had a discussion with him about the letter, is that right?---I did show him the letter, yeah.

And did Jonathan tell you that you should bring in your laptop?---Yes.

10 And then you brought in your laptop on a later date, is that right?---Right.

That's right, yes?---Right.

And then you logged into your Gmail - - -

THE INTERPRETER: Hang on, sorry.

THE WITNESS: *I didn't bring in that round, that was something else. I logged in my Gmail. I got him to log into my Gmail to do that letter.*

20

MR ROBERTSON: Can we go back to page 50. Ms Siu, can you just have a look towards the bottom of the email, sorry, the bottom of this page. Do you see the email from Mr Baragry of 4 May, 2017, at 2.06pm? Do you see that there, Ms Siu?---*Yes.*

And Mr Baragry says, "I appreciate you taking the time to assist this inquiry." Do you see that there?---Yes.

30 Do you remember whether you had any discussion with Mr Baragry before he sent you that email on 4 May, 2017?---Do you mean I rang him up?

Either you might have rang him up or he may have rang you up?---Yeah. I did ring him up.

You did not ring him up?---I rang him up.

40 You did ring him up. And so do we take it from that that you probably had a call with Mr Baragry around 4 May, 2017, where Mr Baragry told you that he would be asking you some questions?---I rang, I'm not sure, I should have rang Baragry up, Mr Baragry up and tell him I cannot not come on that day. Then he said, "It doesn't matter. I'll send you some, I'll email you some question and then you answer through the email."

So are you saying you had a discussion with Mr Baragry when he invited you to have an interview with him, is that right?---Yes.

And you told him that you were not available on the day that he wanted you to come in, is that right?---Yes, that's right.

And Mr Baragry said, "That's okay. I will send you some written questions instead," is that right?---Yes.

And he then sends you an email on 4 May, 2017, 2.06pm, with those questions that he was asking you, is that right?---Yes.

And then you drew those questions to Jonathan's attention, is that right?
---Yes.

10

And then Jonathan, what did Jonathan tell you you should do about the questions?---He said, "I can answer this question for you."

And then is it right that on a later day you bring your laptop in to work at Emperor's Garden?---I think so.

Is it possible - - -?---I can't remember. I, I did bring it in one occasion.

20

I'm just trying to understand how the email that's further up this page, for the 14th of May, 2017, goes to your email address to Mr Baragry. So you remember logging in to your Gmail account when Jonathan was with you, is that right?---Yes.

And you then let Jonathan type to send an email from your email account, is that right?---Yes.

30

And do you remember whether that was done on your laptop or is it possible that it was done on Jonathan's computer?---Should be my laptop. I don't know.

Your best recollection was it was your laptop that you brought in to work, is that right?---He did ask me to bring in the laptop.

You think that Jonathan probably asked you to bring in your laptop and you brought it in and you logged in to your Gmail account, is that right?---Yeah.

And then you let Jonathan use your email account to send an email to Mr Baragry, is that right?---Yes.

40

Did Jonathan tell you how he was going to answer the questions for you before he did?---Yes, he did show me.

So he showed you a draft of the email that you can see on the screen, is that right?---I didn't see the copy of that form. He just, this is written on, just written the answer next to the question, next, next to it on the paper underneath that question. He show me.

THE COMMISSIONER: I don't understand. What are you saying?---He write down the answer on, next to the lists of question and show me on the paper.

MR ROBERTSON: So if we can go back to page 48, so are you saying that Jonathan had a piece of paper that looks like the one on the screen and he had handwritten suggested answers, is that right?---That's right.

10 And he showed you that piece of paper, is that right?---Yes.

Did he give you a copy of that piece of paper?---Yes.

Do you still have a copy of that piece of paper?---Yes.

I'll ask for a direction that that be produced in due course.

20 THE COMMISSIONER: Yes. Yes, I direct the witness, Patricia Siu, to produce the documents in the schedule referred to in the notice from the Electoral Commission pursuant to section 110A(i)(c).

COMMISSIONER'S DIRECTION: I DIRECT THE WITNESS, PATRICIA SIU, TO PRODUCE THE DOCUMENTS IN THE SCHEDULE REFERRED TO IN THE NOTICE FROM THE ELECTORAL COMMISSION PURSUANT TO SECTION 110A(I)(C).

30 THE COMMISSIONER: I suggest that we have that direction typed up so that Ms Siu will understand what she needs to do. So you are required to produce that document. Do you understand?---(No Audible Reply)

Do you understand?---Yes.

And the Commission officers will speak to you later about that matter. Can you just go back to the answers to these questions.

40 MR ROBERTSON: Can we move two pages on, please. And so, Ms Siu, the document that we were just talking about, the questions with the handwritten answers, you have that at home somewhere, is that right? ---Yeah, I have it somewhere but I'm not sure if I can find it.

Yes. Well, the Chief Commissioner has given you a direction, so you're going to have to go home, but Commission officers will speak to you and your lawyer will speak to you, but you need to go home after we finish today and find that letter and have that brought into the Commission. Do you understand?---Yes.

THE COMMISSIONER: Can I ask you this, if you look at the answer, number 8.---Yes.

Who made up that story, the answer to question 8?---It's from the letter that Jonathan gave to me.

So are you saying that he wrote out that answer himself, is that right?---Yes.

And was the answer made up by him or by you?---By him.

10

Was the answer his idea or your idea?---*By him.*

So do take it the answer to question 8 is wrong?---*Yes.*

Is it a completely false statement?---*Completely wrong.*

MR ROBERTSON: But you must have at least told Jonathan that you had withdrawn money in 2014, do you agree?---I agree.

20

And so you gave at least some information to Jonathan that he then used to make up a story, is that right?---Yes.

And in answer to one of the Chief Commissioner's questions, you referred to the previous letter. Is that the letter that's on page 27 of the bundle, which we'll put up on the screen now? So that's the, on the screen now is the letter that you were referring to in response to the Chief Commissioner's question, is that right?---Yes, that's right.

30

And if you have a look about half the way down the page it says, "The cash was made up of the withdrawal of \$5,000 in September 2014." Do you see that there?---Yes.

And do did you tell Jonathan that you had withdrawn \$5,000 in September of 2014?---Yes.

And it was true that you had withdrawn \$5,000 in September 2014, correct?---Correct.

40

But it was false that you had used that money to make a donation. Do you agree?---I agree.

Back to page 48, please. So you're in Jonathan's office, he shows you a document that looks like the one on the screen but has handwritten answers on it, is that right?---Yes.

And did you look at those handwritten answers?---Yes.

And so you knew that Jonathan was going to give false answers to Mr Baragry's questions, is that right?---Right.

And you then logged into your Gmail account and let Jonathan use it, is that right?---Yes.

And you knew that he was going to use that account to give false answers to Mr Baragry, is that right?---Right.

10 Back to page 27. You told us a little while ago that Jonathan gave you the draft of this letter and you then copied it out, is that right?---Right.

Do you have a copy of the draft that Jonathan prepared?---I have to have a look. I don't know.

Well, did Jonathan give you a copy for you to take away?---Yes.

20 And so when you left the meeting with Jonathan when you wrote out this document, you had the letter in your handwriting and all of the documents that were attached that you and I discussed a little while ago, agreed?
---Mmm, can you say that again?

So one of the things you took with you from Jonathan's office on 26 September, 2016 was the letter that we can see on the screen, as well as the documents that went with it, like the payment summary document, do you agree?---Yes.

30 And so you had a bundle of papers which you gave to the Electoral Commission the next day, is that right?---Right.

But is it right that you also had a copy of the draft that Jonathan prepared in his own handwriting, is that right?

THE COMMISSIONER: A draft of this letter you see on the screen.---I'm not sure.

MR ROBERTSON: So you may have had a copy of that - - -?---May.

40 - - - at the time or you may have left it with Jonathan, is that what you're saying?---Yes.

THE COMMISSIONER: Mr Robertson, I'm just looking at the time. What would you prefer to do? To press on or should we take a short break? How much longer do you estimate it will take to finish the evidence?

MR ROBERTSON: I'll only be another 30 minutes to 45 minutes would be my anticipation. So perhaps a short break.

THE COMMISSIONER: Yes, all right. Well, we'll take a 10-minute break, I think, and we'll resume as close to midday as we can, and then we should complete your evidence by lunchtime. All right? I'll adjourn.

SHORT ADJOURNMENT

[11.52am]

10 THE COMMISSIONER: Yes.

MR ROBERTSON: Chief Commissioner, I apply for the directions that were made under section 112 of the Independent Commission Against Corruption Act in relation to the compulsory examinations of Ms Siu on 13 December, 2018 and 23 January, 2019 be lifted insofar as they would otherwise prohibit the publication of the fact that Ms Siu gave evidence on those occasions, and insofar as it would otherwise prohibit publication of any question asked or answer given in this public inquiry.

20 THE COMMISSIONER: Yes. In relation to the section 112 orders made in respect of the compulsory examinations of Ms Siu on 13 December, 2018 and 23 January, 2019, I vary the orders to permit the disclosure of the fact that Ms Siu gave evidence in those compulsory examinations, and in respect questions and answers given in her examination as sought in this public inquiry.

30 **VARIATION OF SUPPRESSION ORDER: IN RELATION TO THE SECTION 112 ORDERS MADE IN RESPECT OF THE COMPULSORY EXAMINATIONS OF MS SIU ON 13 DECEMBER, 2018 AND 23 JANUARY, 2019, I VARY THE ORDERS TO PERMIT THE DISCLOSURE OF THE FACT THAT MS SIU GAVE EVIDENCE IN THOSE COMPULSORY EXAMINATIONS, AND IN RESPECT QUESTIONS AND ANSWERS GIVEN IN HER EXAMINATION AS SOUGHT IN THIS PUBLIC INQUIRY.**

40 MR ROBERTSON: May it please the Commission. Ms Siu, late last year you participated in a private hearing before this Commission, is that correct?---Correct, yes.

And that private hearing continued on a date earlier this year, in January of 2019, correct?---Correct.

Before you came here in the private hearing, you were given a copy of a summons that told you that you had to attend here to give evidence, correct?---Yes.

After you received that summons, did you draw that summons to anyone's attention? Did you tell anyone about that summons?---Jonathan.

And when you told Jonathan about that summons, what did Jonathan say to you?---Asked me to tell the story.

THE COMMISSIONER: Could you speak up a bit, please? Could you speak up? I can't hear. Sorry, what did Jonathan say?---Tell the story (not transcribable) in the letter.

10

MR ROBERTSON: When you say the letter, do you mean in the handwritten letter that you and I have discussed this morning?---Yes, correct.

So I just want to be clear, so Jonathan told you that you should tell this Commission the same story that was in the handwritten letter, is that right? ---No.

20 Did he say anything else to you as to what you should say to this Commission in the private hearing?---Just say the story.

Did he remind you about what had been said in the handwritten letter?---No.

Did he give you a copy of that letter to remind you as to what was said? ---Yes.

He did? He did give you a copy?---Yes.

30 So to be clear on the timing, the summons that you were given to attend here for a private hearing last year was given to you in November of last year, do you agree?---Agree.

And then you drew that summons – withdraw that. You told Jonathan about that summons, is that right?---Yes.

And Jonathan told you to tell the same story that was told in the handwritten letter of September of 2016, is that right?---Yes.

40 THE COMMISSIONER: What did Jonathan actually say to you about that? What were his words?---“It's okay if you say, tell a story. They'll, they'll believe you. It's no evidence to prove.”

Sorry, perhaps if you just use the interpreter for this purpose. Again, what did Jonathan say to you?

THE INTERPRETER: From her answer to the question, “Just tell the story. They will believe you. There is no evidence to prove it anyway.”

THE COMMISSIONER: There's no - - -?

THE INTERPRETER: "Evidence to prove against it anyway."

MR ROBERTSON: And, Ms Siu, I think you said something like Jonathan said it would be okay, or something like that. Did I get that right?---Yes. Yes.

10 So just doing the best you can, and I know it was a little while ago, can you remember what words he used?---*He sound just like he was really casual. "Don't worry, just say as it is."*

But he referred specifically to the handwritten letter that you gave to the Electoral Commission, is that right?---*For him to explain where the money was coming from, to explain about the \$10,000.*

20 And when you say where the money was coming from, what did he say about where the money was coming from?---*That was how I end up with the saving of \$10,000.*

And what did Jonathan say that you should say to this Commission about how you obtained the money for that?---*He said that the 5,000 that was withdrawn for the purpose of the holiday spending was later on returned to me by my sister, my older sister, and then there was also pocket money and also there were a few thousands of dollars sitting at home as an emergency fund and together they add up to \$10,000.

30 And is that what he told you, you should say to this Commission in the private hearing, is that what you're saying?---*Yes, yes.*

Can we go back to the Electoral Commission bundle, please, to page 27. I just want to clarify one matter with you, Ms Siu. Now, this letter that you and I discussed this morning, when you gave it to the Electoral Commission did you keep a copy for yourself?---*Not terms of the one that I wrote myself.*

40 But what about the one that was given to you that you then copied out? Did you have that copy in September of 2016?---*That copy has been passed on to another person.*

We'll come back to that in a moment, but to be clear, when you gave this letter to the Electoral Commission on 27 September, 2016, at that point in time you then had no copy of the letter in your own handwriting, is that right?---*No, I don't have anymore.*

And you didn't have it as at 27 September, 2016, when you gave the letter and the documents to the Electoral Commission, is that right?---*No, no more.*

But no more as at 27 September, 2016, when you gave it to the Electoral Commission, is that right?---*Yes.*

But at that time, on 27 September, 2016, you had a copy of the letter that we can see on the screen but not in your handwriting, is that right?---*Yes.*

And that other copy you had until a few weeks ago, when you gave it to someone else, is that right?---*Yes.*

10

Now, back to when you received the summons to attend here for the private hearing in November of 2018. Have you now told us everything you can remember about what Jonathan said to you that you should say to this Commission in the private hearing.---*Yes.*

THE COMMISSIONER: So when you spoke to Jonathan about the summons to give evidence to this Commission, you have this conversation with him in which you say he in effect directed you as to what to say to the Commission. Is that right?---*Yes.*

20

And is it the position that you carried out his direction?---Hai. Yes.

Why did you agree to carry out his direction?---*Because I trusted him and I believed that nothing would happen.*

MR ROBERTSON: And so you followed those directions and you told lies to this Commission in the private session, do you agree?---*Yes.*

30

You told this Commission that you had donated \$10,000 in 2015, do you agree?---Agree.

And that was a lie, do you agree?---It's a lie.

THE COMMISSIONER: You realised at the time you carried out Jonathan's direction that he was asking you to do something that was very wrong, did you not?---*Yes.*

40

Apart from trusting him, what else made you do it?---*In the belief that nothing would happen.*

MR ROBERTSON: One of the things you told this Commission in the private session was that some of the money came from tips from the restaurant, do you agree?---Hai. Yes.

And one of the things you said is that you changed those tips from smaller notes into \$100 notes, do you agree?---I agree.

Whose idea was it to tell this Commission that you had changed smaller notes into \$100 notes before you donated them? Was that Jonathan's idea, your idea or someone else's idea?---*It wasn't my idea.*

Whose idea was it then?---*It was probably Jonathan's idea because to answer those questions he said that the donation was made in denomination of \$100.*

10 So one of the things that Jonathan told you is that you needed to tell this Commission that the donation was made in \$100 notes, is that right?
---*Yes.*

Do you remember when he told you that?---*I can't remember.*

You also talked in the private hearing about moving money into your locker at work, do you remember?---Yeah.

20 And was that your idea to talk about moving money into your locker or was that Jonathan's or someone else's?---*That was my idea.*

So it is right that you were trying to tell a story to this Commission in private hearing that was consistent with what Jonathan told you to say but you added some additional details yourself, is that right?---*Yes.*

THE COMMISSIONER: Did you know why Jonathan was asking you to give false evidence?---*Because they were never my own money, not my donations.*

30 But do you know why he was asking you to put this false story to the Commission?---*Because the money could have come from someone else.*

MR ROBERTSON: But from who? If the money could have come from someone else, who could have it come from?---*I don't know.*

THE COMMISSIONER: Well, did Jonathan say something to you to indicate to you where the donation had really come from?---*He has never mentioned.*

40 MR ROBERTSON: Before you participated in the private hearing before this Commission, did you tell anyone else about the summons other than Jonathan?---*No.*

Not even any of your colleagues at work?---*No.*

Do you know who Wei Shi is?---*Our manager.*

You didn't speak to your manager about the fact that you had been given a summons?---*No, I haven't.*

After you participated in the private hearing before this Commission, did you report back to Jonathan as to what had happened?---*I did.*

So you told him about some of the questions you were asked and some of the answers you gave, is that right?---*Yes.*

10 At the start of the private hearing before this Commission, you were told that you weren't allowed to tell anyone about your evidence, do you agree?
---*Yes.*

And do you agree that you've breached that direction by telling Jonathan about what happened in the private hearing?---*Yes.*

Why was it that you breached that direction?---*Because I didn't know what to do. I was worried. I was scared.*

20 Why were you worried and scared?---*Because I, because I felt that to do that was wrong.*

So you knew it was wrong to tell Jonathan about what happened during the private hearing, is that right?---*Yes.*

So why did you do it, even though it was wrong?---*Because he did tell me that it would be okay.*

Because Jonathan told you that it would be okay, is that what you mean?
---*Yes.*

30 Are you saying that Jonathan said to you that it would be okay to tell him what happened at the private hearing, is that what you're saying?---*He said that they, they do not have much evidence.*

Did Jonathan ask you what happened at the private hearing?---*Happened during what questions was, were asked by the private hearing?*

40 After you participated in the private hearing before this Commission on 13 December, 2018, did Jonathan come and see you and ask you what happened at that examination?---*Yes, he did.*

And you told him what happened, is that right?---*Yes.*

And again after you came back a second time to this Commission for a private hearing on 23 January, 2019, did Jonathan again ask you what happened on that occasion?---*Yes.*

And again you told him what happened at the hearing on 23 January, 2019, is that right?---*Yes.*

Did I understand you before to say that Jonathan told you that it would be okay to tell him what happened at the private hearing, even though you had been directed by the Commissioner not to?

THE INTERPRETER: If I may add, I think what she meant was "Jonathan said things will be okay. Nothing will happen."

10 MR ROBERTSON: Did Jonathan say that again after the private hearing?
---*Yes.*

And did he say after the private hearing that it would be okay to tell Jonathan what happened at the private hearing?---*You meant he, what he meant was it would be okay, I can tell him what, what happened?*

At the private hearing, yes.---*No, he didn't mean that.*

20 I'm just trying to understand why you told Jonathan what happened at the private hearing even though you had been directed by the Chief Commissioner not to tell anyone. Why did you do that?---*I was really scared. But he said that things would be okay.*

So you were scared and you thought Jonathan might be able to help, is that right?---*Yes.*

30 THE COMMISSIONER: Why did you think Jonathan was so interested in finding out what had happened at the private hearings?---*Well, I only told him what happened and what questions was, what questions were asked of me.*

Why did you think he was interested in knowing?---*I don't know why.*

Was he asking you to tell him what happened at the private hearings or was he directing you to tell him what had happened at the private hearing?---*He wanted to know what I have told the Commission.*

MR ROBERTSON: But why did he want to know?---*I have no idea.*

40 Isn't it because he knew he had done some wrong things and was concerned that you didn't tell this Commission that he had done wrong things?
---*Maybe.*

In late July of this year, you were given a summons to attend before this Commission in this public inquiry. Do you agree?---*Yes.*

Have you spoken to anyone about that summons?---*Jonathan.*

And what did Jonathan say about that summons?---*To continue the story.*

THE COMMISSIONER: In what actual words did he say to you about that summons to attend the public hearing?---*I can't recall.*

Well, what was the message that he gave you when you told him you had received the summons in late July to come to this public inquiry? What was the message? What was the essence of what he said to you?---*He didn't say much. "If you're asked to go, then go."*

10 Ms Siu, I want you to be very careful about these questions now. Do you understand? You must tell us now, what was his message to you about the summons? What did he say? Again, something about what you should do or shouldn't do, or should say or not say? What did he say to you?---*He told me to repeat the story.*

Yes. What else?---*To say what I have said before.*

MR ROBERTSON: When you say "repeat the story", what story was he referring to?---*That the money was donated by me.*

20

And when you say "the money", you mean the \$10,000 that we have discussed, is that right?---Yes.

And so you understood him to be telling you that you should tell this Commission the same story that you told the Commission in the private hearing and the same story that you told to the Electoral Commission, is that right?---*Yes.*

30 And he was telling you to say that story even though that story was not true, do you agree?---Yes, I agree.

In relation to – I'll just take a step back to the private hearing again because there's one question I should have asked you. On the summons for the private hearing, you told Jonathan about that summons, you told us, but did you tell anyone else or was it just Jonathan?---Just Jonathan.

In relation to the summons for the public inquiry, have you told anyone other than Jonathan, had any discussions with anyone other than Jonathan about that summons?---*No.*

40

You told us a little while ago that the handwritten document that Jonathan gave to you to copy out and then give to the Electoral Commission, that that document you gave to someone else. Do I have that right?---*I don't have a copy of it.*

THE INTERPRETER: If I may repeat the question to her or do you want to?

MR ROBERTSON: I'll ask a new one. You don't have that document because you gave it to someone else, is that right?---*The original writing copy?*

Yes.---*Yeah.*

Who did you give that to?---*Ernest Wong.*

10 What were the circumstances in which you gave that document to Ernest Wong?---*One day he came to the restaurant and needed to see me. Someone told me to go up to see someone and it turned out to be Ernest Wong.*

THE COMMISSIONER: And what happened then?---*He told me to tell the, tell accordingly at the public hearing and that things will be okay, nothing will happen.*

MR ROBERTSON: Doing the best you can – I withdraw that. Roughly
20 when did this occur, when did you see Mr Wong in the conversation you are now talking about?---*A few weeks after I have received the summons for the public inquiry.*

And so Mr Wong came to the restaurant that day, is that right?---*One day he came, I can't recall when that was.*

And someone told you to go to a private room, is that right?---*Yes.*

30 Did that person tell you why they wanted you to go to the private room? ---*No, the person only said that someone was waiting for me.*

THE COMMISSIONER: Who was the person who said somebody was waiting for you?---*I can't recall but someone working. I can't recall who that was.*

MR ROBERTSON: Do you remember whether it was a man or a woman? ---*I really can't recall.*

40 Well, this was only a few weeks ago. You must remember at least whether the person was a man or a woman.---*It might be a female.*

But you do remember it was a worker at Emperor's Garden restaurant, is that right?---*Yes. One of them.*

And this was at the yum cha restaurant on the corner of Dixon Street and Hay Street, is that right?---*Yes. Dixon Street and Hay Street.*

And that is where you usually work as a cashier, is that right?---*Yes.*

THE COMMISSIONER: You knew Ernest Wong, did you, before this day that you're talking about?---*I know this person, yes.*

How did you know him?---*On the news, in the newspaper I read about him.*

MR ROBERTSON: But he regularly dines at Emperor's Garden Restaurant, is that right?---*Yes, that's right.*

10 And you've seen him there many times, is that right?---*Yeah, I've seen him many times.*

THE COMMISSIONER: And you've seen him with Jonathan?---*Yes, a few times.*

So when you went into this room, was there anybody else in this room besides you and Ernest Wong?---*No one else.*

20 And what were the first words that Ernest said to you as you walked in the room?---*I can't recall but what he meant was at the public hearing I must insist to say that the money was donated out of my own money.*

Did he say anything else?---*He did, I, he did say a lot about himself as to the good deeds that he had done before, which I do not recall, but he did mention a lot about himself.*

And you said before that he said something like, "Everything will be okay. Nothing will happen." Is that right?---*Yes.*

30 MR ROBERTSON: Did he explain why he wanted you to say the things that he told you to say?---*I don't understand your question.*

Is it right that he told you that you must say to this Commission that you donated from your own money?---*Yes.*

Did he explain why it was important for you to say that?---*No.*

40 Can you remember whether there was anything else that Mr Wong said to you at that meeting?---*I can't remember but his intention was that I, was that I have to say, I have to persist and say that the \$10,000 was donated from my own money and that things would be okay. Just take it as your own donation and things will be fine.*

What did you say to Mr Wong during that meeting?---*I don't know what we have talked about but somehow he came to know that I had that letter which explained the alleged source of the \$10,000.*

Did you tell Mr Wong about that letter?---*I can't remember how this conversation came about.*

But do you remember whether you told Mr Wong about the letter or did he already know at the time that he met with you?---*I don't think he knew before or maybe he does, I'm not sure.*

10 So it's possible that you told him about the letter during your meeting with him but you're just not sure, is that right?---*Yes.*

Was there anyone else present when you had your meeting with Mr Wong?
---*No.*

THE COMMISSIONER: When he said to you, "You must tell the same story about the \$10,000," did you reply to that statement by him or direction by him?---*I did not provide any answer.*

20 Did what Mr Wong say to you on that occasion cause you any concern?
---*Yes, to a certain extent.*

Well, you were being asked to give false evidence at a public inquiry, not a private hearing, is that what you understood, that you understood he was asking you to do?---*Yeah, that was his request.*

And you say that did give rise to some concern in you, is that right?
---*Yes.*

30 Well, you appreciated at the time he saying that, that he was asking you to do something very wrong and that is to give false evidence to this Commission, is that right?---*Yes.*

What was in it for to comply with his direction or statement to give false evidence?---*At that time I still believed that nothing would happen.*

Well, did Mr Wong promise you some benefit if you agreed to go along with this very serious business of giving false evidence?---*No.*

40 Well, why would you agree to do such a very serious thing at Mr Wong's request?---*I have doubts myself too.*

I daresay this caused you to worry about it, did it?---*Yes.*

Well, did you agree to go along with what he was asking you to do or not?
---*I agreed at one stage.*

And did you change your mind at some later point in time?---*Yes.*

When did you change your mind about going along with Mr Wong's request or direction?---*I can't recall when.*

How long ago was it approximately?---Weeks ago. *A week ago. Weeks ago.*

Is that what you're saying? A week ago?

10 THE INTERPRETER: "Weeks ago" is what I heard.

THE COMMISSIONER: Weeks ago. How many weeks ago?---*Was it last Monday, or what? Monday.*

Well, you tell me. When did you change your mind?---*Last week.*

What did you decide last week about this matter?---*To tell the truth.*

20 Did you tell Mr Wong that you're not going to go along with this statement or direction to give false evidence?---*I didn't tell at that time.*

Well, have you since that time indicated or tell him that you're not going to do what he requested you to do?---*I haven't met with him. I haven't indicated to him.*

Have you indicated to Jonathan that Mr Wong had asked you to give false evidence?---*Yeah, I did.*

30 And how long after the day you met in the private room with Mr Wong, when he made this request to you to give, or direction for you to give false evidence, did you tell Jonathan? Was it the same day or the next day or when?---*To tell him that I will be telling the truth or - - -*

No, sorry. After your conversation with Mr Wong, in which he asked you or told you to give false evidence, did you then speak to Jonathan and tell him that Mr Wong had spoken to you about giving false evidence? ---*Around those days. A few days around, around that time.*

40 And what did you say to Jonathan about this matter, about what Mr Wong has told you?---*I have a feeling that he knew already.*

But did you tell him, nonetheless, what Mr Wong had told you to do? ---*No, I didn't.*

Have you told Jonathan more recently that you were not going to do what Mr Wong had told you earlier to do, that is give false evidence?---*Recently he changed his mind.*

THE INTERPRETER: So I'm getting her to clarify who changed their mind.

THE WITNESS: *Jonathan changed his mind.*

THE COMMISSIONER: You're referring to a conversation you had with Jonathan?---*A conversation that I came to know that he's changing, I came to know that he was to change - - -*

10 THE INTERPRETER: And then she paused.

MR ROBERTSON: Are you saying that Jonathan has changed his mind and decided to tell this Commission the truth rather than lies, is that what you're saying?---*Yes.*

And you came to know about that during the course of this week, is that right?---*Yes.*

20 THE COMMISSIONER: Did Jonathan tell you that, that he was going to change his mind and not give false evidence?---*Yes.*

When did he tell you?---*Last weekend, was it? Last weekend.*

What did he say on that occasion to you?---*He didn't say much but I knew that they had a family meeting upstairs.*

How did you know that?---*Every one of them was up there, in the room.*

30 MR ROBERTSON: So is it right that you found out in the last week that Jonathan was going to tell the truth and therefore you decided to tell the truth, is that right?---*I had that intention earlier on too already.*

So you decided to tell the truth more than a week ago, is that what you're saying?---*Yes.*

How long ago did you make that decision?---*Around a week ago.*

40 So perhaps on Friday, well, on Friday of last week, is that what you're saying?---*Possibly. Or even before that.*

Back to your meeting with Mr Wong in the private room. Did Mr Wong say to you that there would be any consequences if you didn't continue to tell the same story?---*He didn't say.*

Did he give any indication, even if he didn't say, that there would be consequences if you didn't continue to tell the same story?---*There was no mention. He just repeated that I should persist.*

And I think you told us that he did tell you that “Everything will be okay if you continue to tell the same story.” Do I have that right?---*Yes.*

Where exactly in the restaurant were you when you had this private meeting with Mr Wong?---*Upstairs in a room.*

Is that one of the private rooms, private dining rooms upstairs, is that right? ---*Yes.*

10 Do you know who Madam Wah is?---*I don't know.*

You don't recognise the name Eva Wah as someone who works at Emperor's Garden?---*Yeah, that's right. Yeah, that's Eva.*

Could she have been the person who asked you to go into the private room where Mr Wong was?---*I can't recall but I recall hearing someone requiring me to go up.*

20 And who was that person?---*I really don't recall. Someone was shouting out aloud.*

And was that the woman who you were referring to before, the person you thought who was a woman?---*Possibly.*

The summons that you were served with to attend the Commission for the public inquiry was served on 31 July, 2019. Was your meeting with Ernest Wong before or after you were served with that document?---*After the summons was received.*

30 Was it within a few days of that?---*About a few weeks after.*

Do you remember what day of the week it was that you had your meeting with Mr Wong?---*It was a Monday or Tuesday but I can't remember.*

You told us earlier that - - -?---*It was the beginning of the week.*

40 You told us earlier that the handwritten document, the original handwritten document that you copied off and sent to the Electoral Commission, you gave that letter to Mr Wong, is that right?---*Yep, I gave him a copy.*

Did you give that to him at the meeting in the private room that we discussed or did you give it to him at some other time?---*Some other time.*

THE COMMISSIONER: Do you still have a copy of that letter?---*No.*

MR ROBERTSON: So you gave Mr Wong the only copy of that letter that you had, is that right?---*Yes.*

And do you know whether that copy was the original one that had handwriting on it or was that simply a copy of the original one?---*Looks like it was a copy itself.*

So it looked like a photocopy, is that right?---*Yes.*

10 How long after your meeting with Mr Wong in the private room did you give Mr Wong the handwritten copy letter that we are now talking about?
---*Within the week, approximately.*

THE COMMISSIONER: Why did you give him a copy?---*Because he wanted to have a look.*

MR ROBERTSON: Did he explain why he wanted to have a look?---*He didn't.*

20 Where were you when you gave him the letter that we've been talking about?---*In the restaurant.*

Whereabouts in the restaurant?---*Where I was at, near the cashier.*

So was Mr Wong in the restaurant dining when you gave him this letter?
---*Yes.*

Do you remember whether that was lunchtime or dinnertime?
---*Lunch.*

30 Do you remember what day of the week it was?---*Can't recall.*

Do you remember whether it was on a weekend or a weekday?---*Might be a weekday. Might be a weekday.*

What days of the week do you usually work at Emperor's Garden?---*I work through Monday to Thursday and I have my day off on Friday.*

Was Mr Wong, on that occasion, dining on his own or with other people?
---*There were other people there.*

40 Do you know who those people were or any of those people were?---*I don't know. They are usually upstairs.*

On this occasion, was he upstairs?---*Yes.*

And was he upstairs in a private dining room?---*Maybe or may not be, I can't, I am not sure.*

Well where were you when you gave him this letter? Did you go into the private dining room or were you somewhere else?---*He came and picked up at the counter.*

So Mr Wong came down from the private dining room and came to see you at the cashier's counter, is that right?---Yes.

And did he then ask you for the letter?---*Yes.*

- 10 How did Mr Wong know that you had the letter with you?---*What he said was that I should keep it there and he will come and pick up on whichever day he comes.*

Did you tell Mr Wong when it was ready to be picked up, the letter?---No, I didn't.

Did you tell anyone else, like Jonathan or someone else, to tell Ernest Wong that the letter was ready to be picked up?---*Not at that time, no.*

- 20 How does Ernest Wong usually pay for his meals at the Emperor's Garden? Is it by credit card or by cash or some other way?---*One time he, he pays in advance. He left, say, \$5,000 by credit card. He paid that, and then every time it gets deducted.*

So is it right that he always pays by credit card but he pays in advance, is that right?---Hai, yes.

- 30 And do I take it that when he's starting to run out of money on the amounts that he's paid in advance, you let him know so that he can pay further amounts?---*I didn't, that was not done by me, so I just didn't know, I wouldn't know about the 5,000.*

Well, you're the cashier at Emperor's Garden, is that right?---*There was more than one, and there was another one upstairs.*

How do you know about the \$5,000 advance payment?---*I have to keep an account for it.*

- 40 And so does that mean that you keep an account of each time that Ernest Wong dines at Emperor's Garden?---*Yes.*

And you just take each meal off the balance that he's already paid in advance, is that right?---*That's right.*

Is that done on a computer system or is it done in a handwritten document? ---*It was a handwritten record.*

So you and others keep a handwritten record of how much money Ernest Wong has spent at the restaurant and when that's been spent, is that right?
---*Yes.*

Is Ernest Wong a family friend of your family?---*No.*

And so when you said that in the letter to Mr Smithers, that was a lie, agreed?---*That wasn't true.*

10 Other than when you met Mr Wong in the private dining room, had you met Mr Wong before?---*He, he would usually go upstairs to dine and he would walk past me and he would say hello.*

So you've seen him many times in the restaurant, correct?---*Yes.*

But other than the one times that you've told us about, have you ever had a private meeting with Mr Wong?---*No, that was the first time.*

20 When is the last time you have spoken to Mr Wong?---*That was the first and the last time.*

When is the last time you've seen Mr Wong?---*A few weeks after I have received the summons.*

So that's a few weeks ago from today, is that right?---*Yes.*

Do you know whether Jonathan Yee and Ernest Wong are friends?---*I guess so because they were, I often see them together.*

30 And when you see them together, is that at the restaurant or is that in other places as well?---*I, I see them together in the restaurant because I, when I came to work I would see them together.*

Is that the only place you've ever seen Ernest Wong and Jonathan Yee together?---*I haven't gone anywhere else with them so I wouldn't know.*

When is the last time you've seen Jonathan Yee and Ernest Wong together?
---*One time - - -*

40 THE INTERPRETER: I reminded her she was asked when the last time was.

THE COMMISSIONER: And what was her response?---*You mean when I saw Jonathan Yee and Ernest Wong together? One time I saw him come but it was really late in the day, like, it was right before I finished work.*

When was this?---*About 10 o'clock.*

No, when, what date?---*Recently but I cannot recall when that was.*

Just before you go on, are you getting to the end?

MR ROBERTSON: I am, I'm sorry that we've had to sit in.

THE COMMISSIONER: Well, perhaps we'll just clear up this last bit then and anything else.

10 MR ROBERTSON: Yes. I probably need another 15 minutes or so, I'm sorry. I was attempting to finish somewhere near 1.00pm but it's taken a little bit longer.

THE COMMISSIONER: Well, I'm thinking of the witness too. I think she might need a break.

MR ROBERTSON: I might just ask the witness if that's convenient.

THE COMMISSIONER: Yes.

20

MR ROBERTSON: Ms Siu, would you prefer to continue, which may take another 15 or 20 minutes, or would you prefer to have a break and come back?---*If you don't mind, can we continue and finish it?*

I don't mind but it's up the Chief Commissioner.

THE COMMISSIONER: Let's see what we can do in 15 minutes.

30 MR ROBERTSON: The meeting that you referred to between Mr Yee and Mr Wong at 10.00pm, was that a few days ago?---*No, definitely not, definitely not.*

Maybe a few weeks ago?---*Maybe a few. Just recently, but maybe a few weeks ago.*

THE COMMISSIONER: Approximately how many days ago or was it more than a week or less than a week?---*More than a week.*

40 MR ROBERTSON: And was that after the restaurant had already closed, is that right?---*Not closed as yet but it was already very quiet at that time.*

When did you last speak to Jonathan Yee?---*I don't see him very often. He's very busy.*

But when is the last time you spoke to him?---*It was, last time when I talked to him, when I dealt with the roster, work roster with him, related to my own, my work.*

Was that a few days ago or was it a longer period of time ago?---*A few days ago, I think it was.*

When is the last time you've spoken to Jonathan about the investigation that this Commission is doing?---*I can't remember.*

THE COMMISSIONER: Have you seen Jonathan anywhere else recently other than at the restaurant?---*No, not anywhere else.*

10 MR ROBERTSON: Was the last discussion that you had with Jonathan regarding this investigation a few days ago or a longer time ago?---*Longer than that.*

Have you told Jonathan that you intended to tell the truth today?---*Yes.*

THE COMMISSIONER: And how did he react to that?---*He said, "Okay, tell the truth."*

20 MR ROBERTSON: Did you tell him that in the last week or was it earlier than that?---*It was last week.*

Towards the start or towards the end of last week.---*End of the week. Should have been end of week.*

Perhaps last weekend, is that right?---*Yeah, weekend, yeah, weekend.*

30 Can we have on the screen, please, volume 3A, page 23, which is also Exhibit 247. Just have a look at the photograph on the screen, Ms Siu. Do you recognise anyone in this photograph?

THE INTERPRETER: Witness pointing to Ernest Wong and saying, "Ernest Wong."

MR ROBERTSON: So the gentleman in the grey tie is Mr Ernest Wong, is that right?---*Yeah.*

Do you recognise anyone else in this photograph?---*Don't know them.*

40 What about the gentleman in the blue tie towards the right-hand side? Do you recognise him?---*He's in the news. Is he by the name Huang?*

THE COMMISSIONER: Had you seen him at the restaurant from time to time?---*No, haven't seen him.*

MR ROBERTSON: Have you ever spoken to that gentleman in the blue tie?---*I haven't even seen him before.*

Can we have the statutory declaration of 16 September, 2019 on the screen. Ms Siu, in preparation for this examination, did you prepare two statutory declarations with your lawyers that you then signed?---*Yeah.*

And we'll put the first of those up on the screen. You'll recognise this document as one of the statutory declarations that you made in the last few days?---*Yes.*

10 If you just have a look at paragraph 4, do you see there's a reference there in the second sentence to "Empress Gardens"? And is that a mistake and should that be a reference to "Emperor Gardens"?---*That's right.*

Other than that correction, is that statutory declaration true and correct?---*Yes.*

I tender the statutory declaration of Patricia Siu made on 16 September, 2019.

20 THE COMMISSIONER: 278. Exhibit 278.

#EXH-278 – STATUTORY DECLARATION OF PATRICIA SIU DATED 16 SEPTEMBER 2019

MR ROBERTSON: Can we now go to the next statutory declaration, 18 September, 2019. So, Ms Siu, you prepared a second statutory declaration two days ago, is that right?---*Yeah.*

30 And the first page of that statutory declaration is on the screen, do you agree?---*Yeah.*

And is that statutory declaration true and correct?---(No Audible Reply)

Sorry, I didn't hear the answer.---*Yeah. Yeah.*

I tender the statutory declaration of Patricia Siu made on 18 September, 2019.

40 THE COMMISSIONER: Yes, that will be marked as Exhibit 279.

#EXH-279 – STATUTORY DECLARATION OF PATRICIA SIU 18 SEPTEMBER 2019

MR ROBERTSON: Just finally, Ms Siu, why is it that you ultimately decided to tell the truth to this Commission today rather than the lies that

you told this Commission in the private hearing?---*Because you have evidence to prove the crime in relation to the donation.*

So is it right that you found out about a week ago that Valentine Yee had admitted that – I withdraw that. Is it the case that you found out around a week ago that Jonathan’s brother, Valentine, was intending to tell the truth to this Commission when he had told lies in the past, is that right?---*Yes.*

10 And you realised that at that point in time, this Commission had evidence that would suggest that you had told lies to this Commission, is that right?
---*Yes.*

And you also found out that Jonathan was intending to tell the truth even though he had told lies to the Commission in the past?---*Yes, that’s right.*

And you realised that in light of that, you couldn’t get away with lying anymore, do you agree?---*Yes.*

20 And that’s why you’ve decided to tell us the truth today, do you agree?---I agree.

That’s the examination.

THE COMMISSIONER: Yes, very well. Thank you. Mr Hodges, do you have anything?

MR HODGES: No, Commissioner.

30 THE COMMISSIONER: Thank you. That completes your examination, Ms Siu. Thank you for your attendance.

MR ROBERTSON: Can I deal with one formal matter?

THE COMMISSIONER: Yes, yes. You may step down, thank you.

THE WITNESS EXCUSED

[1.42pm]

40 MR ROBERTSON: Yesterday my learned friend, Mr Moses, cross-examined by reference to a series of documents, two of which are not otherwise in evidence. Can I formally tender those?

THE COMMISSIONER: Yes.

MR ROBERTSON: First I tender a letter dated 12 September, 2017, from the Electoral Commission to Kenrick Cheah, C-h-e-a-h, from the Honourable Keith Mason, AC, QC, chairperson of that commission.

THE COMMISSIONER: That will become Exhibit 278. Sorry, where am I. Exhibit 280.

**#EXH-280 – LETTER FROM HON KEITH MASON AC QC,
ELECTORAL COMMISSION TO KENRICH CHEAH DATED 12
SEPTEMBER 2017**

10

MR ROBERTSON: Next I tender an email from Mr Ian Robertson to Ms Kaila Murnain of 18 April, 2019, 3.22pm.

THE COMMISSIONER: That will become Exhibit 281

**#EXH-281 – EMAIL FROM IAN ROBERTSON TO KAILA
MURNAIN AND OTHERS DATED 18 APRIL 2019 RE:
‘CONFIDENTIAL DRAFT LETTER TO THE INSPECTOR OF THE
ICAC’ ATTACHING LETTER**

20

MR ROBERTSON: And I'm grateful to my learned friend, Ms Alderson, for drawing those two documents to my attention. Can I also thank the Commission for sitting late and apologise for those who had to sit through until almost quarter to 2.00.

THE COMMISSIONER: Thank you, Mr Robertson. That completes today's hearing, then?

30

MR ROBERTSON: It does. As I indicated earlier, the Commission won't be sitting on Monday. In terms of Tuesday, can I respectfully suggest a marking of not before 10.15 because as I understand it the Commission is sitting in a directions hearing in another matter at 9.15.

THE COMMISSIONER: Yes, thank you. Well, I'll adjourn until Tuesday next at 10.15am. Thank you.

MR ROBERTSON: May it please the Commission.

40

THE COMMISSIONER: I'll adjourn.

**AT 1.43PM THE MATTER WAS ADJOURNED ACCORDINGLY
[1.43pm]**