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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 24 SEPTEMBER, 2019

AT 10.15AM

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.

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Chief Commissioner, can I first update interested persons as to what happened immediately after the public inquiry adjourned on Friday. Immediately after that occurred, a notice that you issued pursuant to section 22 of the Independent Commission Against Corruption Act was served on Ms Siu, requiring her to produce the two pink folders that were the subject of her evidence in the afternoon as well as the document that she referred to that contained handwritten suggested answers to the questions asked of her by the NSW Electoral Commission and which she said were prepared by Mr Jonathan Yee. I'll just put on the screen that particular document that was produced in response to the notice under section 22, and the Commission will note that the handwriting that appears on that document. I tender the notice issued under section 22 as well as the document that appears on the screen and a copy of the front cover of each of the two pink folders.

THE COMMISSIONER: Yes, thank you.

MR ROBERTSON: And I tender that as single bundle.

THE COMMISSIONER: This notice that's on the screen was a notice to who?

MR ROBERTSON: If we can go back to page 2, PDF, please. So the formal notice itself is the one that you issued, Chief Commissioner, on the Friday, being 20 September, 2019. And if we can turn to the schedule of that notice, please, PDF page 3, that's what was required, and you'll recall, Chief Commissioner, that one of the documents that was required to be produced is the schedule referred to in paragraph 1, namely the questions that were being asked by the Electoral Commission with the handwritten responses that Ms Siu said was prepared by Mr Yee.

THE COMMISSIONER: The original notice from the Electoral Commission, which has its schedule with a series of questions, that was a notice to whom?

MR ROBERTSON: That was a notice to Ms Siu.

THE COMMISSIONER: Ms Siu herself.

MR ROBERTSON: Of 4 May, 2017, requiring her to answer questions.

THE COMMISSIONER: Yes. 4 May, '17, was it or '16?

MR ROBERTSON: 4 May, 2017, that's right.

THE COMMISSIONER: Yes, thank you. Very well.

MR ROBERTSON: Perhaps that Exhibit might be conveniently marked as the section 22 notice issued on 20 September, 2019, and the documents produce in response there too.

THE COMMISSIONER: Yes, thank you. The notice pursuant to section 22 of the ICAC Act to Ms Siu, Patricia Siu, for production of two files and other documents, they become Exhibit 282.

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#EXH-282 – SECTION 22 NOTICE ISSUED TO PATRICIA SIU ON 20 SEPTEMBER 2019 AND DOCUMENTS PRODUCED BY HER IN RESPONSE

THE COMMISSIONER: The document being a copy of the schedule to the notice served by the Electoral Commission on Patricia Siu, 4 May, 2017, with handwritten entries on it, attributed to Mr Jonathan Yee will be admitted and become Exhibit 283.

20

MR ROBERTSON: It may be convenient if it is marked as a bundle, Chief Commissioner. That way, one can see the notice itself and that which responded to the notice to produce.

THE COMMISSIONER: Just the one exhibit, Exhibit 282, then will be the section 22 notice for production of the two files and the schedule to that notice to Patricia Siu. Now, do you want to add to that the handwritten, the entries on the - - -

30 MR ROBERTSON: Yes, please.

THE COMMISSIONER: And thirdly, the copy of the schedule containing questions and handwritten response, produced by Ms Siu will form part of Exhibit 282.

40 MR ROBERTSON: And it might be convenient to also include as part of that Exhibit, a copy of each of the two pink folders. If we just go to PDF page 7, please, in the bundle that's on the screen, there's a photograph of the front of each two folders and that was produced with simple the single document in one of those two folders.

THE COMMISSIONER: So the fourth component of Exhibit 282 will be a copy of the two pink folders produced by Ms Siu in answer to the notice under section 22.

MR ROBERTSON: May it please the Commission.

THE COMMISSIONER: Thank you.

MR ROBERTSON: Next, I neglected on Friday to tender what I described as the Electoral Commission bundle for Ms Siu, being annexures PS 1 to PS 9 of the statement of Peter Baragry, dated 20 September, 2018. I now tender that bundle.

THE COMMISSIONER: Yes, the Electoral Commission bundle concerning Ms Siu will be admitted and become Exhibit 283.

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#EXH-283 – NSW ELECTORAL COMMISSION BUNDLE FOR PATRICIA SIU - BEING ANNEXURES PS 1 TO PS 9 TO THE STATEMENT OF PETER BARAGRY DATED 20 SEPTEMBER 2018

MR ROBERTSON: Then in terms of the program for today, I'll call two further of the putative donors, Teresa Tam and Wei Shi. A program for witnesses for the remainder of the week has been uploaded to the Commission's website. There may need to be some changes to that
20 program, depending on what occurs during the course of the day.

THE COMMISSIONER: Yes.

MR ROBERTSON: I apprehend that I'll call Ms Sibraa on Wednesday morning for the purposes of examination, but not for the purposes of any cross-examination by persons with leave to do so, but instead to recall Ms Sibraa during the course of next week. That's a tentative approach at the moment, but I'll seek to confirm that with interested persons during the
30 course of the day.

THE COMMISSIONER: Yes, very well. Just before we get started then, Ms Baldwin, I've been given note that you now appear, is that right, on behalf of Mr Huang Xiangmo, is that right, today, at least?

MS BALDWIN: Yes, just for today, Commissioner.

THE COMMISSIONER: Yes, just for today, in place of Mr Unsworth, is that right?

40 Ms BALDWIN: Yes, that's correct. That's correct.

THE COMMISSIONER: Yes, thank you. Yes.

MR ROBERTSON: I call Teresa Tam.

THE COMMISSIONER: Yes. Now, we'll swear the interpreter first.

<GARMAN (JOANNA) LUM, sworn

[10.37am]

THE COMMISSIONER: Yes, thank you. Just state your name on the record, please?

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

10 THE COMMISSIONER: Thank you. Now, Ms Tam, do you take an affirmation or an oath?

MS TAM: *Affirmation.*

THE COMMISSIONER: Yes.

<TERESA TAM, affirmed

[10.37am]

THE COMMISSIONER: Yes, thank you. Just take a seat. Ms Tam, would you state your full name for the record?---*Teresa Kwai Ying Tam.*

All right. Now, who appears on behalf of - - -

10 MR ZHU: Chief Commissioner, my name is Zhu, Z-h-u. I seek leave to appear for Ms Tam.

THE COMMISSIONER: Yes.

MR ZHU: I seek a declaration pursuant to section 38.

THE COMMISSIONER: Yes. Mr Zhu, is your instructing solicitor here?

MR ZHU: No.

20 THE COMMISSIONER: No. All right. Well, I grant leave to you, Mr Zhu, to appear on behalf of the witness Ms Tam. And have you explained the provisions of section 38 to the witness?

MR ZHU: Yes, I have, Chief Commissioner.

THE WITNESS: *Yes.*

30 THE COMMISSIONER: Ms Tam, Mr Zhu, who appears on your behalf today, has asked for a declaration under section 38 of the Independent Commission Against Corruption Act, and I understand that you understand that what those provisions mean, is that right?---*Yes.*

I will make a declaration, but I want you to understand that firstly you must answer all the questions truthfully. Do you understand?---*I understand.*

And you understand that you must produce any document or thing that you may be required to produce in the course of your evidence?---*Understand.*

40 Ms Tam, the other matter I just wish to emphasise is this, that the declaration under section 38 prevents your evidence today being used in other proceedings in the future with one exception. The protection under section 38 does not prevent your evidence from being used in a prosecution for an offence under the Independent Commission Against Corruption Act including an offence of giving false or misleading evidence for which the penalty can be a term of imprisonment of up to five years. Do you understand?---*Understand.*

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness Teresa Tam and all documents and 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 the witness to make objection in respect of any particular answer given or document or thing produced.

10 **PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT
ALL ANSWERS GIVEN BY THE WITNESS TERESA TAM AND
ALL DOCUMENTS AND 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 THE WITNESS TO MAKE OBJECTION
IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR
DOCUMENT OR THING PRODUCED.**

20

THE WITNESS: *Understand.*

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Ms Tam, did you donate \$5,000 to the Australian Labor Party in 2015?---*No.*

30

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

To your knowledge did your husband donate any money to the Australian Labor Party or Country Labor in 2015?---*No.*

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

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

40

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 even on 12 March, 2015?
---*No.*

Are you a member of the Australian Labor Party?---*Yes.*

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

Do you know what Country Labor is?---*No.*

Have you ever signed a document that said that you contributed \$5,000 in connection with the Chinese Friends of Labor dinner in 2015?---*I have signed a document but I didn't know that it was in relation to \$5,000.*

10 Can we go, please, to Exhibit 152 at page 10. Ms Tam, I'm just going to put a document on the screen in front of you and then I'll ask you some questions. It'll come up in a moment.---*Yes.*

Ms Tam, is this your signature on the form that you can see on the screen? ---*Yes.*

And is it your handwriting where it says Teresa Tam?---*Yes.*

What about near the signature where it says, "30/03/15," is that your handwriting?---*No.*

20 But would it be right that you signed this document on about 30 March, 2015?---*I'm not sure, I can't recall.*

But if it wasn't on 30 March, 2015, would you agree that it was probably around that date?---*Agreed.*

THE COMMISSIONER: You said earlier you did sign a document but you didn't know that it related to \$5,000, is that right?---*Yes.*

30 Does the document on the screen look like the document you referred to that you signed or not?---*No.*

MR ROBERTSON: The \$5,000 written on this document, is that in your handwriting or in someone else's handwriting?---*It, it was in my handwriting.*

So do you have a recollection of signing a form that looks like the one on the screen?---

40 THE INTERPRETER: Witness pointing to the space under her written name, Teresa Tam.

THE WITNESS: *So there was a date there, I mean there was an address there. It was on a, blank piece of paper with a few details, only the name, the address and the signature only. It wasn't something like this one.*

MR ROBERTSON: So are you saying you remember signing a form that looks different to the one that's on the screen. Is that what you're saying? ---*That's right.*

But you do recognise the signature on this document as being your signature, is that right?---*Indeed.*

But are you saying you think you didn't sign the particular form that's on the screen. Is that what you're saying?---*Yes.*

10 Can I just let you know, the black box that you referred to on the right-hand side, that's something that the Commission has added so that people can't see your address on the screen. Do you understand?---*Right.*

So are you saying that you don't remember signing a form that looks like the one on the screen but had your name and had your address where the black box is in the right-hand side. Is that what you're saying?---*That's right.*

Do you remember whether you ever received a tax invoice or receipt from the Australia Labor Party or Country Labor?---*Yes.*

20 And do you remember when you received that tax invoice?---*I cannot recall.*

Was it way back in 2015 or was it more recent?---*In 2015.*

So if we can go back to page 9 of this bundle, please. Ms Tam, I'm showing you a document here that's dated 9 April, 2015, do you see that? ---*Yes.*

30 And do you see that it's addressed to Teresa Tay, rather than Teresa Tam, at the top?---*Yes.*

Now, do you remember receiving a document like the one on the screen? ---*Yes.*

And did you receive that near to 9 April, 2015, which is the date, or was it sometime after that?---*Around the time on 9 April.*

40 And do you remember, did you receive one tax invoice or receipt from the Labor Party, or was it more than one?---*Two.*

And if we can go, please, to page 29. Ms Tam, I'm now showing you another tax invoice dated 9 April, 2015, but this time, if you look in the top left-hand corner, it's headed up Country Labor, can you see that?---*Yes.*

And are you, did you receive a document that looks like the one on the screen in about April of 2015?---*Yes.*

How did you receive those two tax invoices? Was it in the mail, was it by email, was it in some other way?---*Okay. I received it at home at my, from, by post.*

And when you received them, was that the first time you knew anything about \$5,000 donations in connection with Chinese Friends of Labor NSW Chinese Launch of 12 March, 2015?---*Indeed.*

10 And when you received those tax invoices, what did you do about them?
---*I took, I took both to Jonathan and asked him.*

And what did Jonathan say?---*I told him that it wasn't my correct name there.*

And what did – you're referring to Jonathan Yee, is that right?---*Yes.*

20 And what did Jonathan Yee say to you when you asked him about these invoices?---*He said it was probably misspelt, but as long as the address is right then it would be yours.*

But at this point in time, you hadn't made any donations to the Australian Labor Party or Country Labor, is that right?---*No.*

So did you ask him why you were receiving tax invoices saying that you had donated \$5,000 to Country Labor and the Australian Labor Party?
---*Because I have signed before.*

30 So before receiving these tax invoices, you had signed to say that you had donated money, even though you had not donated money, is that right?
---*Yes.*

And if we just go back one page, are you sure that the document you signed – sorry, forward one page.---*That's not mine.*

Are you sure that the document you signed to say that you had donated money is not one that looks like the one on the screen?---*That's right, it's not the same.*

40 You think it was some other document. Is that right?---*It was on a piece of paper but it wasn't so clear with all those details.*

THE COMMISSIONER: How many documents do you recall signing in relation to alleged donations?---*Two.*

MR ROBERTSON: Is it possible that you signed a document that looks like the one on the screen but only had the right-hand side, so only had the words "reservation form" and the material underneath the words "reservation form"?---*I can't recall clearly.*

But is it right that you certainly signed a document saying that you had donated money in connection with the Chinese Friends of Labor event before you received the tax invoices that I showed you a moment ago?
---*Yes.*

10 Now, why was it that you signed a document saying that you had donated money in connection with the Chinese Friends of Labor event when in fact you didn't donate money?---*Now, I just want to ask if you refer to this particular document - - -*

No, I'm referring to the - - -?---*- - - that had my signature.*

I'm referring to the document that you said that you signed before you got the tax invoices.---*Is this one.*

The first document that you signed regarding this matter.---*Yeah.*

20 Why did you sign that document?---*At that time one of the colleagues presented a document to me and said that Jonathan Yee asked us to donate money to the Labor Party to support the Labor Party. I was very busy with my work at that time. I didn't read it clear enough and I signed on it.*

Who was that colleague who gave you the document to sign?---*I can't remember now.*

But is it right that when you sign the document you had no intention to make any donation?---*No intention.*

30 Then why did you sign a document that said you were going to make a donation even though you were not going to make a donation?---*Because that was the order from the boss. We just followed the instruction.*

But did someone explain to you that it was okay to sign the document even though you didn't intend to make any donation?---*No.*

So you just signed a document saying you were going to donate even though you were not intending to donate. Is that right?---*I did.*

40 THE COMMISSIONER: Did you read the document before you signed it?
---*No.*

Why not?---*Because from my recollection there was not much content there. It was just talking about a donation and my colleague said that the second master, being Jonathan, required us to sign for it to, to, to sign for the donation.*

Can you read English?---*A little bit.*

MR ROBERTSON: Are you saying that the colleague who gave you the document made clear that Jonathan Yee was requiring you to sign the document, is that right?---*Yes.*

Did they explain why Jonathan wanted you to sign the document?---*It was said that was done to support the Labor Party, so the, therefore the donation.*

10 Was that the extent of the explanation or was more said about why you were asked to sign the form?---*No explanation.*

Can we go to the Electoral Commission bundle, please, page 7. Ms Tam, I'm not showing you a letter of 20 January, 2016, from the Electoral Commission. Do you see that on the screen?---*I've never seen this.*

So is it right that you don't recall receiving a letter that looks like the one on the screen, is that right?---*No, I have never seen it before.*

20 Can we go please to the email of 10 March, 2016. Now, Ms Tam, can you just have a look towards the bottom of the screen. Can you see an email from Jonathan Yee? It says it's from Jonathan Yee to Ernest Wong of 10 March, 2016. Do you see that?---*Yes.*

But do you see that it's signed off as, "Cheers, Teresa Tam," at the bottom of the screen?---*Yes.*

Did you write the text of the email that you can see that says, "Hi Ernest. Thank you for your email," et cetera?---*No.*

30 Before I've shown you this email today, had you seen that email before? ---*Never.*

So Jonathan Yee and no one else told you that they were going to send an email in your name on 10 March, 2016?---*No.*

And is it right that you have also not seen the email at the top of the page from Mr Ernest Wong to Mr Jonathan Yee of 18 March, 2016?---*No.*

40 You've never, you haven't seen that email before I showed it to you today, is that right?---*Never.*

Chief Commissioner, I tender the email chain on the screen, being an email from Mr Wong to Mr Yee at 18 March, 2016, and which includes in the chain an email from Mr Yee to Mr Wong of 10 March, 2016.

THE COMMISSIONER: Yes, the emails of 10 March, from Mr – 10 March, '16, from, said to have been from Teresa Tam to Mr Wong, and the

other part of the email chain, 18 March, 2016, from Mr Wong to Mr Yee, will be admitted. It'll become Exhibit 284. Thank you.

#EXH-284 – EMAIL EXCHANGE BETWEEN JONATHAN YEE AND ERNEST WONG ON 10 MARCH 2016 AND 18 MARCH 2016

10 MR ROBERTSON: May it please the Commission. Can we go back to the Electoral Commission bundle, please, and now to page 11. Now, Ms Tam, if you have a look towards the bottom of this page, you'll see a signature. Is that your signature?---*No.*

Do you know who signed your name as Teresa on this document?---*I have no idea.*

Have you seen this document before I've shown it to you today?---*If I had seen it, it would be from here, or from the Electoral Commission before.*

20 So Jonathan Yee and no-one else from Emperor's Garden showed you this document before it was sent to the Electoral Commission, is that right?
---*No.*

Can we go, please, to page 4 of the Electoral Commission bundle. Now, Ms Tam, I'm now showing you a letter from the Electoral Commission of 25 August, 2016. Do you remember receiving this letter?---*I need to have a good read, because I haven't - - -*

30 Oh, please do. And if you need the interpreter to read it to you, that is fine as well.---*I just want to ask why it referred to 2014, are we not alleged to have made the donation in 2015 in March?*

In the second paragraph it refers to a year between 1 July, 2014 to 30 June, 2015. Do you see that there?---(No audible reply)

40 And so that's the year that the Electoral Commission was writing you this letter about. But you've now had the letter interpreted to you, all I want to immediately know is whether you remember receiving this letter on or about 25 August, 2016?---*No.*

Go, please, to page 16 of the bundle. I'm not showing you a letter of 14 September, 2016. Ms Tam, do you remember the Electoral Commission asking you to produce documents?---*Yes.*

And when you received the letter asking you to produce documents, what did you do?---*I showed it to Jonathan.*

And what did Jonathan say about that document?---*He said that a letter needs to be written up to explain.*

Did he say anything else at that time when you asked him about the letter requiring you to produce documents?---*The letter required us to produce bank statements.*

10 And you mentioned that Jonathan said that you would have to write a letter of explanation back, is that right?---*No, he wrote it for me because I couldn't do it.*

Can we go please to page 23 of the bundle. PDF page 23, please. Ms Tam, is this the letter that you were just referring to?---*Indeed.*

So is this your signature on the letter?---*Yes.*

And did you sign it on about 23 September, 2016?---*Yes.*

20 And so who wrote the text of this letter?---*Jonathan.*

And he then presented it to you to sign. Is that right?---*Yes.*

Did you read it before you signed it?---*He did told me about the content. He did tell me about the content.*

Do you agree that the content of this letter includes lies?---*Yeah, lies.*

30 Do we take it that you had at least two meetings with Jonathan regarding the notice to produce, the first one when you told him about the notice to produce and did he later give you a copy of the letter to sign. Is that right? ---*Yes.*

And where did that happen?---*At Emperor's Garden.*

And after you signed this letter what did you do with the letter?---*I gave it back to Jonathan. He sorted it out for me.*

40 You said a moment ago that you had to organise some documents to go with the letter. Is that right?---*The bank statement.*

And so is it right that you organised the bank statements?---*Yes.*

And what did you do with those bank statements?---*I collect, I, I gathered the bank statement from the bank and I handed it to him.*

THE INTERPRETER: I got her to clarify who the "him" she referred to. She said it was Jonathan.

MR ROBERTSON: If we go to page 25 of the bundle, two pages down, please. So is this the bank statement that you obtained and then gave to Jonathan? We put the big black boxes - - -?---*I can't see - - -*

We put the big black boxes on it but other than the black boxes is this the document you gave to Jonathan?---*There is a, there were transaction details there.*

10 If we go to the next page. Is that the transaction details that you're referring to?---*Yes.*

Can we go back to page 24, please. Now, one of the documents, Ms Tam, that was included in the material that went back to the Electoral Commission is the tax invoice that you can see on the screen. Can you see that on the screen?---*When was that lodged?*

20 This document was received with the cover letter that we looked at and the bank account statement that we looked at.---*I handed this document to Jonathan when I raised to him that the name was wrong.*

So when you were organising the documents to give to Jonathan to give to the Electoral Commission in response to the notice to produce, did you just give him the bank account statement or did you also give him copies of tax invoices as well. Do you remember?---*I handed this tax statement to him when I raised to him that the name was wrong already. That was before the time when the bank statement was handed to him.*

30 And did you then give him another copy when the Electoral Commission asked you to produce documents?---*No, I didn't have any other copy.*

So you knew that one of the things the Electoral Commission wanted from you is a copy of your receipt or tax invoice, is that right?---*I didn't know.*

Can we go back to page 21, please, of this bundle. Now, Ms Tam, I'm showing you the list of the things that the Electoral Commission wanted you to produce, do you see that on the screen?---(No Audible Reply)

40 Did you have this read to you or explained to you when you received the letter from the Electoral Commission?---*No.*

So is it right that you left it to Jonathan to work out what had to be provided to the Electoral Commission?---*Yes.*

And is it right that he said to you that you need a, you need to send a letter to the Electoral Commission, is that right?---*Yes.*

And he drafted that letter for you to sign, is that right?---*Yep, he had it typed, it was typed out.*

And he explained to you what was in that letter, is that right?---*He only said that I, because I was a casual worker, I didn't, I wouldn't have enough to donate, so my husband's name was used.*

So you knew that in the letter were some false statements regarding donations, is that right?---*Yes.*

10 But you signed the letter containing false statements because Jonathan told you to, is that right?---*Yes.*

THE COMMISSIONER: Did you ask Jonathan at this stage, when you realised that he was asking you to sign documents to send to the Electoral Commission that contained lies, did you ask him, "Why am I involved in all of this? Please provide an explanation as to why I'm caught up in this"?
---*I didn't.*

20 Why didn't you?---*Because the boss asked us to donate and I signed to say I have donated.*

MR ROBERTSON: Now, Jonathan also said that you needed to send bank statements to the Electoral Commission, is that right?---*Yeah, I hand them to Jonathan.*

But other than those two documents, did Jonathan tell you that anything else needed to be sent to the Electoral Commission?---*No. Bank statement and this letter written up only.*

30 So you signed the cover letter, gave Jonathan the bank statement, and you left everything else to Jonathan to deal with, is that right?---*Indeed.*

Can we then go, please, to page 29 of that bundle – I'm sorry, can we go to page 44, please. Now, Ms Tam, you gave a written statement to the Electoral Commission, is that right?---*You mean the letter just now?*

No. Let's go to page 44, please, PDF page 44. Do you recognise this document, Ms Tam?---*Can I have it translated?*

40 Just pardon me for a moment. You had a discussion with Mr Baragry from the Electoral Commission. Do you remember that?---*I remember there was someone that, at that time, but I can't recall what his or her name was.*

So you had a discussion with someone from the Electoral Commission, is that right?---*Indeed.*

And you told that person that you and your husband had donated \$5,000 to the Australian Labor Party and \$5,000 to Country Labor, is that right?
---*Yes.*

And what you said to the person from the Electoral Commission on that occasion was a lie. Do you agree?---*Yes.*

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 Tam on 5 December, 2018, and 21 December, 2018 be lifted insofar as they would otherwise prohibit the publication of the fact that Ms Tam gave evidence on those occasions and insofar as it would otherwise prohibit publication of any question asked or answer given in this public inquiry.

THE COMMISSIONER: Yes. On 5 December, 2018, and 21 December, 2018, I made directions pursuant to section 112 of the Independent Commission Against Corruption Act in relation to the examination of Teresa Tam insofar as that direction prohibits evidence being given as to the fact that Ms Tam attended those compulsory examinations and answered questions, and to the extent it would prevent questions and answers being disclosed in relation Ms Tam's examinations, the direction made on those dates is lifted.

VARIATION OF SUPPRESSION ORDER: ON 5 DECEMBER, 2018, AND 21 DECEMBER, 2018, I MADE DIRECTIONS TO PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT IN RELATION TO THE EXAMINATION OF TERESA TAM INsofar AS THAT DIRECTION PROHIBITS EVIDENCE BEING GIVEN AS TO THE FACT THAT MS TAM ATTENDED THOSE COMPULSORY EXAMINATIONS AND ANSWERED QUESTIONS, AND TO THE EXTENT IT WOULD PREVENT QUESTIONS AND ANSWERS BEING DISCLOSED IN RELATION MS TAM'S EXAMINATIONS, THE DIRECTION MADE ON THOSE DATES IS LIFTED.

MR ROBERTSON: May it please the Commission.

THE COMMISSIONER: I'm proposing to take the morning tea break at about 11.30, is that convenient?

MR ROBERTSON: That's a convenient time now, if it pleases the Commission.

THE COMMISSIONER: Yes. Very well. Ms Tam, we're going to take a morning tea adjournment of approximately 15 minutes, then if you would return and we'll continue. I'll adjourn.

SHORT ADJOURNMENT

[11.29am]

MR ROBERTSON: Thank you for that brief indulgence, Chief Commissioner.

THE COMMISSIONER: Yes, my pleasure.

10 MR ROBERTSON: Ms Tam, I'm going to hand you the original of the document that I showed you on the screen that was pages 9 and 10 of Exhibit 152. And can I ask you to turn open to the second page, which is one that looks like an invitation and reservation form. And can you see on the reservation form on the right-hand side there is some blue writing?
---*Yes, I saw them, I see them.*

And do you think it's your handwriting in the blue writing?---*Yes.*

20 And so the name, the address, the mobile telephone number, and the signature is your handwriting, is that right?---*Yes.*

And do you think you signed the document that you now have in your hands?---*I agree.*

And do you think that might have been in about March of 2015, which is the date that you can see near your signature?---*Yeah.*

30 Thank you. I'll just get you to give that back to the associate. Now, Ms Tam, you were given a summons requiring you to attend in a private hearing before this Commission last year, is that right?---*Yes.*

When you received that summons, did you tell anyone about it?---*Yes.*

Who did you tell about it?---*Jonathan Yee.*

And what did Jonathan Yee say to you about that summons?---*He said that it was a matter of a routine, it was an, just an, an inquiry, and it was a, like a, a hearing.*

40 And did he say anything to you about what you should do at the private hearing?---*He said that the ICAC did not have evidence at that time, and that we should insist that, that we donated, and it was in cash.*

Can you remember anything else that Jonathan told you to say at the private hearing?---*I can't recall now.*

Is that the only person you spoke to about the summons to attend the private hearing last year before this Commission?---*My husband was aware of it, my daughter was as well.*

Anyone else?---*No.*

THE COMMISSIONER: Just going back to the conversation you had with Jonathan Yee, you said that he said the ICAC did not have evidence. I think you said he said, "We should insist on a donation was made in cash." Is that accurate?---*Yes.*

10 Apart from saying the donation was made in cash, did Jonathan Yee give you any assistance or suggestions or directions as to what else you should say in the private hearing conducted by the ICAC?---*He did say that because I worked as a casual, I did not, I would not have enough money, and therefore my husband's name had to be added. And he also asked if my daughter and, would give us any money, and if so, we should include another family member as well.*

Are you saying that he said for you to say those words?---*Yes.*

20 And do you recall anything else that he said that you should say during the course of the compulsory examination?---*Nothing much else, nothing more.*

Did you understand what Jonathan Yee was saying to you was a request or was he putting it to you that this is what you must do or should do?---*A request.*

30 And why did you comply with his request to tell lies in the compulsory examination?---*Because he was the boss and there was no other way to explain it given that I have already signed for it.*

MR ROBERTSON: You then attended two private hearings before this Commission toward the end of last year, is that right?---*Indeed.*

And you told this Commission that you and your husband had donated \$10,000 in 2015. Do you agree?---*I was lying at that time.*

40 THE COMMISSIONER: After you gave false evidence in the compulsory examinations, how did you feel after the examination?---*I felt very uncomfortable having told, told a lie.*

And did you tell anybody after the compulsory examinations that you had told lies to the Independent Commission Against Corruption?---*Yes.*

Who did you tell?---*Jonathan Yee. Jonathan Yee.*

Would you now tell us what you said to Jonathan Yee about having lied to the Commission?---*I told him that I, I told him that I told lie after lie and I was very scared.*

And did he reply and if so, what did he say?---*He said that I had no need to feel scared. All I need to do was to insist that it was my own donation.*

MR ROBERTSON: Do you agree that during the private hearing before this Commission, you said that you had given \$5,000 to Ernest Wong and then another \$5,000 to Ernest Wong?---*I remember.*

And that was a lie, do you agree?---*Yes.*

10

Why did you tell this Commission that you had given money to Ernest Wong?---*I told this lie because I remember in the letter I said that I would support Ernest Wong and so I did so.*

So you're referring to the letter that Mr Jonathan Yee wrote for you to send to the Electoral Commission. Is that right?---*Yes.*

And you were trying to tell a story to this Commission that was consistent with what was said in the letter that was sent to the Electoral Commission.

20

Is that right?---*Basically so. Because I have forgotten, as part of my lie, you know when lie comes after another lie, it's very hard to remember them.*

But you were trying to tell a story that was consistent with the story that you had already told to the Electoral Commission. Is that right?---*Yes.*

And you were doing that because Jonathan Yee told you to do that. Is that right?---*Yes.*

30

Is Ernest Wong a good friend of yours?---*No. I don't know him.*

When is the first time you met Ernest Wong, do you remember?---*In June, in the beginning of June this year.*

What were the circumstances in which you met Ernest Wong in June of this year?---*One day in about midday Jonathan Yee got someone to ring me and ask me to go back to the Emperor's Garden Restaurant. That day I wasn't working.*

40

And that person rings you. Do you then go to Emperor's Garden Restaurant?---*Yeah, Emperor's Garden Restaurant.*

And what happens then?---*I went up to see Jonathan Yee, there were lots of people there, and then I saw Ernest Wong.*

And where were you when you saw Ernest Wong?---*He was on level 2 of the Emperor's Garden Restaurant and Jonathan indicated to me to go into the office.*

And so you then went into the office. Is that right?---*Yes.*

And Ernest Wong was in the office. Is that right?---*Yes.*

When you and Ernest Wong were in the office who else was in the office?
---*Jonathan Yee.*

Anyone else?---*No.*

10

And doing the best you can, what did Jonathan Yee or Ernest Wong say when you were meeting with them in the office?---*I have told Jonathan Yee previously that my husband has received a summons from the ICAC.*

And what did either Jonathan or Mr Wong say in response to that?---*The timing was different. I told Jonathan Yee a few days beforehand and after I saw Ernest Wong in the Emperor's Garden Restaurant.*

20

So just focusing on the meeting in the office with Jonathan Yee and Ernest Wong, can you do your best to explain what words you said, what words Jonathan Yee said and what words Ernest Wong said.---*I told Jonathan Yee that my husband has received a summons from the ICAC. I was very scared and I wanted to engage a solicitor.*

And did anyone say anything in response to that?---*Yes.*

And what did that person say? Who was that person and what did they say?---*Jonathan Yee would find, help find, help me find a solicitor.*

30

And what else was said during that meeting?---*Not help. I must clarify that he would help not me but my husband find a solicitor.*

So Jonathan Yee told you that he would help your husband find a solicitor, is that right?---*Yes.*

And did anyone else say anything else after that?---*Ernest Wong said that we must insist that the donation was made in cash and then we will have nothing to worry about.*

40

Did Ernest Wong say anything during this meeting?---*Yes.*

What did he say?---*First of all he asked me what my husband did as his job.*

Anything else?---*I told him that he worked in a restaurant. He, then he said that working in a restaurant, one would earn tips and pocket money and I can add that to the evidence, I can add that to it.*

Did you say pocket money or packet money.---*Okay, packet money.*

By that do you mean red packets or lucky packets, is that what you mean?
---*Packet money, like where the boss would give to us at New Year time,
for example, and given that I was a casual worker, my, my husband would
have to be included.*

THE COMMISSIONER: And who said that?---*Ernest Wong.*

10 Ernest. And did he explain what he meant by you can add to it?---*Because
he has to support the claim that I have donated \$10,000 and there won't be,
there won't be enough from my pay.*

MR ROBERTSON: And so you're referring at the moment to lucky
packets like the ones that are often exchanged at Chinese New Year, is that
right?---*He referred to the lucky packets that the boss would give to us and
they add up to quite some money.*

20 Can you remember anything else that was said during this meeting?---*No.*

Were you given any documents during the course of this meeting?---*No.*

Are you sure that the meeting took place in June of 2019?---*Yes.*

And do you remember, was it towards the start of June, the middle of June
or the end of June?---*It was around the 9th or 10th, it was a Sunday right
after we returned from Hong Kong. It was about three days before
attending the ICAC.*

30 THE COMMISSIONER: What time of day was this meeting with Ernest
Wong and Jonathan Yee? What time of day was it?---*In the middle of the
day, yum cha time, some, the time between 12.00 to 1.00.*

MR ROBERTSON: And is it right that you said during the course of the
meeting that your husband had received a summons to attend a private
hearing before this Commission?---*Yes.*

40 THE COMMISSIONER: Were you concerned that your husband was now
being dragged into this matter before the Commission?---*Yes.*

Did you and he discuss whether or not you were going to continue to
support the lies, or whether you might take some other course?---*He
would, he had to support me and support my lies, so there was no other
choice but to continue.*

MR ROBERTSON: Was that the first time you had any meeting with
Ernest Wong?---*Yes.*

And have you had any other meetings with Ernest Wong since the one in June that we've just discussed?---*Yes.*

How many meetings have you had with Ernest Wong since June of this year?---*There are three occasions in June.*

Three occasions in June, is that right?---*Yes.*

10 Just to help you with the timing, can we have on the screen, please, the compulsory examination summons issued to Ming Biu Tam. B-i-u is the middle name. So, Ms Tam, is this the summons to your husband that you were referring to a moment ago?---*Yes, Ming Biu Tam.*

And if we can just turn to the next page, please. Can you see that it's dated 5 June, 2019?---*Yes.*

20 And if we just turn one more page, you'll see that there's a note that Mr Vickery gave it to your husband on 6 June, 2019. Do you see that there? ---*Yes.*

So do you have a recollection of being told by your husband that he received a summons on or around 6 June, 2019?---*Send you a message. Okay. ICAC sent me a message beforehand to say that there is a document that I need to hand to my husband.*

And so that was on about the 5th or 6th of June, is that right?---*Yeah, on 5 June.*

30 And so how long after the 5th or 6th of June was the first meeting that you had with Mr Ernest Wong and Mr Jonathan Yee?---*What day in the week is the 6th of the 6th, was the 6th of the 6th?*

6 June, according to my calendar was Thursday, 6 June.---*And I met with Ernest Wong on the Sunday.*

So the Sunday that week was 9 June, 2019. So is that when you think you met with Ernest Wong and Jonathan Yee?---*Yes.*

40 And have you now told us all you can remember about what happened at the meeting on 9 June, 2019, with Ernest Wong and Jonathan Yee?---*Yes.*

Chief Commissioner, I tender the compulsory examination summons issued to Ming Biu, B-i-u, Tam, dated 5 June, 2019.

THE COMMISSIONER: Yes. The summons addressed to Mr Tam will become Exhibit 285.

**#EXH-285 – COMPULSORY EXAMINATION SUMMONS
ADDRESSED TO MING BIU TAM DATED 5 JUNE 2019**

MR ROBERTSON: Now, Ms Tam, when was your next meeting with Ernest Wong, the one after 8 June, 2019?---*On the day when my husband was called and attended the ICAC. On the very day.*

10 Chief Commissioner, I'll need to apply for an amendment to the section 112 direction. If you just pardon me for a moment so I can confirm the date. Chief Commissioner, I apply for the direction that was made under section 112 of the Independent Commission Against Corruption Act in relation to the compulsory examination of Mr Ming Biu Tam on 12 June, 2019, be lifted insofar as it would otherwise prohibit the publication of the fact that Mr Tam gave evidence on that occasion.

20 THE COMMISSIONER: Yes. The order made under section 112 on 12 June, 2019 in respect of the compulsory examination of Mr Ming Biu Tam is lifted to the extent that it prohibits reference to the fact of Mr Tam having attended and given evidence at the compulsory examination.

VARIATION OF SUPPRESSION ORDER: THE ORDER MADE UNDER SECTION 112 ON 12 JUNE, 2019 IN RESPECT OF THE COMPULSORY EXAMINATION OF MR MING BIU TAM IS LIFTED TO THE EXTENT THAT IT PROHIBITS REFERENCE TO THE FACT OF MR TAM HAVING ATTENDED AND GIVEN EVIDENCE AT THE COMPULSORY EXAMINATION.

30 MR ROBERTSON: May it please the Commission. So, Ms Tam, you know that your husband gave evidence in a private session before this Commission on 12 June, 2019, Wednesday, 12 June, 2019?---*Yes.*

And are you saying you had another meeting with Ernest Wong on that day, is that right?---*He came to Emperor's Garden BBQ and Noodle bar to see me.*

40 So Ernest Wong came to the BBQ and Noodle bar to see you, is that right?

MR HALE: Well, perhaps I should object to this, maybe it's a bit late.

THE COMMISSIONER: Sorry, Mr - - -

MR HALE: I do object to this. It's a conclusion as to why Mr Wong was coming to see her, this witness, rather than just being at the bar.

THE COMMISSIONER: I think if we just can establish how this meeting came about firstly and then take it step by step. You say that on 12 June, 2019, you attended a meeting, and at the meeting who was present? Was there Ernest Wong? Is that what you're saying?---*He came to the Emperor's Garden to see me.*

Well, did you meet him at Emperor's Garden on 12 June, being the date your husband was required to attend the Commission under a summons?
---*Yes.*

10

And did you go there with anyone?---*I was working on that day.*

I see. All right.

MR ROBERTSON: So you were working at the barbecue and noodle store on Thomas Street on 12 June, 2019. Is that right?---*Yes.*

And are you saying that Ernest Wong came to that shop on 12 June, 2019?
---*Yes.*

20

Do you remember what time of the day it was that Ernest Wong came to the barbecue and noodle shop on Thomas Street?---*Around just after 11 o'clock.*

And what happened when Mr Wong came to the barbecue and noodle shop?---*He came in but I was in a rush to leave to go to – do I have to say or tell about all this?*

30

Yes, please. Please answer the question.---*I was working before, but then my husband wanted me to accompany him to see the barrister at about midday/12.15-ish and his meeting at the ICAC was for 2 o'clock.*

And so did you see, when Mr Wong came to the Thomas Street shop did you speak to Mr Wong?---*Yes.*

40

And what did Mr Wong say to you and what did you say to Mr Wong?
---*He came in. I showed him to a seat. I thought he was there to eat but I was rushing out because my husband was waiting for me to see the solicitor. He knew that I was to see a solicitor because I have told Jonathan Yee before that because before, before I asked Jonathan to help find a solicitor for my husband.*

So you were on your way to see the solicitor on that day. Is that what you're saying?---*I was there at the shop still at that point of time.*

But you had made arrangements to see a solicitor later that day. Is that right?---*Yes.*

And was that for you or was that for your husband, the arrangements with the solicitor?---*My husband's solicitor. I was accompanying him.*

And so Mr Wong comes to the barbecue and noodle shop around I think you said 11.00am. Is that right?---*Around 11 o'clock, yes.*

Did you know that Ernest Wong was coming to that shop on that day?
---*No.*

10 You then took him to a seat. Is that right?---*Yes.*

And what happened then?---*He actually didn't sit down at the, at a table. He was just standing there.*

And what happened then?---*He said that he was already aware that I was going to see a solicitor, and I told him that I was in a hurry to leave. I mean, not that I have to see a solicitor, but I have to accompany my husband to see a solicitor.*

20 And what happened then?---*And then he handed, he handed me a piece of paper and told me to get my husband to say, to answer accordingly.*

Can we please have the document on the screen? Ms Tam, is this the document that you were referring to that Ernest Wong gave to you and asked you to have your husband answer accordingly?---*And there was another page as well.*

30 And if we just turn the page, is that the second page of the same document you can now see on the screen?---*Yes.*

And so to be clear, at this meeting that you had with Mr Wong when he attended the Thomas Street shop, on the day that you had arranged to go see a solicitor for your husband, Mr Wong gave you this document and said that you should get your husband to answer accordingly. Do I have that right?
---*Yes.*

Can I ask the translator, please, to read in English what appears on the screen in Chinese characters?

40 THE INTERPRETER: Ah hmm. "You must remember that you must insist that the money that donated to the Labor Party was your own money. You donated this money with your wife. The most important thing is to show, to prove that this, it was your money, because it has, there has been a lapse of four years and more. You can say that you have forgotten about most of the things. In relation to your income and why you had to donate in cash, we work in restaurants, often we receive lots of payments in cash, tips, lucky packet money. My, our daughter often would give us some money, especially around the Chinese New Year. The boys and the clients pay, give

lucky packet moneys in total of thousands of dollars. Chinese, by tradition, keep money in cash at home for contingency use. And for us, it is the case too. We usually keep around 10,000 to 20,000 cash at home. If asked about donation, the donation, you don't recall much about it. All in all, it was your wife who asked you if you were willing to donate to the Labor Party to support Mr Wong. Your wife said that her, her boys asked her if she could support in the fundraising activity. Of course you can. Of course, yes, I have always supported the Labor Party, voted for the Labor Party. My wife took the money from home, the cash from home and donated it. She asked me for another 2 or 3,000. I happened to have the money so I gave it to her. If further information details are asked, you can say you don't recall them. If asked if you know Ernest Wong, Ernest Wong is a good friend of all, of everyone in the Chinese community, everyone knows him. My wife is closer to him. He is always helpful to people in need. I recall the incidents where the Triads gangs blackmailed people in Chinatown for protection money. Mr Wong assisted bosses in restaurants to seek assistance from the police and work closely with us. He has been endeavouring and always helping our restaurant to work with the police. If asked about some names, you answer truthfully. If you can answer, then answer. If you can't answer, then do not answer."

MR ROBERTSON: Chief Commissioner, I tender the document on the screen, being a document said to have been given by Mr Ernest Wong to Ms Tam.

THE COMMISSIONER: The two page statement, which the witness has said was provided to her on 12 June, 2019, that has now been read in English, will become Exhibit 286.

30

#EXH-286 – DOCUMENT BEARING CHINESE WRITING SAID TO BE GIVEN BY ERNEST WONG TO TERESA TAM ON 12 JUNE 2019

MR ROBERTSON: So Ms Tam, after Mr Wong gives you the document that we can see on the screen, what happens next?---*I folded it up, put it into my pocket and I left, in my bag and left.*

40 And did Mr Wong say anything else to you or did you say anything else to Mr Wong on that occasion?---*No, because I told him I was in a rush, I had to go to meet with a solicitor with my husband.*

What did you then do with the document that Mr Wong gave to you?---*I showed it to my husband when I got home.*

And when did you get home?---*Right away because I only lived close by. It was, like, five to, five minutes' walk away. By the time I got home, into home, it would be about 10 minutes later.*

And so was this before you went to meet with the solicitor?---*Yeah, before my husband saw the solicitor, yes.*

10 So you went home, you gave the document to your husband and then your husband went to see the solicitor. Is that right?---*Yes.*

And what time of the day was that, did all of that happen?---*That, you mean when we met with the solicitor or - - -*

When you gave the document to your husband, what time of that day was that approximately?---*As soon as I got home. I can't recall what time that was. I just showed it to him so he had a look.*

20 You said you saw Mr Wong at about 11.00am and so would it be right that you did this at maybe 11.30, something like that?---*Agree.*

And then did you go with your husband to see the solicitor or did your husband go alone to see the solicitor?---*I went with him.*

When was the next time you met with Ernest Wong?

THE COMMISSIONER: Just before you go on.

30 MR ROBERTSON: We'll just pause for one moment.---*Can I add something else?*

THE COMMISSIONER: Yes.---*The solicitor did say at a later time when I was there that he can't see me, he or she can't see me, so I accompanied my husband to the office and then I left myself.*

MR ROBERTSON: Can I just clarify that. So you went with your husband to the solicitor's office. Is that right?---*Yes.*

40 And the solicitor said that he would prefer to see your husband on his own and not with you. Is that right?---*That's right.*

And so you just waited - - -?---And I had to leave.*

- - - outside, you were not in the meeting with the solicitor. Is that right? ---*I didn't even wait. I left. I had to go back to work.*

THE COMMISSIONER: What is the name of the solicitor? Do you recall the name of the solicitor your husband saw that day?---*Ken Wong. Ken Wong.*

Do you know the name of his firm?

MR ZHU: Commissioner, may I ask some questions? Were you seeing the barrister or solicitor on the day?

10 THE COMMISSIONER: Just a moment. That's okay. I'll give you the opportunity later if you want to ask any questions but just at this stage, do you know whether your husband, or firstly, how were the arrangements put in place for you and your husband – I withdraw that. How were the arrangements put in place for your husband to go to this solicitor?
---*Jonathan arranged for a lawyer.*

Right.---*He, he gave us a phone number to make an appointment to meet downstairs.*

I see. Thank you.

20 THE INTERPRETER: Sorry, if I may clarify. She has been using the word "lawyer" and I have assumed that was a solicitor so I've been always interpreting it as a solicitor, but you can also understand it as barrister or solicitor in the Chinese word.

THE COMMISSIONER: Yes.

THE INTERPRETER: So I would correct that to be a lawyer instead of a solicitor in my previous translation.

30 THE COMMISSIONER: Yes. Thank you. What did you do with the two-page document which you say, which you said Mr Wong provided to you earlier that day?

THE INTERPRETER: What she did with it?

THE COMMISSIONER: What did you do with the two-page document after you left Mr Wong on 12 June, 2019?---*I folded it up and put it into my bag and when I got – in my pocket and I showed it to my husband when I got home.*

40 And what happened to the document after that?---*I don't know what I did with it afterwards, have I thrown it away, because that was not what I was supposed to show as evidence.*

Well, did you keep the document for a time or a period and, if so, where did you keep it?---*I forgot that I have put it in the pocket.*

And where has the document been since the 9th of, sorry, since 12 June to the present day?---*In my pocket.*

All right. And did you bring the document to the Commission today?
---*I've showed it to the, I, I passed it to the, to the lawyer.*

When?---*Yesterday.*

10 MR ROBERTSON: But just so I understand, when you showed it to your husband, did you give it to him? Or did you just show him the text for him to read?---*I showed it to him and then I kept, I took it back and kept it in my pocket.*

So you showed it to him, he read it, and then you took it back and put it in your pocket, is that right?---*He was in a hurry, so he had a quick glance through, and then I took it back and kept it.*

And then you kept it until you showed it to your lawyer yesterday, is that right?---*Yes.*

20 The lawyer that your husband went to see after you were given this document, do you remember whether that was a Mr Kalyk?---*You mean the barrister?*

I mean the barrister that your husband went to see on 12 June, 2019. Could that be his name?---*I, I don't know. Ken Wong took us to see the barrister. We didn't know the name, and I, you know, I had to leave afterwards, anyway.*

So Ken Wong I think was your husband's solicitor, is that right?---*Yes.*

30 When was the next time you met with Ernest Wong?---*Jonathan Yee told, Jonathan Yee told me to go to Emperor's Garden, about one or two days after my husband's summoned day at the ICAC.*

And did you then go to Emperor's Garden Restaurant?---*Yes.*

And is this the location on Dixon Street and Hay Street, is that right?
---*Yes.*

40 And when you arrived, what then happened?---*After I've arrived, Jonathan told me to go into the office.*

And did you then go into the office?---*Yes.*

And who was in the office when you got there?---*Ernest Wong was there.*

Was there anyone else in the office at that time?---*No-one else.*

Did Ernest Wong say anything to you when you were with him in the office?---*So there were the three of us, Jonathan Yee, Ernest Wong, and myself.*

And this is a few days after your husband participated in a private inquiry before this Commission, is that right?---*Yes.*

So this is sometime in June, but towards the middle or the end of June, is that right?---*Yes.*

10

Do you happen to remember what day of the week it was? 12 June was a Wednesday. Do you remember what day of the week it was you had this meeting with Mr Wong?---*Possibly a Friday.* Friday. *I was working.*

So it may have been Friday, 14 June, 2019. Is that what you're saying? ---*Possibly, or around that time. It was definitely on my work day because I work three days.*

20

And what are the three days that you work?---*Tuesday, Wednesday, Fridays.*

Which location of Emperor's Garden do you usually work at?---*I only work at the one in Thomas Street.*

So does that mean for this meeting, someone asked to you go from the Thomas Street location to the Hay Street location?---*Yes.*

30

Who was it that told you to do that?---*Someone rang to, that to our side. One of my colleagues rang from that side to, to, and said that the second master wanted to, wanted me to come over.*

Do you know who that person was that asked you to do that?---*I can't remember who was working on that day.*

And so is it that someone called from the Dixon Street side to the Thomas Street side. Is that right?---*Yes.*

40

And did they talk to you or did they leave a message for you?---*Yeah. I, I was talking on the phone, I mean, I talked on the phone and I was told that the second master was waiting for me.*

And the second master is Jonathan Yee. Is that right?---*Yes.*

And I take it the first master is Stanley Yee. Is that right?---*No.*

Who is it?---*Valentine. Valentine Yee.*

So Valentine Yee is the first master. Is that right?---*Stanley is the dad.*

And so you get this message and then you go to the Dixon Street restaurant, is that right?---*Yes.*

And then just tell us again what happens then once you arrive at the Dixon Street side?---*I, I ask, I asked the colleague there where, as to where Jonathan was and they said that he was upstairs on level 2.*

10 And so you go upstairs to level 2, to Jonathan's office, is that right?---*No. I went to level 2, I saw Jonathan and he told me to go in.*

Go into the office, is that right?---*Yes.*

And then when you were in the office, is that just – so when you go into the office, who is in the office?---*Ernest Wong was there.*

Was Jonathan Yee in the office as well or just Ernest Wong?---*So we walked in with me.*

20 Did Ernest Wong say anything to you when you were in the office with him?---*Yes.*

What did he say to you?---*He asked me if ICAC had said anything after my husband finished his attendance as summoned?*

And what did you say in response?---*I told him the ICAC said that there would be a public inquiry.*

30 And what did Mr Wong say in response, if anything?---*No, he didn't say anything. Then it was just about waiting for the public inquiry.*

And what happened next?---*He said that there was possibly no evidence, and therefore they are still investigating.*

Is that something that Mr Wong said, is that right?---*Yes.*

And what happened next?---*Nothing more was said, and then I returned to work.*

40 Did Jonathan Yee say anything during that meeting in Jonathan Yee's office?---*After he heard that, he said, "There is nothing you can do. Well, if there is a public inquiry, there is a public inquiry."*

Can you remember anything else that Jonathan Yee, Ernest Wong or you said during that meeting, before you went back to work?---*Might be a mention of needing to find a lawyer, but I – oh, yeah, I remember now. Jonathan asked Ernest Wong if we can find a lawyer together.*

Can you just repeat that again, I'm sorry?

THE INTERPRETER: "Jonathan asked Ernest Wong if we can find a solicitor together."

MR ROBERTSON: And did Ernest or anyone say anything in response to that?---*He thought about it for a moment, and replied, "Possibly. But the, each case might be different."*

10 Is there anything else you can remember about that meeting that we're now discussing?---*Not, no more.*

Have you had any further meetings with Ernest Wong since the meeting that we were just discussing?---*Yes.*

And when was that further meeting?---*Sometime before 26 August.*

20 Why do you know it was before 26 August?---*Because that was the date that ICAC required us to attend by the summons that came in an email.*

So you remember receiving a summons to attend before this public inquiry, is that right?---*Yeah.*

And you received that towards the end of July of this year, is that right? ---*Yes.*

30 So is it right that this further meeting with Mr Wong was between when you received the summons to attend the public inquiry towards the end of July, and the start of the public inquiry on 26 August, 2019, have I got that right? ---*Yes.*

THE COMMISSIONER: How long before the start of the public inquiry on 26 August, 2019, did the meeting take place?---*Possibly a few days.*

A few days before the start of the inquiry on 26 August, 2019, is that right? ---*Yes.*

40 MR ROBERTSON: How did that meeting come about?---*One day a colleague rang. I remember, I clearly remember it was a Friday but I can't recall the date and it was a work day for me.*

And you were working at the Thomas Street location on that day, is that right?---*Indeed.*

And so someone from the Dixon Street side called you. Is that right? ---*Yes.*

And did you speak to that person or did that person leave you a message?
---*I picked up the call.*

So you remember who it was that called you on that occasion?---*It was a female, the name of whom I have forgotten.*

Can you remember what that person said to you?---*She said that someone needed to see me.*

10 And what else did they say, if anything?---*She told me to go over to the restaurant side.*

And what happened next?---*I came over.*

So you came over then to the Dixon Street side, is that right?---*Yes.*

And what happened after you arrived?---*That colleague told me that someone in the VIP room wanted to see me.*

20 So is that a colleague speaking to you at the Dixon Street side when you arrived. Is that right?---*Yes.*

And was that the same person who called you or was it a different person?
---*Yes.*

The same person?---*Yes.*

And so they said that someone in a VIP room wanted to see you. Is that right?---*Yes.*

30 Did they tell you who that person was?---*No.*

And so what happened next?---*I opened the door and I saw Ernest Wong inside doing yum cha.*

When you say you opened the door, you opened the door to the VIP room, is that right?---*Yes.*

40 And he was in the VIP room doing yum cha, is that right?---*Yeah.*

Who else was in the room other than Ernest Wong?---*No one else.*

Did you then enter the room?---*I did.*

And what happened next?---*He told me to sit down.*

And did you then sit down?---*Yeah.*

And what happened next?---*He said that he has reviewed my information and he told me to say according to my statement, to answer in relation to my statement.*

He told you to say something where and when?---*He said that to me when I told him, after entering the room, that I have received a summon to attend the ICAC on the 26th of the 8th.*

10 So just to be clear, you go into the VIP room. Are you saying you then tell Mr Wong that you had received a summons. Is that right?---*Yes.*

And then doing the best you can, what were the precise words that Ernest Wong used to you in response?---*He said that he has reviewed my statement and told me to answer according, accordingly and that I must insist that I donated my own money.*

Do you know what statement he was referring to?---*Those in the – my understanding was that it related to the, the hearing.*

20 But I think you said that Ernest told you to say things according to your statement. Do I have that right?---*Yeah, to tell the lie, the wrong one.*

But you made a reference a moment ago to a statement. I'm just trying to understand what statement you were referring to?---*What I meant, I meant the lies that I have told. I have to tell the lie again.*

So Mr Wong is telling you to tell the same lies that you had already told in the past. Is that right?---*Yes.*

30 Can you remember if Mr Wong said anything else to you during that meeting?---*No.*

And other than what you've told us did you say anything to Mr Wong during that meeting?---*I only told him that I only just returned from Hong Kong and I received the summons to attend the ICAC.*

And have you now told us everything you can recall about the meeting in the VIP room with Mr Wong?---*Yes.*

40 THE COMMISSIONER: Did you speak to anyone after that meeting about what Mr Wong has said to you?---*No.*

And what was your reaction to what you say Mr Wong had said to you?---*I was very scared.*

Why do you say you felt very scared?---*I didn't know why he asked me to do so.*

MR ROBERTSON: After the meeting in the VIP room with Mr Wong have you had any other meetings with Mr Wong?---*No.*

So is that the last time you've seen Mr Wong, the meeting you've just told us about?---*Yes.*

10 You've told us that Mr Wong told you about what you should say before this Commission in the public inquiry but has Jonathan Yee also told you what you should say before this Commission?---*You mean in relation to this time?*

I do, yes.---*Jonathan Yee I can't recall. Let me see. No.*

Well, did Jonathan tell you to lie in the private hearing before this Commission?---*He did.*

And when did he tell you that?---*The first time was already a lie when we said that it was our donation.*

20 But you told Jonathan that you had received a summons to attend the private hearing last year, is that right?---*Yes.*

And Jonathan told you to lie at that private hearing, is that right?---*Yes.*

And you did lie at that private hearing, is that correct?---*Yes.*

Did Jonathan also tell you to lie during this public hearing?---*I only recall him saying that I have to stick to the statement.*

30 And do you remember approximately when he told you to stick to the statement? This is Jonathan Yee I'm talking about now.---*I think it was after I, when I have received the summons from the ICAC, and he told us to say that we have donated.*

So that would be sometime in August, is that right?---*Yes.*

But before the first day of the hearing on 26 August, is that right?---*Yes.*

40 Where were you when Jonathan Yee said that to you?---*Well, I was working at Thomas Street --* Office, yeah. *In the office.*

And Jonathan was also at Thomas Street at that time, is that right?---*Yes.*

Is that the only time that Jonathan told you what you should do at this public inquiry?---*I would tell him every time after the public inquiry.*

But did you only have one discussion with Jonathan in August, before 26 August, as to what you should do at this public inquiry?---*Yes.*

And doing the best you can, what were the exact words that Jonathan used when he spoke to you about this at Thomas Street?---*Do you mean the time before 26 August?*

I mean the time in August before 26 August when he spoke to you at Thomas Street.---*I told him that I received a summons, and he said that everyone has.*

10 And did Jonathan say anything else to you?---*He told me to continue and said however much we have donated, and to continue with the lie.*

Did he say anything else to you on that occasion that you can remember?
---*Nothing else.*

When is the last time you spoke to Jonathan Yee regarding this Commission's investigation?---*The occasion before 26 August.*

20 So you have not spoken to him about this investigation since 26 August?
---*No more.*

Why was it that you lied when you participated in a private hearing before this Commission?---*Because I have read the letter Jonathan has written up to explain the situation.*

And were you concerned that if you told the truth, it would show that you had previously told lies?---*Yep, it was lies after lies.*

30 Is that the only reason why you told lies during the private hearing?
---*Yes.*

Have you been telling us the truth today?---*Yes.*

Why did you decide to tell the truth today?---*Because I feel, because I regret so much. I feel like, I, I felt so uncomfortable after telling a lie.*

After you left the VIP room with Mr Wong in August, before 26 August, did you intend to tell lies or the truth in the public inquiry?---*The truth.*

40 So when did you decide to tell the truth before this Commission?---*I was so perplexed, I couldn't sleep well. I have discussed with my husband. Sometimes I feel like I, I have lost control and I would cry a lot.*

And so was your decision to tell the truth a decision that you made before the public inquiry started on 26 August, 2019?---*Yes.*

Since the public inquiry commenced on 26 August, 2019, have you spoken to anyone other than your lawyers about what has been happening in the public inquiry?---*No.*

Have you been following what has been happening in the public inquiry through media articles or through viewing documents on this Commission's website?---*I have.*

10 Well, did some of that information lead you to decide to tell the truth during this public inquiry?---*Yes.*

In reviewing that material, you found out that Valentine Yee, the first master, had told the truth after he was telling lies. Do you agree?---*Yes.*

And was that one of the reasons you decided to tell the truth today?---*I am telling the truth.*

20 But was one of the reasons why you decided to tell the truth today, the fact that you found out that the first master, Valentine Yee, had decided to tell the truth?---*Yes.*

That's the examination, Chief Commissioner.

THE COMMISSIONER: Yes. All right. Well, now, does anybody want to cross-examine the witness?

30 MR HALE: Well, I would and I did not anticipate all of this evidence. I am not really in a position to cross-examine. If I did, I wouldn't be able to do anything other than test the veracity of the witness.

THE COMMISSIONER: All right. What are you suggesting?

MR HALE: What I'm suggesting is that perhaps we might need to, is it possible to recall this witness at some later stage?

THE COMMISSIONER: I'm sorry, I can't - - -

MR HALE: To recall the witness at some later stage?

40 THE COMMISSIONER: Yes. Mr Robertson.

MR ROBERTSON: It's going to be very difficult in the program but perhaps, can I enquire through you, Chief Commissioner, whether my friend would be in a position to cross-examine after lunch or does he need further time?

MR HALE: I don't think so, no. It would give me insufficient time. There was one aspect I was ready for and in relation to that I would have been able

to cross-examine, but that would leave the rest of the issues, if I might call it that, in a position where I couldn't cross-examine.

THE COMMISSIONER: I think in fairness to Mr Wong and to give Mr Hale the opportunity to prepare any cross-examination, I think we should recall the witness as soon as we can on another day. I know that's going to throw out the programming but I think I might – we have another witness to take this afternoon. I think what I'll do is, I'll ask you to speak to Mr Hale over the luncheon adjournment and we'll see - - -

10

MR ROBERTSON: That's precisely what I was going to propose.

THE COMMISSIONER: Yes. Thank you. All right. We're going to adjourn for the luncheon period and we'll resume at about twenty past 2.00 and if you would return then, Ms Tam, it may be that we will adjourn your evidence to a future date. We'll decide that at twenty past 2.00. All right. I'll adjourn.

20 **LUNCHEON ADJOURNMENT**

[1.21pm]