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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 30 SEPTEMBER, 2019

AT 10.30AM

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

THE COMMISSIONER: Mr Robertson.

MR ROBERTSON: Chief Commissioner, the only housekeeping matters from my perspective is to confirm that the provisional witness list for this week has been uploaded, and to respectfully suggest that the Commission sit until about 4.15 this afternoon, in light of the slightly later start than usual.

THE COMMISSIONER: Yes, we'll sit until 4.15 today.

10 MR ROBERTSON: May it please the Commission. I call Jonathan Yee.

THE COMMISSIONER: Yes. Mr Yee?

MR FINNANE: Commissioner.

THE COMMISSIONER: Yes, Mr Finnane.

MR FINNANE: I'd seek leave to appear for Mr Yee.

20 THE COMMISSIONER: Yes, indeed. I grant leave to appear, Mr Finnane, to you.

MR FINNANE: And I'd seek a section - - -

THE COMMISSIONER: And anybody appearing with you or - - -?

MR FINNANE: Mr Michael McAuley may turn up at some point.

30 THE COMMISSIONER: All right, I grant leave to Mr McAuley if and when he turns up.

MR FINNANE: And I'd seek a section 38 declaration.

THE COMMISSIONER: Yes, thank you, Mr Finnane. Do you take an oath or an affirmation?

MR YEE: Oath.

THE COMMISSIONER: Oath. If you wouldn't mind standing?

THE COMMISSIONER: Yes, thank you. Would you state your full name?  
---Jonathan Yee.

Mr Yee, before Counsel Assisting starts, I understand that you seek a declaration under section 38 of the Independent Commission Against Corruption Act?---That's correct, Commissioner.

10

And you have had explained to you and you have an understanding of the provisions to which I've just referred?---Yes.

Very well. You appreciate that whether a declaration of 38 is made or not, you are still obliged to answer all questions truthfully?---Yes.

And to produce any item or document that you may be required to produce.  
---Yes.

20

The protection that's provided by a section 38 declaration applies to all future proceedings. That is to say, the evidence you give today can't be used in other proceedings in the future. But there is one exception, and that is that the protection does not prevent your evidence from being used against you in a prosecution for B1, for an offence under the Independent Commission Against Corruption Act, including the offence of giving false or misleading evidence, for which the penalty can be a term of imprisonment of up to five years. You understand what I'm saying?---Yes, Commissioner.

30

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

40

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

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Mr Yee, did you contribute \$5,000 to the Australian Labor Party NSW Branch in connection with the Chinese Friends of Labor dinner on 12 March, 2015?---No, I didn't.

10 Did you contribute \$5,000 to Country Labor in connection with that dinner?  
---No, I didn't.

Did you buy any tables at the Chinese Friends of Labor event on 12 March, 2015?---I may have paid a few seats, but not a whole table.

So you may have contributed to one or more seats, but certainly not a whole table, is that right?---That's correct.

20 Did you attend the Chinese Friends of Labor dinner with tens of thousands of dollars in cash?---No, I didn't.

Did you cause for Emperor's Garden Pty Ltd to make a donation in connection with that dinner in 2015?---What do you mean by cause?

Did you cause for – I withdraw that. You were one of the directors of Emperor's Garden Pty Ltd, is that right?---That's correct.

And did you take any steps to cause that entity to make a donation in connection with the 2015 dinner?---No.

30 Did you cause for that entity, Emperor's Garden Pty Ltd, to buy any tables at the Chinese Friends of Labor event on 12 March, 2015?---Emperor's Garden did not pay for any table.

Did you cause for any other company with which you are associated to make any donation or buy any tables at the Chinese Friends of Labor dinner on 12 March, 2015?---No.

40 Did you arrange for your mother, May Ho Yee, to sign a reservation form saying that she had made a \$5,000 contribution to NSW Labor in connection with the Chinese Friends of Labor dinner on 12 March, 2015?---Yes.

Did Mrs Yee, to your knowledge, make any contribution to that dinner?  
---Most probably just buying a seat.

THE COMMISSIONER: Sorry, say it again?---Most probably just buying one seat.

MR ROBERTSON: So to your knowledge did your mother make a \$5,000 contribution in connection with that event?---No.

So she may have bought a seat. Correct?---That's correct.

But at least to your knowledge she didn't make a contribution of \$5,000. Is that right?---That's correct.

10 And didn't make a contribution of \$10,000. Correct?---That's correct.

So her total contribution, if any, was something less than \$5,000. Correct? ---Most probably just 500.

\$500 for a seat. Is that right?---That's correct.

Did you arrange for your brother, Valentine Yee, to sign a reservation form saying that he had made or intended to make a \$5,000 contribution to NSW Labor in connection with the 2015 dinner?---Yes, I did.

20 And to your knowledge did Mr Valentine Yee make such a contribution? ---No, he didn't.

Did you arrange for Patricia Siu to sign a reservation form saying that she made or intended to make a \$5,000 contribution to NSW Labor in connection with the dinner in 2015?---Yes, I did.

To your knowledge did Ms Siu make such a contribution?---No, she didn't.

30 Did you arrange for Teresa Tam to sign a reservation form saying that she made or intended to make a \$5,000 contribution to NSW Labor in connection with the 2015 dinner?---Yes, I did.

To your knowledge did Ms Tam make such a contribution?---No, she didn't.

Did you arrange for Lei Mo to sign a reservation form saying that he had made or intended to make a \$5,000 contribution to NSW Labor in connection with the 2015 event?---Yes, I did.

40 To your knowledge did Mr Mo make such a contribution?---No, he didn't.

Did you arrange for Wei Shi to sign a reservation form saying that he had made or intended to make a \$5,000 contribution to NSW Labor in connection with the 2015 dinner?---Yes, I did.

To your knowledge did Mr Shi make such a contribution?---No, he didn't.

Did you arrange for Johnnie Lin to sign a reservation form saying that he had made or intended to make a \$5,000 contribution to NSW Labor in connection with the 2015 dinner?---Yes, I did.

To your knowledge did Mr Lin make such a contribution?---No, he didn't.

10 Did you arrange for Stanley Yip to sign a reservation form saying that his company, Harbour City Group Pty Ltd, had made or intended to make a \$5,000 contribution to NSW Labor in connection with the Chinese Friends of Labor dinner on 12 March, 2015?---Yes, I did.

Did Mr Yip, to your knowledge, make such a contribution in connection with that dinner?---No, no, he didn't.

In relation to the forms that you and I have just discussed, did you arrange for those forms to be completed before or after the dinner of 12 March, 2015?---After the dinner.

20 Where did you get the particular form that you arranged to have signed?  
---The form will most probably be sent from head office or from Ernest Wong himself.

Do you have a recollection one way or the other?---Most probably from Ernest.

Can I help you this way. If we can go, please, to Exhibit 192. While that's coming up, do you have a colour printer available to you at Emperor's Garden Restaurant?---Yes, we do.

30 And did you have one in 2015?---Yes, we do.

I'm just going to show you an email that appears to have been sent from Mr Wong to you on 30 March, 2015. Do you see that on the screen?---Yes, I do.

Can we just turn the page, please. This is the attachment to that email. Do you see a Chinese Friends of Labor NSW Labor Chinese Launch reservation form?---Yes, I do.

40 And can I draw your attention to the fact that it already has \$5,000 written on it and a strikeout on the payment options. Do you see that there?---Yes, I do.

Now, the handwriting for the \$5,000, do you recognise whose handwriting that is?---It's not my handwriting. I would -- it seems like Ernest Wong's writing.

If we can just go back a page. Now that I've drawn that particular email to your attention, does that assist your recollection as to whether you got the form that you arranged to be signed from Mr Wong or from head office or perhaps in some other way?---From what you've just shown me, it will be from Ernest himself.

It appears to be that from the document on the screen?---That's correct.

10 But is it the case that you still don't have a specific recollection of receiving the email that we can see on the screen?---I definitely would have received this email, as it shows. It will definitely be from Ernest.

Do we take it from what you said a moment ago that you asked each of the individuals that I identified to sign a form, sign a reservation form, but you didn't actually ask them to make the contribution of \$5,000 or \$10,000. Is that right?---That's correct.

20 And you did that, the purpose of that was to conceal the fact that some other person was intending to donate money. Is that right?---That's correct.

So why was it that you did arrange for those forms to be signed?---I was asked by Ernest prior to the event to assist in finding certain people to sign forms to own up for \$5,000.

Doing the best you can, approximately how much prior to the event were you given that request by Mr Wong?---Most probably around Chinese New Year in, Chinese New Year was in February.

30 And doing the best you can, what did Mr Wong say to you regarding that matter?---He said that he needs a few people, five to 10 people, to sign for the amount of \$5,000 so they put their name as a donor.

But did Mr Wong explain why he wanted that to take place?---He said that he will find the money that is required for the dinner through several people, but he didn't mention who it was.

40 Well, are you quite sure that he didn't identify the particular people who were going to be donating the money?---No. I didn't ask him. He said he will, he was in the process of finding out if, asking a few people for donations but did not specify which particular person it was.

THE COMMISSIONER: Mr Yee, I don't want to state at this point that this is an opportunity for you to fully, and I underline the word fully, cooperate with this Commission's investigation. I appreciate that you have already made admissions and that does assist, but what we require of you is full and frank disclosure of all dealings, including in particular what you're now being asked about – that is, your dealings with Ernest Wong about this donation scheme. Do I make myself perfectly clear to you?---I understand,

Commissioner. I, may I say is that, in this moment in time, I have no reservation in saying anything that I need to, based on what I know. It's, at the moment, I'm just trying to save the people that I have caused them to enter into this particular scheme more than anything. So if I do have that information, I, I am not hesitant to tell you.

10 Well, Mr Yee, we will be carefully evaluating your evidence to determine whether you do speak without reservation, as you've said, because it is vitally important to you, quite apart from the Commission, but it is to the Commission, that you disclose your dealings with relevant personnel, in particular, Ernest Wong. There may be, indirectly, some benefit to you if you do fully cooperate with this Commission and it may be that there won't be any benefit to you if you hold out. Do you understand?---I, I fully understand, Commissioner.

MR ROBERTSON: Mr Yee, Chinese New Year in 2015 was 19 February, 2015, correct?---I can't remember.

20 At least around about that date?---Yes, normally is in February or in early January.

And are you saying that you had - - -?---I mean late January, sorry.

Are you saying that you had one discussion or more than one discussion with Mr Wong in advance of the dinner regarding the question of having forms filled out?---I had one conversation.

One and only one, is that right?---That's correct.

30 And did you say a moment ago that he asked you to obtain five to 10 forms, is that what you said?---That's correct.

And do you recall anything else that Mr Wong said on the one occasion concerning the forms?---He, he simply mentioned it was for \$5,000.

So he wanted five to 10 forms times \$5,000, is that right?---That's correct.

40 And did you make any arrangements with him as to when those forms should be procured?---No, we didn't. At the time, prior to the event, we didn't specifically say when he needed those.

Well, why did you procure them after the event rather than before the event? ---Because I was sent an email to ask to get those people to sign up.

Who sent you that email?---Ernest.

Is that the email that I showed you on the screen, Exhibit 192, a moment ago, or is it some other email?---What you showed me just now I believe is

the email that Ernest sent me to get those people. From recollection, I can recall receiving an email from head office, saying there were specific names that I should use to sign those particular forms.

When you say "from head office", who from head office?---Most probably from Maggie, the financial controller.

Do you have a specific recollection of that, or are you indicating that that was likely to be who it was?---That'd be likely.

10

And are you saying that particular individuals were identified in that email?  
---Yes.

And where would have Ms Wang got those names of those individuals from?---When, when I received it, well, I was quite surprised how these name came about is, is because when we, a few days prior to the event, these, most of these people that I've got actually donated to Chris Minns' ALP account too, and I thought that was sent to me, and I asked all the same people, and I, I was thinking, oh, they're going, they took that list from there, because I didn't discuss who I was going to get to sign those particular forms when, after the event. I didn't speak to Ernest about it, I didn't speak to head office about it. When I was notified by head office I should get these particular people, and I just followed instruction.

20

So just going back to the discussion prior to the event, I take it you agreed with Mr Wong that you would comply with his request, is that right?  
---That's correct.

30

And why did you agree to comply with that request?---At the time when he asked me, I didn't think too much of it, I didn't think it was such a big issue, which, knowing the gravity of it, I can see now is more, more of an issue than just simply lying about some donation. And I trusted him to, you know, assist me if in future I can, if I can assist the party, I can assist him, then in future, maybe they are looking to me as a, a potential local councillor, or - - -

40

Why did you think it would assist the party as distinct from just assisting Mr Wong in what Mr Wong wanted to achieve?---I, can you repeat that question, sorry?

Well, you said, I think, that one of the reasons you agreed with Mr Wong's request was to assist the party, is that right?---That's correct.

And why at that point in time did you think it would assist the party to have forms signed by people who did not in fact make donations or other contributions?---I thought that if I assist Ernest in this particular matter, I will be looked upon by the party as a potential person that can, you know, assist the party in other ways.

But why? One can appreciate that by complying with a request of Mr Wong, you might ingratiate yourself with Mr Wong. But why at that point in time did you think it would assist the party as distinct from simply assisting Mr Wong in whatever Mr Wong was trying to achieve?---Well, I, I thought at the time, by satisfying what the party wanted, and assisting the party, I'd be looked upon too. That's - - -

10 So are you saying you took Mr Wong's requests of you to be in substance requests not just from Mr Wong but from the party more generally?---That's correct.

As at 2015 it would be fair to describe you as politically ambitious. Is that right?---That's correct.

In 2012 you stood for preselection for the Labor Party for the City of Sydney. Is that right?---That's correct.

20 And in 2016 you in fact stood for election as I think number 2 on the ticket? ---That's correct.

And so is part of the explanation as to why you complied with Mr Wong's request that you were seeking to ingratiate yourself at least with Mr Wong? ---That's correct.

Mr Wong at that point in time was a person with at least some power within the party. Correct?---That's correct.

30 He was known to be a prolific and successful fundraiser. Correct?---That's correct.

And is part of the explanation as to why you complied with Mr Wong's request that you wanted Mr Wong to at least in part be in your debt with a view to Mr Wong assisting you in your political ambitions. Is that right? ---That's correct.

40 But do you agree that during the course of that discussion in advance of the dinner, what you'd agreed with Mr Wong in substance was to conceal the true source of donations that Mr Wong had either arranged or was intending to arrange.---That's correct.

That was the purpose of what you agreed to during your conversation with Mr Wong. Is that right?---That's correct.

Is it right to say that's not the only occasion in which you worked with Mr Wong to conceal the true source of donations to the Australian Labor Party? ---Could be. I, I can't specifically say that. Actually I should retract what I said. That's correct, what you said.

In February of 2015 you arranged for a series of cheques to be issued for the benefit of Chris Minns but on the basis that the persons who issued those cheques would be reimbursed in cash. Correct?---That's correct.

Now, how did that scheme come about?---He, Ernest would ask me say, "Do you have people that can, you know, write a few cheques out and to the Chris Minn ALP account?" And I said, "I can look for them. How many do you want?" Then I can't remember exactly how many people were  
10 involved in that particular case, but once he said that, "Can you get them to write \$900," I went to them and said, "Can you basically write \$900? If you can't, can you go to the bank to draw a bank cheque? If you," I don't think at that time we used any cash, but once those cheques were received I would have handed it to Ernest, and Ernest would hand me the cash that's required for those particular cheque.

THE COMMISSIONER: What did you understand his purpose was in proposing such a scheme?---I, I would, I think, I believe that it will be, the \$900 will fly under the \$1,000 cap, so particular declarations to the NSW  
20 Electoral Commission would not be necessary, but at the same time it will be hiding whoever that particular donor or group of donors would be.

So it was a scheme to overcome the caps provided for in the legislation?  
---Plus whoever made those particular donation.

It was to circumvent provisions of the electoral law.---Yes, yes, Commissioner.

MR ROBERTSON: And also to conceal the true identity of the donor. Is  
30 that right?---That's correct.

So just to unpack what you've just explained regarding the Minns issue, was it right that that happened in about February of 2015, at least the request was in about February of 2015?---I would say so. I can't recall exactly the date but it will be definitely before the fundraising dinner.

And doing the best you can, what did Mr Wong say to you regarding that matter?---He just said that, "Can you get some people to write cheques to me and I'll reimburse them for you."  
40

Did he identify how many cheques he wanted?---He most probably did but I can't remember how many.

And did he identify the amount of money that should be in the cheques?  
---\$900.

Did he identify why he wanted the money by way of a cheque rather than in some other way like cash or credit card?---He did not mention that, he just

said he wanted cheque, but he did mention that the \$900 is below the cap and they don't need to make the declaration, although your name would be still listed with the Labor Party that you make a donation.

So are you saying that Mr Wong specifically identified the question of the cap during your discussion?---That's correct.

10 Was that discussion on the same occasion or a different occasion to the other discussion you talked to us about regarding obtaining forms?---Forms to the dinner?

For the dinner, that's right.---Oh, it will be at different conversation.

And do I take it you agreed to comply with Mr Wong's request concerning those cheques?---That's correct.

Did Mr Wong identify who you should seek the cheque from or was that a matter for you to decide?---That was a matter for me.

20 Why did you agree to be part of that scheme?---As, the same as believing that, assisting Ernest, assisting the party, they will look at me as a person that can assist them in not only fundraising but also in, you know, so they look up to me basically.

But I'm still trying to understand how that assists the party as distinct from how it assists Mr Wong.---Sorry, I don't - - -

30 Why would it assist the party to, for example, conceal the true source of donations?---I am sure these particular donations are requested by someone within the party and it's not - I'm sure Ernest won't put up his hand and say, "I'll make \$5,000 donation to your account," automatically without being asked and I, I feel that by assisting Ernest in this particular way, head office will look at me as person that can, you know, assist in future.

So are you saying that, at least as you understood the position, you were assisting in concealing, amongst other things, the true source of the donor with the view of procuring donations for the party that might not otherwise be capable of being procured?---That's correct.

40 You said something a moment ago about reimbursements in relation to the Minns cheques. Can you explain what you meant by that?  
---Reimbursement meaning that once we got those cheques issued, no matter if it was from a personal chequebook or probably from a bank issued cheque, once I got those cheques to Ernest, Ernest would give me reimbursement for those particular \$900 each cheque, back to me in cash.

So to be clear, Mr Wong asked you to procure a series of cheques for \$900. Is that right?---That's correct.

And, I'm sorry, did you say he'd identified the number of cheques that he wanted?---He most probably would have identified the number of cheques that was required for me to find.

Can you remember how many cheques that was?---I cannot remember. It was most probably 10.

10 And in terms of the identification of the people to issue the cheques, that was something that you did. Is that right?---That's correct.

And you would procure those cheques and then give to Mr Wong. Is that right?---Yes.

And are you saying that in response to those cheques, Mr Wong would give you a cash equivalent of that cheque?---That's correct.

20 And what did you then do with that cash?---Disburse it back to the people that got those cheques.

In terms of the cheques that you gave to Mr Wong, were the payees on those cheques at the time that you gave them to Mr Wong, was the payee written as Chris Minns or is it possible that on only some occasions the pay was left blank and the name was written in later?---It is possible that the cheque was left blank. Reason is because a lot of these people aren't English proficient.

30 Did you ask for that to be left blank?---Most probably. I, I cannot recall exact conversation but that's, if it was left blank I most probably would have asked them to leave it blank.

And in relation to those cheques, did you write any text on those cheques? ---I could have.

Can we go please to volume 3, page 211. Now, do you recall, just whole that's coming up, do you recall whether you sent any communications to Mr Wong identifying or summarising the cheques that you had procured for the benefit of Mr Minns' campaign?---I cannot recall whether I did or I didn't.

40 So you at least have a recollection of giving a series of cheques to Mr Wong. Is that right?---That's correct.

And the intent of those cheques were for the money to find their way to Mr Minns' campaign. Is that right?---That's correct.

And if we just go to volume 3, page 211 on the screen, please. You can see there an email from you to Mr Wong of 9 March, 2015?---Yes.

And does that refresh your memory that you in fact sent a list of people - - -  
?---Yes.

- - - in relation to cheques for the benefit of Mr Minns?---That's correct.

And if we then just turn the page and you'll see on the left-hand side a series  
of names. Do you see that there?---Yes.

10 And do you recall them as being the names of the individuals from whom  
you procured cheques?---Yes.

Commissioner, I tender the document on the screen, being an email from Mr  
Yee to Mr Wong, 9 March, 2015, 4.38pm, pages 211 and 212 of volume 3  
of the public inquiry brief.

THE COMMISSIONER: Yes. The email from Mr Jonathan Yee to Mr  
Wong of 9 March, 2015 regarding the cheques in respect of donations to  
Chris Minns will be admitted and become Exhibit 304.

20

**#EXH-304 – EMAIL FROM JONATHAN YEE TO ERNEST WONG  
ON 9 MARCH 2015 AT 4:38PM**

MR ROBERTSON: Just pardon me for a moment. Can we go please to  
volume 3A, page 15. Mr Yee, I'm just going to show you some copies of  
some cheques, and you'll see for example the top one from Emperor's  
Garden, that's the company of which you're a director. Correct?---That's  
correct.

30

And I take it one of those signatures is your signature?---That's correct.

And the other one is your brother, who's another director of Emperor's  
Garden. Correct?---That's correct.

In terms of the handwriting on the body of the cheque, is that your  
handwriting or someone else's handwriting?---That's my handwriting.

40 And then the next one, Mr Jonathan Yee, again that's your signature  
towards the bottom of the cheque, correct?---Yes.

And what about on the body of the cheque?---The, the "ALP Chris Minns"  
and "Nine hundred dollars" are you saying?

Yes.---Yes, that's my writing.

So "ALP Chris Minns" and "Nine hundred dollars only," and the \$900  
figure is your handwriting. Is that right?---That's correct.

If we can turn the page, please, to page 16, and ignore the top two cheques because they seem to be the same as those on the previous page, but what about the next two cheque, is any of the handwriting on those two cheques your handwriting?---The bottom one.

So in terms of the bottom one, the handwriting saying, "Nine hundred dollars only," the \$900 figure and the "ALP Chris Minns" is your handwriting. Is that right?---That's correct.

10

Do you recall whether you put that handwriting on before or after the cheque was signed?---I can't recall but most probably at the time when it was signed.

Before it was signed or after it was signed?---At the time of signing. So I would have wrote, written a cheque for these particular people and then asked them to sign it.

20

So they would have presented their chequebook to you, you would have written the substantive details and then given it back to them to sign. Is that right?---That's correct.

If we could then just go to the next page, please, and then the next page, and similarly, on this page, what handwriting if any of it is your handwriting? ---None of them.

30

And if we then turn two pages along to page 20, is any handwriting on this page your handwriting?---Johnnie Lin one where it says, "ALP Chris Minns," but not the nine, not the nine hundred dollars. The May Ho Yee one is my handwriting, the "Y. Billy Cheng", "Chris Minns" is my writing, not the nine hundred, and the one below is not my handwriting.

And in terms of the signatures, I take it that each of those are not, each of those are original signatures, not signatures that you have attempted to forge, is that right?---I didn't forge any. Those will be the original, especially I can recognise my mother's.

40

Just looking, for example, at the Lin cheque towards the top of the page, I think you said that the ALP Chris Minns is your handwriting, is that right? ---That's correct.

Now, is it possible that you put that handwriting on after the cheque had been signed?---(No Audible Reply)

In other words, is it possible that Mr Lin gave you a cheque for \$900, but with the payee left blank for you later to fill that out?---It could.

But you don't - - -?---It'd be, it would be possible, but I do not recall exactly if I did or didn't. But definitely it's my handwriting.

Can we go now to Exhibit 152, and we'll start at page 3. So we're now going to go to the reservation forms that you and I discussed at the very start of this examination, Mr Yee. And you'll see there one from Mr Lin. Is any handwriting on that page your handwriting?---None.

10 And so just to understand how this happened in steps, by the looks of it, you received a form from Mr Wong on 30 March, 2015, that's the email that I showed you this morning.---Yes.

And then do you – what happens then in terms of getting that, getting the form signed by the individuals that you chose?---From recollection, if, if my recollection is correct, that head office sent me a list of names for me to follow up. And those are the names that I asked those particular people, like Johnnie Lin, Teresa Tam, my mother, my brother, Wei Shi, Ray Mo, and Patricia Siu, to sign that \$5,000 form. That was the form that I, I gave them to sign.

20

But is it your recollection that the particular individuals involved were nominated by head office, and not by you?---From recollection, I've, believe it's from head office, they'd sent me an email saying the specific people. That's why I was surprised at, because at the time when I spoke to Ernest, prior to the event, I didn't give him any names. I didn't give him many names afterwards. I was surprised that these were the particular people that needs to be used, because we already used that for Chris Minns' account.

30 THE COMMISSIONER: Where did this conversation with Ernest Wong around about Chinese New Year take place?---At the restaurant. At, in most occasion we'll probably talk at, talk at the restaurant.

And who was present?---For these particular situations, probably just him and me having yum cha.

No, no, I don't want probablys. I want to know. Who was present at the conversations you say in which Ernest Wong asked you to be party to what he was proposing?---From, from recollection, it's just me and Ernest Wong.

40

Where did it take place in the restaurant?---At, upstairs in one of the tables in an open floor.

And I think you've said that he was asking you to agree to this proposal in effect which would involve using fake donors, is that right?---That's correct.

And you said that he said that the names would be, in effect, supplied or notified by head office.---He didn't say that.

Well, that's what you said.---I - - -

You said you'd be notified by head office, and you were to follow instructions, was your evidence today.---I, I said that I was notified by head office who were the people to go and sign it. We didn't have that discussion at the time, because I didn't speak to him about who I was going to get for those particular donations.

10 But did he not make reference to head office?---No, he didn't.

He did not?---He didn't. That's why I was surprised when head office sent me an email, from my recollection, that these are the people to use.

So do you understand at the time he had this conversation with you in the private room of the restaurant that he was working in conjunction or in concert with anyone in head office or not, by what he said?---He, by what he, by what he said, oh, he didn't specifically say that, "I was working in conjunction with so-and-so." But I would, I would, oh, I'm led to believe  
20 he will, the person that he'll be speaking to would be the boss.

Well, led to believe based on what? Something he said, presumably.  
---He didn't specifically say, "I'm working with X, Y, Z." He just said that, "I need to get these cheques or a the certain donation to the Chris Minn account." I would assume that he spoke to Chris Minns.

In any event, you said that in this discussion you had with him in the private room of the restaurant, he was asking you your assistance to participate in what he was proposing, and you said you agreed to do it.---That's correct. It  
30 wasn't in a private room, it was in the open floorplan, near the restaurant.

Oh, okay. But you agreed to do it - - -?---That's correct.

- - - at his request?---That's correct.

So, it would involve utilising five to 10 other people in this proposal of his.  
---That's correct.

It would involve them making false declarations.---That's correct.  
40

So, what he was proposing to you was that you and he would work together to get five to 10 people to participate in what he was proposing.---That's correct.

Which was a scheme which would involve these other people giving false declarations - - -?---That's correct.

- - - as to the source of the donations, namely putting themselves forward as pretend donors.---That's correct.

So, that was the agreement as you understood it, that you had arrived with him in this discussion at the restaurant.---That's correct. Yes.

So what he was proposing was something which would, in effect, provide the wherewithal to circumvent the electoral laws on donations.---That's correct.

10

So that it wasn't what you referred to in evidence as "simple lying", but what was being proposed was a fraudulent scheme to defeat the electoral laws, is that right?---That's correct.

And that would involve, depending upon how many came aboard, a scheme that would involve anywhere between seven and 12 persons, depending upon whether you got five or 10 people to play along with the scheme. ---That's correct.

20

So the participants in this conspiracy then, would be Ernest Wong, you, Jonathan Yee, plus five to 10 other persons who were going to be nominated.---Yes.

So you understood right from the start, that was the nature of the scheme that he was proposing.---Yes, Commissioner.

30 And no doubt you had several discussions with him from that point forward about this fraudulent scheme, and how it was going to be implemented, and who would be involved.---From recollection, I did only have one particular conversation prior to the event on this particular night, oh, on the 5,000, \$5,000 donation. We did have another conversation about the ALP Chris Minns account. But up to, up to when the event that we only had one particular conversation, we didn't specifically mention – oh, I did, well, I didn't specifically mention who was going to be involved, that's why I, I was surprised - - -

Just pause there. Chinese New Year is in what date on February?---Um - - -

40

That year.---I can't remember.

Well, early February, was it?---Normally from late January to early, to mid-February. It won't, it hardly goes to late February.

And the function took place (not transcribable) question, where this scheme was going to be utilised, occurred on 12 March.---That's correct.

So there'd be something of the order of perhaps four weeks between the time you had this meeting in the restaurant with Ernest Wong, when he proposed this fraudulent scheme, and the event?---That's correct.

10 Now I'm going to put a question to you, which is going to require candour and frankness on your part. After that initial proposal was put to you in the restaurant by Ernest Wong, you did have, didn't you, a number of discussions with Mr Wong about its implementation in that period between the meeting when you discussed it and the event of 12 March?---From my recollection, honestly, not honestly, from my recollection I only had one conversation about this particular - - -

Mr Yee, that answer is totally unbelievable. That you would agree to go into a fraudulent scheme that could involve anywhere between seven and 12 individuals, all participating dishonestly, correct?---That's correct.

20 That you had no further discussion about it and how it would be implemented and who was involved in it and how many were participating, between the time you had the initial conversation at the restaurant about this fraudulent scheme and the function on 12 March, is that your evidence? ---From recollection, I only had one conversation prior to the event. I might, I might have had another conversation but it wasn't a lot of conversations. I only had, from my recollection it's one conversation. I trusted what Ernest told me to do.

Oh, yes, of course. You were a close friend of his at this time?---Correct.

30 You had frequent conversations with him, didn't you, sometimes more than one a day?---Probably, yes.

And meetings with him in the restaurant where he dined et cetera?---And, and casual conversations.

You did have more than one conversation about implementing this scheme, didn't you, with Ernest Wong?---I might have.

No, no. You did, didn't you? Stop and think about it. You did, didn't you, on your oath?---Yes, Commissioner.

40 So how did it develop from the initial proposal being put to you by Ernest Wong?---It was, it was simple. He just said that, "I need this to be done. The money needs to go to, for the NSW campaign. Can you find five to 10 people that are willing to sign a form and, but they won't be donating the money."

And you did, of course, find those people?---That's correct.

And you would have reported back to him on who was coming onboard the conspiracy train, right?---Because of the - - -

No, no. Answer my question. You would have discussed with him, as you signed up people to false declarations including, of course, your employees who participated, who was coming onboard the conspiracy train, wouldn't you?---I didn't - - -

10 And you did, didn't you?---Yes, Commissioner. I, I, I did report, I - - -

You informed him as to who?---I did report to him saying that I will get these people, but as I said I, from recollection, I did receive, I received an email from the head office saying who it was. I reported it to him, who specifically donated the Chris Minns account, which is shown in the evidence.

I'm not talking about the Minns. I'm talking about this function on the - - - ?---That was after - - -

20 No, Mr Yee, don't digress. Don't divert and don't obfuscate. We are talking about the events between Chinese New Year and 12 March, regarding the fraudulent scheme which brings you here today. Are you going to tell us what follow-up discussions you had with Ernest Wong or are you not?---I didn't have any follow-up discussion about the people donating prior to the event.

I said about the scheme, the whole scheme.---I most probably have.

30 Of course you did, yes.

MR ROBERTSON: In fact, one of the discussions that you had with Mr Wong concerned the question of who the true source of the donations were, correct?---I might have.

Well, you knew at the time that you asked a series of people to act as fake donors, you knew at least one of the true sources of the money, didn't you? ---Ernest said that there would be a few people donating at that time.

40 And he identified a number of those individuals, correct?---He didn't identify any individual at that time.

When you asked your brother, Valentine, to sign a reservation form, he asked you what the true source of the money was, didn't he?---He didn't ask me.

And you told him it was a guy called Mr Huang. Correct?---I didn't tell him that.

THE COMMISSIONER: You trust your brother, though, do you?---I do trust my brother.

You've always found him to be honest and straightforward with you?  
---Yes.

10 MR ROBERTSON: So are you rejecting the proposition that at least as at March of 2015 that you didn't know who the true source of the money that was being passed off as being donated by the donors that you obtained signed documents with respect to?---Prior, prior to actually getting the forms signed and at the time of signing the form I did not know who was the actual donor.

THE COMMISSIONER: Well, when did you find out?---Most probably  
- - -

No, no, I don't want "most probably". When did you find out?---I'm thinking, I'm thinking.

20 You think and give a proper and true answer.---When I found out this, the true donor was probably – sorry, wrong word – when the NSW Electoral Commission interviewed me.

MR ROBERTSON: You accept, don't you, that you had a discussion with Mr Wong during the course of which you learnt who the true source of the money was that was being passed off as being donated by you and others that you arranged. Correct?---Yes.

30 And who was the individual who you were passing off as the donor?  
---This was at a later stage - - -

THE COMMISSIONER: Just answer the question.

MR ROBERTSON: Who, no, just do the individual first.---It was Mr Huang Xiangmo.

When did you find out that it was Mr Huang Xiangmo's money?---After the Electoral Commission interviewed me.

40 And so you had a discussion with Mr Wong in relation to that matter. Is that right?---That's correct.

Where was that discussion?---At the restaurant it would be.

When was that discussion?---After the interview.

After the interview with the Electoral Commission. Is that right?---Yes.

Now to assist you to get your bearings, your interview with the Electoral Commission was on 23 June of 2017. Does that help you be a little bit more precise as to when you had a discussion with Mr Wong in relation to this matter?---What date was that, sorry?

23 June, 2017, is my note.---Most probably – no, not most probably – it would be after the, right after the, the interview.

10 So is it right that after you had your interview with the Electoral Commission you had discussions with Mr Wong as to what happened during the course of that interview?---That’s correct.

And it’s right to say, isn’t it, that during the course of the Electoral Commission’s investigation and during the course of this Commission’s investigation you have been in regular contact with Mr Wong?---Yes.

And regular contact that has discussed the progress of the investigations. Correct?---Yes.

20 You’ve kept Mr Wong intimately informed as to matters such as who had been served with summonses to participate in compulsory examinations before this Commission. Correct?---That’s correct.

You’ve kept him intimately informed as to what you have said to fake donors as to what they should say to the Electoral Commission or to this Commission. Correct?---Can you repeat that question?

30 You’ve kept Mr Wong informed as to the discussions that you have had with the fake donors that you organised. Correct?---That’s correct.

And that’s included you’ve reported to Mr Wong as to what you’ve told the fake donors to say to the Electoral Commission and to say to this Commission. Correct?---That’s correct.

40 During the discussion that we were talking about a moment ago after the Electoral Commission interview, are you saying that Mr Wong indicated to you that Mr Huang Xiangmo was the true source of the money that was being concealed by the documents that you arranged to be signed. Is that right?---At that particular conversation I had with him after the Electoral Commission interview I asked him, “Is that money donated by Mr Huang?” And he, he did not say that, directly to me say that yes it was or it wasn’t  
- - -

We’ll just pause for a moment. I want you to do your best to tell us what you said during that discussion and what Mr Wong said during the discussion.---I said to him, “The NSW Electoral Commission told me that Mr Huang brought a bag of money to head office by himself, and that was told by Kenrick who has said that to the NSW Electoral Commission.” And

I said, "Is the particular money donated by Mr Huang?" And, and I said, "If, if he was the donor why would he do a stupid thing like that, because this is not China."

What do you mean by that, the last comment?---Well, you know, in China is corrupt country, where you know, bags of money will probably be directed to the government or specific people to get favours.

10 Are you seriously saying that you didn't know the true source of this money until the second part of 2011?---That's correct.

By that point in time you had already arranged a series of fake donors, including your family member, correct?---That's correct.

Including your employees, correct?---That's correct.

You were an intimate part of a scheme with Mr Wong, correct?---That's correct.

20 Are you seriously suggesting you didn't ask Mr Wong at any stage in that period as to who the true source of the money was?---I did not ask. I trusted on what he wanted to do. I, from my recollection, he did say there were a few people. So at, when the NSW Electoral Commission said that Mr Huang brought \$10,000, I was surprised it was just that one person that made that donation.

You said \$10,000. Do you mean \$100,000?---Oh, 100,000, sorry, 100,000, yes.

30 Surely prior to June of 2017 you were interested to know who the true source of the money was?---I wasn't interested.

THE COMMISSIONER: But you and Mr Wong had, up until the time of the function, acted as the masterminds behind this fraudulent scheme.---Yes.

Your part was to enlist what might be called foot soldiers or fake donors onto this scheme to make it work.---That's correct.

40 And he, Mr Wong's, part of his role was to organise to get the donor to get the donation money through to the ALP under cover of this fraudulent scheme. Is that right?---That's correct.

But of course if he was unsuccessful in getting any donors to front, then this whole fraudulent scheme would have been implemented by you getting these people to make false declarations, and no money because it may be that Mr Wong couldn't find any donors to stump up with \$100,000, right? ---That's correct.

So you'd be always checking with him to make sure, "Now hang on, our plan is on foot, I trust, and it's all heading in the right direction because I'm busily spending time speaking to people and getting them to swear false declarations, I want to make sure this is all going to be worthwhile and that you've got the money lined up." You would have been not only curious but you would have needed to know that, wouldn't you? Wouldn't you?  
---Well, I trusted that he would manage that part. I didn't ask him who the donors were.

10 No, but you had already set out on this venture of getting false declarations from the straw donors, as 12 March got closer, correct?---I only got the people who, those straw donors only after the event and not prior to the event.

You didn't get any?---I didn't ask anybody to sign anything prior to the event so only, only when I was asked to get these people to sign up, it's that, the time that, you know, I got these people to sign up and not prior.

20 But whether it was before or after, you would have wanted to make sure that Mr Wong was successful in doing what he said he would do and that is get the 100,000 from a donor so that all your efforts in enticing people to make false declarations wouldn't be in vain. You would have wanted to check with him to make sure that the whole plan is on course, would you not?  
---No.

30 So you were prepared to go out on a limb, get false donors and it may have been the case that Mr Wong just couldn't come good with the true donor. Is that right? You were prepared to do that?---That's incorrect. It's because I was waiting for a signal from Mr Wong when to get these particular donors and that was after the event and not prior to the event and that is to make sure that at least he had those particular donors. I, I would assume if, if, say, say - - -

No, no, no. Just pause there. So he gave you the signal that he had the money arranged, did he?---Well, from sending that email telling to get those donors.

40 No. Did he say to you, "The money's in," or, "I've got the donors lined up"?---Yes.

When did he tell you that?---After the event.

When? Next do you agree or when?---Closer to - - -

No, tell me when.---It would be a few weeks after. It won't be - - -

How many weeks is a few?---Two, three.

What did he say?---He would have said - - -

No, no, no, no, no, not what he would have said, what did he say to you on this particular topic? No obfuscation, answer the question.---I can't remember exact wordings.

You can't remember the exact wording. Well, what was the effect of what he said?---To the effect that he said that donors have made a donation, I need those particular forms to be signed.

10

Right. And how many donors did he say he had and how much money did he say he had?---He did say how many much, how much money he had.

I see. So it could have been 10,000, could have been 100,000. You say he didn't give you any indication?---He didn't give me, the initial indication at our earliest talk was that I was going to get five to 10 people to sign up for \$5,000, so it ended up where most of the people that signed the form to be \$10,000, I was very surprised why was that the case, I thought it was \$5,000.

20

This line of questioning started with you being told as to what your brother's evidence is to this Commission. Do you recall that with Counsel Assisting?---Yes.

A brother you said you always found to be honest?---Yes.

And my understanding was that you said you came to know at some point that it was Huang Xiangmo who had been the donor.---That's correct.

30 Right. And then the questioning moved on as to when you came to know that.---Yes.

Then the discussion went to the Electoral Commission interviews.---That's correct.

Right. But you did agree, did you not, telling this Commission that you did find out who the donor was?---At a later stage, yes.

And that was?---When or - - -

40

No, no.---Who it was?

Yes.---Mr Huang Xiangmo.

And again, just so that we're not missing something, that was told to you by?---Ernest Wong.

Right. Where were you when he told you that?---At the restaurant.

Just the two of you?---A lot of the time it's just the two of us. Sometimes there will be some community leaders - - -

No, but on this important occasion when he told you Huang Xiangmo is the donor, was it just you and he?---That's correct.

10 And whereabouts in the restaurant did that conversation take place?---Most ah, it would be at one of the tables in a corner, it would be probably table number 1.

And of course you knew who Huang Xiangmo was at that time?---Yes, I did.

You had met him by that time?---That's correct.

He'd been at your restaurant on occasions?---Maximum twice, but from my recollection it's once.

20 So the answer to my question is yes. Is that right?---Yes.

Yes.

MR ROBERTSON: And Mr Huang Xiangmo of course was at the dinner in 2015. Is that right?---Yes.

THE COMMISSIONER: Did you invite him?---No, I didn't.

30 Who did?---Ernest.

MR ROBERTSON: What about the Minns donations? You've said that you understood the source of the donations covered up with the fake donors from your restaurant and your family members was Mr Huang Xiangmo, but who was the true source of the Minns donations that you and I discussed?---I never asked. If I would know I would definitely tell you but I've never asked. I always thought my job was to do what was asked of me and I didn't ask more. Don't know if you treat this as a Chinese culture or whatever, that's how we operate.

40 You and Mr Wong were the principal organisers of the event on 12 March, 2015. Is that right?---That's correct.

You had an organising committee to assist you. Is that right?---That's correct.

But the two main people as it were, were you and Mr Wong. Is that right? ---That's correct.

There were a handful of meetings of that organising committee. Correct?  
---That's correct.

And during the course of one of those committee meetings at which Mr Wong attended, it was agreed that Mr Wong would be responsible for the head table. Correct?---That's correct.

10 And it was agreed that not only would he be responsible for the head table in the sense of deciding who would sit there, he was also responsible for seeking to sell seats on that head table or the head table itself. Do you agree?---That's correct.

Can we go please to Exhibit 182. Now, from time to time arising from those meetings you would send emails out to the members of the organising committee to confirm what had been agreed. Is that right?---Summarise, yes.

20 And we'll just bring Exhibit 182 on the screen to provide an example. Do you see an email from you to Mr Wong and others of 16 February, 2017?  
---Yes.

And if you go down five dot points, do you see head table at \$10,000 per person?---Yes.

And is that consistent with your recollection as to one of the outcomes of a meeting held on 16 February, 2015?---That's correct.

And was Mr Wong present at that meeting?---Yes.

30 And so just to be clear, one of the matters that was agreed at the committee meeting on 16 February, 2015, was that Mr Wong would be responsible for seeking to sell seats on the head table or the head tables itself at \$10,000 a person. Is that right?---Yes.

Now, Mr Wong ultimately told you that he was successful in selling seats on that table or the table itself, correct?--Didn't ask.

40 Well, you knew, didn't you, in advance of the event that the head table had been sold, correct?---Yes.

And you knew that because Mr Wong told you, correct?---Mr Wong would have said that the head table's already organised but he didn't say someone had paid for it.

Well, let's try and be precise about it. You knew, didn't you, in advance of the Chinese Friends of Labor event on 12 March, 2015, that the head table had been sold at a higher premium, correct?---Yes.

And you knew that because Mr Wong had told you, correct?---Mr Wong, well, the way we operate, as I said, we assume that he will organise that.

THE COMMISSIONER: No, just answer the question, would you? It's a very straightforward question.---Yes.

MR ROBERTSON: Mr Wong made clear to you in advance of the event that the head table had been sold. Is that right?---That's correct.

10 Now, did he say what price he had sold it for?---No.

Was there any changes to the agreement reached on 16 February, 2015, that the head table should be sought to be sold for \$10,000 per person?---I recall that there wasn't any changes. Well, we weren't, the committee was not told there was any changes.

Can we go back, please, to Exhibit 152 and to page 3. So on the screen is an example of one of the forms that you arranged to be signed by one of your employees, correct?---Yes. That's correct.

20

And where were you when you asked Mr Lin to sign this form?---At the restaurant.

And what explanation, if any, did you give to Mr Lin as to why you were asking him to sign this form?---I would have said to them, "This form is for a donation to the Labor Party but you don't have to pay it. All you need to do is just to sign a form."

30

Did you explain to Mr Lin or any of the other fake donors why you wanted he form to be signed?---I explained to them that basically, "You are signing a form to say that you're declaring that you made these donations but you didn't actually make the donation yourself."

Did you explain why you wanted them to do that thought?---That's the only explanation I gave them.

Did anyone ask?---They might have, may have asked.

40

THE COMMISSIONER: You know that the employees you asked to falsely sign these declarations were in a relationship which might be described as a power relationship between employer and employee, correct?---Correct.

And you knew that they would buckle, they would do what you wanted them to do without any argument, didn't you?---Correct.

MR ROBERTSON: And it was you that decided on the particular employees to approach. Do you agree?---I decided on the Chris Minns

account but on these particular employees, I, I my recollection was that I had an email from head office telling me these are the people you should get.

10 Have you searched to try and find that email?---Back in 2016 I had issues with my Outlook which I was using for, as my, that keeps my email. At that time, I changed it to the Apple mail and since then I have been using Apple, iCloud to store all my emails. Those previous emails had issues retrieving that. So instead of keeping those emails, I've actually gave that whole computer to a friend of mine that used to work for us. Now he's back in Malaysia. I contacted him a week or so ago and said, "Do you still have that computer?" And he said unfortunately he doesn't have that computer anymore.

So are you saying that you've conducted a thorough search to attempt to find the email that you've referred to on a few occasions but you haven't been able to find it. Is that right?---That's correct, because I would like to get that email to prove what I'm trying to say.

20 At least in terms of the Chris Minns employees – by which I mean the employees who you identified as being people who should write a cheque to Mr Minns that would then be reimbursed – it was you that chose at least those employees. Is that right?---That's correct.

And you chose them by reference to people that you had had a long relationship with. Is that right?---That's correct.

30 It wasn't for example casual staff who had only worked for you for a couple of weeks, it was people where you've had a long relationship of employer and employee. Is that right?---That's correct.

And is one of the reasons you identified those people is that they were people who you thought would trust you?---That's correct.

And they would trust you in the sense of doing what you suggested to them or instructed them to do in relation to the matter?---That's correct.

40 So at least part of the explanation for the Minns individuals was with a view to identifying people who would be less likely to ultimately tell the truth regarding the question of donations. Is that right?---Can you repeat that question?

At least part of the explanation for the particular individuals you chose as people who should write cheques in favour of Mr Minns was that they were people who you though would keep the secret in relation to why they were asked to sign the cheques. Is that right?---That's correct.

And a similar explanation applies to the fake donors in relation to the \$100,000. Is that right?---That's correct.

They were close family members, like your brother and your mother. Correct?---That's correct.

And they were close employees, including Ms Siu, Ms Tam, Mr Mo, Mr Shi and Mr Lim. Correct?---That's correct.

10 And a friend or close friend in Mr To Yip, the Harbour City Pty Ltd souvenir shop director from next door. Correct?---That's correct.

And so it wasn't simply a random choice of fake donors. They were specifically chosen as people who would be more likely to assist you in concealing the very thing that you were seeking to conceal, along with Mr Wong. Is that right?---That's correct.

20 Go back to Exhibit 152, please. Just focussing on Mr Lin fist and we'll go to some other examples in a moment. So you present this form to Mr Lin. Is that right?---Yes.

And you ask him to complete it, correct?---That's correct.

And I take it you don't ask Mr Lin to put the \$5,000 figure in. Is that right? ---No.

30 Do you know whether that \$5,000 figure was on the form before you gave it to Mr Lin or whether it was added afterwards?---From what you showed me it was actually on the form prior to Mr Lin signing it.

Is it right to say you don't have a specific recollection either way, it may well have been on the form at the time you gave it to Mr Lin?---Yes, but based on what you showed me the email from Ernest with these forms which I printed off at work, those, that \$5,000 would be on it already.

So is it right that now having seen the email I've shown you this morning, that's refreshed your recollection that the form that you were using was a form that already had the \$5,000 figure on it?---That's correct.

40 And is that the case for each of the fake donors you asked to sign forms, in other words, the form you gave them to sign already had the \$5,000 figure on it?---That's correct. I would have just printed of the same pdf that was sent to me, so it wouldn't be a different form.

And in this case did you say that Mr Lin wrote in his name himself?---I cannot recall, but that's not my, not my writing definitely.

Did you ever write the name or other details in any of these forms before they were signed?---Some of them, some of them I might of, say my mother's, and for the restaurant, myself.

And did you ask Mr Lin and the others to sign one form each, or more than one form?---Just the one form.

Are you quite sure about that?---Yes, I am.

- 10 Did you take any photocopy of the form that was signed on your request?  
---No, I didn't.

And then once the form is signed, what did you then do with those forms?  
---I would have sent it to head office to the financial controller, which would be Maggie at that time, or, and CC'ing Ernest in the same email.

Do you have a recollection of actually doing that?---I have a recollection of sending it, yes.

- 20 But do you have a recollection of doing it by email, as opposed to in some other way?---From my recollection, yes.

- Can I assist you this way? It appears from the original invitations that were recovered by this Commission by way of execution of a search warrant, that at least some of the reservation forms for the fake donors were originals. In other words, the piece of paper that the Labor Party had was the one that was actually signed. Does that assist you at all in remembering how the forms that you arranged to be signed may have found their way into ALP head office?---If, if you say that you have the originals, then I'm, my, my  
30 recollection could be wrong in saying that I sent it through email. Oh, most probably I would have asked someone to deliver that to head office, then.

Well, let's take a step back. 30 March, 2015, you receive an email from Mr Wong, attaching a blank reservation form but which has the \$5,000 figure already written in, correct?---Yes.

And do you have a recollection of printing out copies of that particular form?---In colour, yes.

- 40 And you said that you received an email, sometime after the event, that identified the particular individuals in respect of whom forms were sought, is that right?---From recollection, yes.

And was that email received before or after the email of 30 March, 2015, from Mr Wong?---Do not recall the exact date.

Do you recall the period of time between receiving the email from Mr Wong on 30 March, 2015, and actually getting these forms signed by the fake donors?---Can you repeat that?

You received the email, it seems, from Mr Wong on 30 March, 2015, correct?---Yes.

And Mr Lin's form as an example, if we put that back on the screen, is at least dated 30 March, 2015, do you see that there?---Yes.

10

What I'm trying to explore is whether you were asking Mr Lin and others to sign the form on or about the 30<sup>th</sup> or perhaps the 31<sup>st</sup> of March, or whether it was done at some later stage.---It, it would be possible that we backdated it.

But doing the best you can, by reference to your recollection, you get the email from Mr Wong on 30 March, is that something that you attended to promptly, or is it possible that you put it on the backburner and dealt with it sometime later?---I would have probably, I would have attended it promptly so, looks, from recollection it looks like it is from 30 March that we did these particular paperwork or on the 30<sup>th</sup> and 31<sup>st</sup> of March.

20

So is it right - -?---Be, could be possible that we backdated if, if this was done after 30 March.

So is it right to say that at least as at March of 2015, if a request came from Mr Wong, you would act on it promptly?---That's correct.

And you don't have any recollection of departing from that usual practice, receiving the email on 30 March, but not worrying about dealing with it for a week or so?---That's correct.

30

Now, the email I showed you of 30 March simply attached a copy of the form and didn't have any instructions or the like forming part of the body, it didn't say, "Please fill out five or 10," or anything of that kind. Did Mr Wong give you any instructions in connection with matters of that kind? ---Prior to a discussion was that I need, I was to find five to 10 people to own up to a \$5,000 donation which they didn't donate. So I would assumed that I need to find those five to 10. In the end, I didn't find 10.

40

What I'm now focusing on is the period of time between the dinner of 12 March, 2015, and the email from Mr Wong of 30 March, 2015. You've said you got an email from head office identifying particular people who should be signatories of these forms, is that right?---From my recollection, yes.

And other than that, did you receive any instructions from Mr Wong or anyone else in connection with these forms?---We would have had a discussion after the event about these particular donors. Exactly what was said, I don't really recall. I might have mentioned these are the names that

probably head office wanted me to do and, in effect that he would say, “Just get these people to sign it.”

So at least as at 2015, you were close friend with Mr Wong. Is that right?  
---Very close.

He would dine at your restaurant regularly?---Yes.

10 He would be there maybe two or three times a week. Is that right?---That’s correct.

It would increase and decrease over time, but you would see him, if not on a daily basis, then at least a couple of times a week. Is that right?---That’s correct.

And you would have regular discussions with him on a range of matters?  
---Generally, yes.

20 And those matters would include questions concerning the Chinese community, correct?---Yes.

And as least in March of 2015, that would include regular discussions regarding the NSW Labor Chinese launch for Chinese Friends of Labor, correct?---Yes.

And so between 12 March, 2015, and 30 March, 2015, when you got the email from Mr Wong, you would have had many discussions with Mr Wong concerning the dinner of 12 March, 2015, correct?---Yes.

30 And those discussions included discussions concerning getting reservation forms signed, correct?---Yes.

And Mr Wong made it clear in at least one of those discussions that his plan before the event to get a donor that would then be, or one or more donors that would then be covered up by fake donors, he made it clear that that plan had been successful, correct?---Yes.

40 And he did make clear during at least one of those discussions that Mr Huang Xiangmo was one of the donors, correct?---He didn’t specifically say Huang Xiangmo was one of the donors.

When you say he didn’t specifically say that, does that mean that there was at least some reference to Mr Huang Xiangmo during that period?---When, when I say it’s, he didn’t specifically say that Huang Xiangmo was the donor at the time, I meant that he didn’t say Mr Huang Xiangmo was a - - -

THE COMMISSIONER: But whatever he said you took it to indicate that Mr Huang Xiangmo had donated?---I didn't know Mr Huang Xiangmo was a donor until 2017. That, that is because of the Electoral Commission - - -

Well, be that as it may, but what he did indicate to you is enough for you to indicate the identity of the donor because he told you.---He didn't say who was the donor.

MR FINNANE: Can I perhaps - - -

10

THE WITNESS: I, I would love to say he did.

THE COMMISSIONER: No. You said he didn't specifically refer to him. ---He didn't, he didn't specifically refer to anybody, that's the thing.

No, no. Please stay with me. You said he didn't specifically refer to Huang Xiangmo.---That's correct.

And Counsel Assisting picked you up on that.---Yes.

20

And said that whatever he said gave you an understanding as to who the donor was.---He just said to me that the donors are, are, already made the donation.

He wasn't going to play smoke and mirrors with you, would he, about who the donor was?---He didn't have to say to me - - -

No, because you knew who it was, you knew who the donor was, didn't you, from what he said?---I did not know.

30

You mean he was keeping you in the dark as to the identity of the mystery donor after the dinner?---Yes. That's correct.

You're joking, aren't you?---I would love to joke but I am not joking.

Mr Yee, it's clear from the admissions you've made here that you have been extremely dishonest, haven't you, in relation to this scheme?---Yes.

And in relation to the cover-up of the scheme?---That's correct.

40

In relation to speaking to witnesses as to what they should say to the Electoral Commission?---That's correct.

What the witnesses should say to this Commission?---That's correct.

You have been totally dishonest in your conduct in relation to the subject matter of this inquiry.---Yes, Commissioner.

You are being asked about a central part of this inquiry. It seems to me you are being evasive. I have warned you at the outset of the consequences of your obfuscating and not providing a full account of your knowledge in this matter. You and Mr Wong were working hand in glove up to the date of the dinner about this fraudulent fundraiser, weren't you?---Yes.

Talking to each other probably more than once a day or meeting with each other in that period on a regular basis.---Yes.

10 And after 12 March, after the dinner, as you've told Counsel Assisting, again you met with him and discussed, between then and 30 March, the dinner, the fundraising dinner.---Yes.

And its outcome.---Yes.

And he told you that indeed the donor had come good.---Yes.

20 You say he didn't specifically name Mr Huang Xiangmo. I'm putting to you it beggars belief to suggest that he didn't give you sufficient indication as to where the money was coming from.---That's correct.

Now I'm giving you another opportunity. This evidence is being recorded forevermore.---Yes.

It will affect you one way or the other. Would you now tell the truth about what Mr Wong did tell you about the identity of the donor between 12 March, on whichever of the occasions you met with him, and 30 March, 2015?---Mr Wong did not say specifically - - -

30 No, no, I said tell us what he said to you about the identity of the donor. ---Mr Wong said to me the money all had come in. Did not say the name Mr Huang Xiangmo, but I would, I would assume it will be coming from Mr Huang Xiangmo. But he did not deny that either.

And the assumption you made was based on what?---From previously that Mr Huang would be, he has donated to the party and he was one of the biggest donors at that time.

40 Based on something that Mr Wong had said to you between 12 and 13 March, 2015?---I'm just trying to recall what he's said to me. Not, not for word-for-word. He, he would have, he, at the time he would say that - - -

Not what he would have said. What did he say?---He said that the donations were in and this event's been successful, and that's what he said. I'm, I would like to say he said more.

MR ROBERTSON: There was at least a reference during that period to Mr Huang Xiangmo, correct?---Yes.

And what was the context in which that reference was given or made?---The reference would probably be made in reference to the donation, I guess.

So it's right, isn't it, that you do have a specific recollection of Mr Huang's name being raised in connection with the question of donations in March of 2015, correct?---Probably, yes.

10 You said a moment ago that Mr Wong told you that "the money had all came in", correct?---Yes.

When was that discussion?---After the event.

When?---Oh, before him sending me that email. The exact date I can't remember.

20 So the dinner was 12 March. The email I showed you was 30 March. Was it closer to the end of the event or was it closer to the receipt of the email?  
---Closer to the end of the event.

So is it right that it was only at that point in time that you knew that the plan that had been hatched in advance of the dinner had been finalised in the sense of it had ensured a donor?---That's correct.

Go back to Exhibit 152, please. That's Mr Lin's. If we then move forward to page 5. Now, the one that's now on the screen is the one that you arranged for Mr To Yip to sign, is that right?---Yes.

30 How did that come about, you getting him to sign this document?---I walked to his shop next door and asked him to, explained to him what this is and "Can you sign it?"

And so I take it this is happening after the dinner?---That's correct.

And when you say you explained to him what it was, what explanation did you give him?---I said to him that this is a donation to the Labor Party for \$5,000, but you don't need to make that particular donation.

40 What did Mr Yip say in response?---He said, "Okay, I'll, I'll help you sign it."

And if we can go, please, to page 8. Again Ms Siu. How did the signing of this document come about?---Exactly the same way.

But in respect of Mr Yip, you went to Mr Yip's shop, is that right?---Pat, Pat, Patricia would be at our own shop.

And in respect of Mr Yip's form, did you fill it out or did Mr Yip fill it out?  
---Can I have a look?

Go back to page 5, please.---I would have filled it out. The, the organisation and the address.

So is that your handwriting where it says "Harbour City Group Pty Ltd"?  
---It looks like my handwriting.

10 But Mr Yip's signature towards the bottom of the page, is that right?  
---That's correct.

Back to page 8. So Ms Siu. That's happening at the restaurant, is that right?---Yes.

And is that your handwriting or not your handwriting for the name?---That's not my handwriting.

20 And again, did you explain to Ms Siu why you were asking her to sign this form?---Yes.

And what did you say?---I said, "This is a donation to NSW Labor Party. You don't have to make a donation. All you need to do is help me sign it."

And what did she say in response?---She said, "Okay."

And this is happening in the Emperor's Garden Restaurant, is that right?  
---That's correct.

30 THE COMMISSIONER: What would you say if she's told this Commission that you did not explain the form, you just put it to her and asked her to sign it? Could she be right?---I would have explained it to her.

Well, you say you would have. I'm not interested in what you would have done. You've probably gathered that from now because I've said that many times this morning. Not the least bit interested in what you would have done. What I am interested in is what you did do. Is it possible that with Ms Siu it was as you said, that you brought the form to her and asked her to sign it without giving her an explanation about the form?---No, I would  
40 have made an explanation (not transcribable)

You would have. I'm asking for your recollection. Do you remember – if you don't, just say so – the specific occasion when you approached Ms Siu with the form and what she said and what you said? Or don't you have a recollection exactly what you said or she said? What's the position?---I don't have an exact recollection of what was said.

MR ROBERTSON: Would it be fair to say that amongst the fake donors who you asked to sign documents of the kind on the screen, they have varying levels of ability to read and understand English?---That's correct.

And so at least in the case of some of them, they might not actually be able to read and understand the text on a form of this kind, would you agree?  
---Yes.

10 So, for example, looking at the declaration towards the bottom right-hand side of the page, would you agree that at least some of them wouldn't have sufficient English skills to be able to read and understand that declaration?  
---That's correct.

And you can't say on your oath that you explained the declaration to all of the fake donors, can you?---No, definitely, I didn't explain that part of the form. I only explained in general what it was for, but I didn't explain the bottom part of it prior to signing that part.

20 It would be right to say, wouldn't it, that you didn't explain that declaration to any of the fake donors.---That's correct.

At most all you did was identified that you wanted someone to sign a form that said that they had donated money, even though they were not going to donate money. Correct?---That's correct.

And is it at least right that you made clear to each of the fake donors that you weren't actually asking them to donate money. Correct?---That's correct.

30 And so you made it clear to them that what you were asking them to do is to sign a form that falsely stated that they were donors when they were not. Correct?---That's correct.

But are you quite sure on your oath that you even went so far as to explain that to each of the fake donors?---From recollection I explained to them that this particular was to be a donation to NSW Labor.

40 For at least some of these fake donors you simply said, well, sign here and go back to work. Correct?---From recollection I did explain to them what it was for.

Well, do you not accept that on at least one occasion a fake donor was asked to sign, having no appreciation at all and no explanation as to why they were being asked to sign?---I would say, I would think they would ask me.

Well, again, we're not in speculation as to the matter, what I'm suggesting to you is that you're not in a position to say on your oath that you explained

to all of the fake donors why you were asking them to sign a form that looks like the one on the screen. Do you agree?---Yes.

Now, in terms of the – can we just take a step back to the forms themselves. You previously said your best recollection was that you emailed them back to head office, and I’ve drawn your attention to the fact that at least some of the forms appear to be original forms as signed. Me having pointed that out, do you have any better recollection as to how the colour forms may have found their way back to the Sussex Street office?---I might have, if the  
10 forms were in head office I might have delivered it myself or asked one of my staff to deliver to head office.

Well, were you given any instructions, suggestions, recommendations on that matter from either head office or from Mr Wong?---Most probably from Mr Wong.

Well, but again, do you have a recollection of that or are you speculating?  
---I don’t have a recollection.

20 So is it right to say that sitting there now you’re not really in a position to assist us in how what appears to be the original versions of these documents found their way to the Sussex Street office?---I, I would say I would have, from recollection I would have delivered it myself to the head office.

And delivering it to head office, who within head office would have you delivered it to?---Most, well, Mr Cheah.

What is your relationship with Mr Cheah?---A friend.

30 Would you regard yourself as close friends, at least as at 2015?---Good friends.

As good friends Mr Cheah had at least some involvement in Chinese Friends of Labor in 2015?---Yes.

And part of his role as community development director was to act as a liaison point between head office and Labor Action Committees such as Chinese Friends of Labor?---Yes.

40 You’ve told us before in answer to one of the Chief Commissioner’s questions that part of the scheme, at least as at March of 2015, is you, Mr Wong and plainly the fake donors, but who else was party to that scheme, at least as at March of 2015?---I was not told who exactly was. I can, I would guess who was, but I’m sure you don’t want me to guess.

Well, what I’m really asking here is why would you deliver these forms to Mr Cheah?---He’s the community relation director at the time.

But on this view of the world you're delivering forms and not money. Is that right?---That's correct.

And so surely Mr Cheah, absence of further information, would be saying, well, why am I getting forms and not money?---He'll probably be – not probably – he would know what would be going on.

10 Was it common in Chinese Friends of Labor events for there to be a difference in timing in terms of money being received and forms being received?---Yes.

So for example, was it often the case that some amounts of money might be raised in connection with a particular event, but forms matching that money don't appear until some number of days or perhaps weeks afterwards?---For the 2015 event, which I'm closely linked, I organised, yes.

Well, what about the 2016 event?---Probably. I can't recall.

20 Well, you were still the chairman of Chinese Friends of Labor in 2016, is that right?---Yes. Yes.

And would you agree that in relation to a sum of \$50,000, in relation to the 2016 event, the money found its way to the Sussex Street office without any names associated with it for a number of months, do you agree?---I didn't know that.

That's not something that you knew as chairman of Chinese Friends of Labor?---No, I didn't.

30 But are you at least accepting that it was at least not uncommon in Chinese Friends of Labor events for there to not be an immediate connection between money received and forms that might match that money?---That's correct.

Did you have any discussions at any point in time – be it March of 2015, before or after – with Mr Cheah about the scheme to which Mr Wong and you were parties?---I didn't.

40 No discussions whatsoever?---Not at all, because what we do is, we do what we, our part is, and we just follow what we need to do, and we didn't mind who, or whoever's responsible for other parts, we don't, generally don't talk about it.

Well, Mr Cheah would have at least had a close interest in ensuring that the money from the Chinese Friends of Labor event of 12 March, 2015, was received promptly, correct?---(No Audible Reply)

That's part of his job.---Yes, oh, believe so, yes.

That's part of his job, correct?---Yes.

Did he pick up the phone to you after the Chinese Friends of Labor event of 12 March, 2015, or perhaps send you an email and say, "The election's very close, we need the money from the event that you were organising"?---He would have sent that to Ernest. He wouldn't send it to me.

10 So are you saying that those kinds of contacts, from your experience as the chairman of Chinese Friends of Labor, would tend to occur between Mr Cheah and Mr Wong - - -?---That's correct.

- - - rather than Mr Cheah and you, is that right?---That's correct.

And is that because Mr Wong took primary responsibility for keeping track of bookings and payments in relation to Chinese Friends of Labor events, is that right?---That's correct.

20 So was that not a part of your function as the chairman of that organisation, to keep a track of those matters?---As, as the chairman, I would hold meetings. I would find tables. But besides that, I don't do much more.

When you found tables, who would you report to, to say, "I've found a particular table, I've found someone to buy a particular table"?---Ernest's office. It would be either Winnie or to Ernest himself.

You're referring to Winnie Huang at the moment?---That's correct.

30 And she was working in Mr Wong's office as at 2015, is that right?---I believe so.

And is it right that from, at least from your perspective as chairman, the person responsible for keeping track of bookings and payments was Mr Wong or at least his office?---That's correct. We would have had a, I can't remember, would it, would it be Drive, Google Drive or a Dropbox, and Mr Ernest Wong would have created that and shared that (not transcribable) between the committee.

40 And as part of that Google Drive or Dropbox, that would include a spreadsheet or other document identifying which tables had been sold or not sold, is that right?---I believe so.

So are you saying that to your knowledge, there was no-one who was party to this scheme other than you, Mr Wong, and the fake donors who you organised?---I did not say that. I was referring to, I - - -

So who else then?---I was referring to that I was not specifically told who it was. But I would deduct party head office – the boss, then Jamie Clements – would, because he would be asking him for the funds.

What's the basis on which you draw that inference or deduction?---From past experience that Labor set up these Action Committees is to help donate, fundraise for the party and I would guess, not would, I, I believe each year we, we would have a target, big or small.

10 Well, was there a particular target, to your knowledge, set in connection with the 2015 event?---I was told by Ernest it was \$100,000.

And were you told by Mr Wong who set that target?---He didn't specifically say Mr Jamie Clements set the target but he said head office wanted 100,000.

20 So to be clear about that, Mr Wong did make it clear that it was head office that was setting a target of \$100,000. Is that right?---That's correct. I am sure Ernest won't put up his hand and say, "I will donate \$100,000." It's not something that likely to be happening.

But from the perspective of a committee, the committee must have at least had some idea of a target that it wanted to achieve, correct?---That's correct.

But are you saying that Mr Wong made it quite clear that there was a head office set target as distinct from a committee level set target. Is that right? ---Yes.

30 Did you have any communications with Mr Clements or anyone else from head office in relation to that matter?---No, I didn't.

What about your good friend, Mr Cheah?---I, I had communication with Mr Cheah, yes.

And did you have any communications concerning the question of what the target would be for the 2015 event?---I didn't have any communication about the target. I only asked him to assist in selling certain tables to the western Sydney Chinese community.

40 Have you ever had any discussions with anyone from head office concerning targets in relation to Chinese Friends of Labor events, be it in 2015 or any other year?---No.

THE COMMISSIONER: Do you know who, in March, 2015, were the contact points in head office, Sussex Street, and Mr Wong?---Mr Wong, yes.

No, I'm sorry, I didn't put that properly. Do you know who were the contact points Mr Wong had in Sussex Street head office?---Oh, well, it would definitely be Jamie Clements, the assistant secretaries, it will be Kenrick because Kenrick was, I think, replaced his position prior to Ernest becoming the member of Legislative Council for NSW. And probably one or two more people that I am not familiar with, such as the, I think there was, I'm, I'm sure Ernest would contact, would be with Maggie too because when he was working there he would probably know Maggie. I recall him, for me to refer certain matters such as the forms to Maggie. I would say he is, another contact point would be Patty, the state organiser I think she was at the time, or, or event organiser. And those are, those are probably contact points that I think Ernest, but more definitely will be Jamie.

MR ROBERTSON: Do I understand your evidence to be that if, in point of fact, these forms or some of them, the original of these forms, found their way to the Sussex Street office, it would be you that would deliver them. Is that right?

---That's correct.

20 And if you were to make such a delivery, you would make a delivery to Mr Cheah. Is that right?---That's correct because I don't know Maggie in person.

But what I'm trying to understand is why would one deliver forms but not cash to Mr Cheah?---Because we didn't make the donation.

No, but surely then Mr Cheah says, "Well, thanks very much for the forms but what's that got to do with anything?"---He didn't ask.

30 THE COMMISSIONER: What information do you have as to the reason for the delay in the money coming in? That is to say, delay after 12 March and the receipt of the funds almost four weeks later?---What information I have?

Yes, which explains that gap, that delay of approximately four weeks, which postdates I should add, the election for that year?---Oh, I would, well, I believe the donor was preparing the money any way that he or she could - -  
-

40 And what's your source of that information?---Well, just based on what I've, based on this particular investigation that - - -

But based on communication with Mr Wong over that period of time, you must have understood why there was a delay and that's why he wasn't causing any fuss about it. Or nobody was apparently asking questions about "Where is the money?" What do you understand, from Mr Wong's version of events - - -?---From, from my - - -

- - - that he was saying to explain the delay?---From, when I actually knew the money was delivered to head office was actually when Peter from the NSW Electoral Commission told me that it was delivered at a few weeks or even a month after the event. But in between I didn't know that was delivered late.

I see. Mr Wong never mentioned to you that there was going to be a delay in payment?---It wasn't my job to know.

10 No, but I'm just asking.---No.

You were very close, probably, to one of the most closest people to Mr Wong in this period we're talking about, in March of 2015, that he would have said, "I've got the money but there's going to be a bit of a delay before it arrives."---No, he didn't tell me. I didn't ask.

MR ROBERTSON: But one of the discussions you mentioned a little while ago was Mr Wong telling you that all the money came in, is my note, correct?---Believing that he already found all the donors.

20

Well, that you took him to mean that he had succeeded in securing a donor or donors, is that right?---That's correct.

But surely you must have also had a discussion that says, "Well, when's the money actually coming in"?---It's not my job.

Because otherwise you risk having a mismatch of forms and money, correct?---Yes. But I was waiting for them to tell me, head office or Ernest, to tell me when to sign these particular forms, and I, and obviously it seems like here that we all signed them too early. If I knew the money wasn't in, then why would I ask the people to sign it? I thought it was already in.

30

So you've promptly got the forms signed after receiving them from Mr Wong on 30 March, 2015, correct?---That's correct. That's correct.

And you've promptly provided them to head office, is that right?---Yes.

Go back to Exhibit 152, please. And we left off at page 10. Now, again I take it this is not your handwriting for Teresa Tam.---No.

40

What about the handwriting "30/3/15"? Do you recognise that handwriting?---That's not mine.

You don't recognise that?---That's not mine.

And turn two pages on, please. What about the handwriting for Lei Mo? ---Lei Mo looks, the word "Lei Mo" looks like my handwriting.

And what about the “30/3/2015” towards the bottom of the page?---Doesn't look like my handwriting.

And two pages on, please. Here's your brother Valentine. Your handwriting or his handwriting?---Looks like my writing.

But not you signing his name?---No, I didn't sign his name.

10 And what about the date in the bottom right-hand corner?---I didn't put the date.

Two pages on, please. I take it this is all your handwriting on the page, other than the \$5,000 figure?---Yes. That's correct.

And what about the tick in the tick box?---I didn't put the tick there.

And what about the date on the bottom right-hand corner?---I would have put that date.

20 Two further pages on, please.

THE COMMISSIONER: Was that date the true date, 31 March?---I don't recall. It could be backdated, as I specifically, as I said before.

MR ROBERTSON: Except I think you've accepted that you would move promptly on a request from Mr Wong, is that right?---That's correct.

This page is your handwriting?---Yes.

30 Your signature?---Yes.

And what about the tick box near the \$5,000?---I didn't tick the box.

And what about the date in the bottom right-hand corner?---That was my, my writing.

And further two pages on, please. Wei Shi. Your handwriting or not?---Not my handwriting.

40 And what about the date on the bottom right-hand corner?---Not my date.

And you gave this to Mr Shi to sign, did you?---Yes, that's correct.

Two further pages. And your mother's, May Ho Yee. Whose handwriting?---Yes, my handwriting.

But you signing or your mother signing down the bottom?---My mother signing.

And are you quite clear in your mind that for each of the fake donors that you and I have discussed and that I've shown you the forms, you procured them to sign one copy and not two copies?---That's correct.

Now, within short order of getting these documents signed, did you receive any tax invoice or receipt in relation to the form that you had signed?  
---From recollection, head office would have sent me an email with the receipts sometime in April I think, but it could, I could be wrong.

10

Well, let's try and be a bit more precise in terms of the timing. So we have the email from Mr Wong of 30 March, 2015, and you've agreed, I think, that you would act promptly in respect of that email, correct?---Yes.

And you would act promptly in the sense of getting the forms signed and getting them to head office, correct?---Yes.

20

Now, do you have a recollection of receiving any tax invoices and receipts within a few days or perhaps a week of that process taking place?---I don't recall exactly when the receipts come in, did come in, but I don't recall exact timing.

Well, are you clear in your mind that it was in April 2015 as opposed to some later date?---I'm not clear exact date.

Well, is it quite possible that you didn't receive any tax invoices and receipts at all in 2015 and you only received them in 2016 or 2017?---I could have.

30

So you're not able to help us one way or the other in relation to that?---I can't recall if I had the computer still with my emails and I can give you exact date.

When did you first find out what Country Labor was as distinct from the Australian Labor Party?---At the NSW Electoral Commission.

The interview that you had in about June of 2017, is that right?---That's correct.

40

Now, you're aware, aren't you, that the Labor Party, until – sorry, I withdraw that. You're aware, aren't you, that Country Labor until recently, when it filed an amendment, disclosed you as donating \$5,000, you personally, \$5,000 to Country Labor? You know that, don't you?---Yes.

And in fact you signed some forms saying that you had donated 5,000 to Country Labor.---I signed some declaration forms, yes.

Now, did you intend for Country Labor to disclose you as a donor for \$5,000?---No.

Not at any point in time?---Not any point in time.

10 So you're quite clear in your mind that you only signed one copy of a form of the kind that you and I have discussed on the screen?---That's correct. As I said to you in the discussion prior to the event, our target was to find people to donate \$5,000. So when the tax invoice came in to be sum of \$10,000 – five to Country Labor and five to NSW Labor – I was quite surprised.

20 Now, when is your best recollection as to when that happened? In other words, when you received the tax invoices for both Country Labor and for NSW Labor?---Oh, I don't recall my, well, could be when the NSW Electoral Commission asked, asked to provide further details from the straw donors that I would have probably emailed head office and asked for those tax invoices again. I could have received it prior to that, but my recollection, I cannot tell you an exact date.

30 So if you assume for present purposes that in April of 2015 the accounts of NSW Labor and Country Labor recorded you as a donor, \$5,000 for NSW Labor and \$5,000 for Country Labor, is it right to say you don't know whether you received a receipt or a tax invoice in relation to that in April 2015 or whether you only received a receipt sometime later, perhaps 2016 or 2017?---I cannot confirm whether I received an invoice for, both invoices in April of 2015. Most definitely I'll get an invoice when I ask for it because the NSW Electoral Commission was investigating into this particular matter and all of, I get all the invoices from everybody.

But are you accepting that it's quite possible that you didn't receive any tax invoices in April 2015 or even in May 2015?---Correct.

It's quite possible the first time you saw a tax invoice with your name on it in relation to the two sets of \$5,000 was in 2016. Correct?---That's correct.

40 Can we go please to the Jonathan Yee Electoral Commission bundle. Now, you completed a disclosure form in October of 2015 that said that you had donated money to NSW Labor and Country Labor, each in the sum of \$5,000. Correct?---That's correct.

Can we go please to page 10 of the Electoral Commission bundle so we can see what that looks like. And so is this the form or at least one of the forms by which you made that declaration?---Yes.

Now, if you'd have a look in the bottom left-hand corner, do you see it's a received stamp of 20 November, 2015?---Yes.

And so do we take it from that, that you must have backdated this form because the date of the form is 20 October, 2015?---I don't recall backdating the form. It could - - -

Is it right at least that when you had completed this form you sent it promptly to the Electoral Commission?---I might have delivered it myself, if it's on the same date.

10 But there wasn't a delay between signing it and sending it, you did that quite promptly. Is that right?---That's correct.

And so do you accept that it's possible that either you made an error in the date and that although you put 20 October, 2015, it was in fact 20 November, 2015?---Possible.

20 Is it right that it's possible that you deliberately backdated it or there's also a possibility that you made a mistake and said October when you meant November?---No, I probably made a mistake. I wouldn't, there was no reason to backdate. I don't believe I backdated it.

And I take it this is your handwriting that we can see on the page?---Yes, it is.

And your signature on the page. Is that right?---Yes, that's correct.

30 If we could then just turn the page. You see there that you disclose a donation and there's a receipt number there. I'm not so much concerned with that one, I'm more concerned about the next page. And do you agree that you have disclosed \$5,000 donation to NSW Labor and 5,000 to Country Labor?---That's correct.

So you at least must have known what Country Labor was at the time that you signed this particular form. Correct?---I didn't know what Country Labor was, but that was a receipt that they sent me so I assumed I had to base it on that particular receipt.

Well, you at least knew that it was something that existed, Country Labor. Correct?---Yes.

40 You might not have known the detail of how Country Labor interacts with the Australian Labor Party more generally. Is that right?---That's correct.

And do you see how the receipt number column there's 4-0-9-1-5 and 4-0-9-2-5. Do you see that there?---Yes.

Now, do you recall where you got those receipt numbers from?---Had to be invoices sent to us or sent to me.

Well, do you have a specific recollection of that or is it possible that the Labor Party simply sent you a reminder form that had the receipt numbers on it but that you hadn't at this point in time received a tax invoice or receipt?---That could be possible.

And you agree I take it that at least this page of the declaration is false?  
---That's correct.

10 And you knew it was false at the time that you signed this document.  
Correct?---Yes, I did.

If we can then go please to page 15. There's then a further disclosure document on 28 January, 2016. This particular one was rejected as invalid, but I just want to ask you some questions about this. So again this is your handwriting on the page I take it?---Yes, it is.

Your signature towards the bottom left-hand side?---That's correct.

20 Turning the page, just looking at the Chris Minns one, is that a reference to the cheque that you and I discussed a moment ago or is that a different Chris Minns donation?---A different Chris Minn donation.

But at least you can see towards the bottom, "Country Labor \$5,000"?  
---Yes.

And that was a false declaration, do you agree?---Yes.

30 And if we turn the page, we've got a repeat of the 5,000 to ALP NSW, do you see that there?---Yes.

And again, that was a false declaration, correct?---That's correct.

And you knew it was false at the time, correct?---That's correct.

40 If we then go to page 19 of the same bundle, Mr Morrissey from the Electoral Commission then draws your attention to the fact that the document that you provided wasn't in proper form. That's just to draw that to your attention. And if we can then move to page 27, which is an amended disclosure. Again, this is your handwriting on the document?  
---Yes.

Your signature in the bottom left-hand side?---Yes.

Turn the page, please. Again, this is a different Mr Minns donation, is it, to the one that you and I previously discussed?---Yes.

Did you make a disclosure at all in relation to the Minns donation? As in the one, the subject of the cheque that you and I discussed?---You, you mean the \$900, or - - -

Yes, the 900.---I can't see how much this one is.

The \$900 one, yes.---I don't recall making a declaration.

10 But you're aware that one of the reasons why Mr Wong wanted \$900 cheques from other people was that at least at that point in time, one was not a major donor under state electoral law if one donates less than \$1000, correct?---That's what I was, been told, yes.

So Mr Wong drew that to your specific attention - - -?---That's correct.

- - - in about February of 2015, is that right?---That's correct.

20 Can then go, please, to page 31. So you were ultimately asked to produce some documents from the Electoral Commission, is that right?---Yes.

And if you have a look on the screen, 22 February, 2017, is a letter that accompanies a request for documents, and I'll just go to page 36, which is the formal requirement itself. First they ask for bank statements, second they ask for copy of receipts. Do you see that there?---Yes.

30 Now, in terms of those receipts, did you already have them at that time, or did you request them?---I don't recall if I, whether I had them at the time. I most probably would have, oh, actually emailed head office and asked them to send me those receipts.

And when you say head office, you mean who within head office?  
---Maggie.

Maggie Wang?---That's correct.

40 Now, you're aware, aren't you, that about this point in time, when you are being required to produce documents by the Electoral Commission, other of the fake donors are also being given similar requests, is that right?---That's correct.

And you assisted the other Emperor's Garden fake donors in relation to those requests for documents, is that right?---That's correct.

And did that extend to requesting copies of receipts for them as well?  
---Most probably.

Well, do you know whether the other fake donors were actually sent receipts directly to them?---I am not sure of that.

But do you have a recollection of requesting receipts to be issued or at least copied for the purposes of complying with notices to produce like the one that we can see on the screen?---I remembering asking head office for those particular receipts, I'm sure I've asked not only for myself but for Emperor's Garden, and probably for my mother and my brother. I don't recall asking for other people.

10 But are you accepting it's possible that you did make such a request?---Oh, possible, yes.

Can we go, please, to volume 2, page 319, just to look at that tangibly. Now, you see there an email from Mr Cheah to Ms Wang, copied to you, of 1 March, 2017?---Yes.

Now, just to help you get your bearings. The notice to produce I showed you a moment ago was 22nd February, 2017, and you can see that this email - - -?---Say that again, sorry, that date again?

20 The notice to produce that I showed you a moment ago was dated 22 February, 2017.---Yes.

And you will see that this email is just over a week later on 1 March, 2017. Do you see that there?---Yes.

Now, does that refresh your memory as to any request that you made in relation to receipts?---I would have probably directly asked Mr Kenrick Cheah.

30 So why would it be that you'd ask Mr Cheah for receipts as opposed to someone from the Finance Department, like Ms Wang?---I don't personally know Ms Wang.

So having had this email shown to you, does that refresh your memory of a particular discussion with Mr Cheah, concerning this matter?---Yes.

40 And so are you saying you recall making contact with Mr Cheah after receiving the notice to produce from the Electoral Commission to ask for some receipts to be issued. Is that right?---That's correct.

Now, on the screen is Exhibit 301 will I'll indicate for the benefit of the transcript. And you can see there that it was a request not just, at least the request that Mr Cheah makes in not just a request for you, it's a request on behalf of a series of others as well.---That's correct.

And do we take it from that that the requests that you made of Mr Cheah pertained not just to you personally but it pertained to the other individuals who we can see there?---Yes.

Go back to the Electoral Commission bundle, please. And so do we take it from that that each of those other individuals we saw on the screen, and also Mr Yip in connection with Harbour City Pty Ltd, brought to your attention the fact that they had been sent notices to produce by the Electoral Commission?---That's correct.

And you assisted in responding to those notices. Is that right?---That's correct.

10

And part of what you did to assist in responding to those notices, was to request the issue or reissue or copying of receipts from head office. Is that right?--That's correct.

And you did that by making contact with Mr Cheah. Is that right?---That's correct.

20

THE COMMISSIONER: Mr Yee, it was becoming apparent, wasn't it, in early 2017 that the Electoral Commission was, as it were, launching an investigation in to the fundraiser in question?---That's correct.

And that email of 1 March, 2017, to Mr Cheah requesting receipts for four persons, three of whom were your family, your mother, Valentine and yourself as well as Emperor's Garden. So it was becoming apparent now that your family members, including your mother, was being drawn into this investigation.---Yes.

30

Something, no doubt, you would have thought long and hard about as to whether or not it's worthwhile maintaining the false scheme, if it meant that your family were going to be dragged into this, especially your mother? ---Yes.

40

You did think about that at the time?---I, at the time I spoke to Ernest about the NSW Electoral Commission is looking into the case. I had asked for his suggestion, what should we do. At the time, I didn't think too much of it. I thought it wasn't a big matter. I was, at the time, I was convinced by Ernest telling me that it's a small matter and I took it from there. That's why I'm, all throughout this issue, I had conveyed Ernest's, well, how can you put it, conveyed his words or whatever you can put, how, how you can put it is that, to continue to lie.

But by March when it became apparent that the Electoral Commission had entered the fray, you couldn't say it was then a small matter. It was evident that it was a big matter, wasn't it? Because you knew of the trail of falsehoods that had led to the situation of the investigation involving yourself, amongst others.---Why, if I had known if it was such a big problem, such a big issue, and it caused so many people heartaches, and

even to my mother to the state that my brother said it was, I would have reconsidered. But at that time I didn't think it was such a big issue.

You knew that the Electoral Commission were not just interviewing you, they were interviewing others who were involved in the whole thing, and that this was not going to get smaller, it was going to get bigger, and it would involve you trying to maintain the falsehoods.---That's correct.

And that this would, as I said, involved your family now.---Yes.

10

This investigation. What I'm trying to understand is, why would you, knowing all of that, be prepared to hold the line as to the falsity of this scheme if it meant, in effect, throwing your family members – including your mother – to the lions, if I can put it that way, by which I'm saying exposing them to an investigation by a statutory authority, the Electoral Commission. What was motivating you to push it that far?---I think I would say stupidity. Stupidity in believing what Ernest had said, that we were in trouble. We, all they needed to do is give some evidence and, you know, they'll be off our back. And no way I would think it would come to, all the way to a public hearing.

20

Well, you know that late in the previous year, 2016, that there's a lot of media exposure about Mr Huang Xiangmo.---Yes.

And that's in relation to the Dastyari matter.---Yes.

Yes. Was one of the powerful motivating factors to continue on with the falsehood, notwithstanding the Electoral Commission having commenced their investigations in March of 2017, that neither you nor Mr Wong wanted Mr Huang Xiangmo exposed as the donor?---I, personally I don't care.

30

No, but something had to be weighing heavily on your mind to, as it were, allow your family to get drawn into this. Is that right?---I was - - -

And I'm just trying to ascertain what was the reason that you'd be prepared to allow your family to get drawn into this. Was it because you or perhaps more Mr Wong was wanting protection at all costs to prevent Mr Huang Xiangmo from being publicised, exposed to the media as he had been in the Dastyari affair?---I would think Mr Wong would be more willing to protect

40

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MR HALE: Can I just object hear? Commissioner, can I object to - - -

THE COMMISSIONER: No, no. No, no. I won't hear you, Mr Hale.

THE WITNESS: Willing to protect whatever interests that they may have, and I was convinced by Mr Wong that it was not, not really anything to be worried about, all these particular investigations. He said, he said that be

sure what you guys said, just continue on to say what was said, what was produced to the Electoral Commission, and they won't, they won't have any (not transcribable) give them a regular check-in. That's what - - -

THE COMMISSIONER: That's what he was saying.---To me, yes.

But you're an intelligent man, aren't you?---I don't look like an intelligent -  
- -

10 You could see what was happening. You could see what was unfolding. Now the Electoral Commission had entered the fray by March 2017, correct?---Correct.

That was serious.---Yes.

That was a serious event.---I didn't think it was that serious at the time.

Well - - -?---Now, looking back, in hindsight, yes.

20 I'm just reminding you that you're giving evidence on oath.---I, I understand.

I'm going to put it again to give you a second chance.---You appreciated when the Electoral Commission entered the fray by March 2017 that things were turning very serious.---Yes.

About this fundraiser.---Yes.

30 What was it that motivated you to persist with the falsehood, notwithstanding that the Electoral Commission were now investigating? Did it have anything to do with trying to protect the identity of Mr Huang Xiangmo as donor?---Definitely not from me. Definitely.

But based on your discussions with Mr Wong, did you come to understand that was a factor that was weighing on his mind?---We might have discussed it, I'm just trying to recall.

40 I'm not interested in what you might have, I'm asking you a fairly simple question, whether by what Mr Wong was saying to you at this time when the Electoral Commission were investigating, that he was concerned about the identity of the donor being exposed?---Yes.

MR ROBERTSON: At least at that point in time Mr Huang Xiangmo was a person of significant power within the Chinese community in Australia. Correct?---That's correct.

He was I think at that time the president of the Association for the Promotion of the Peaceful Reunification of China. Correct?---That's

correct. Oh, he would be the chairman I think, not president, because the president would be the person doing the daily activities, whatnot that they need to do, the chairman would be the person sitting behind.

He was the senior non-executive officer - - -?---That's correct.

- - - of that organisation.---That's correct.

Is that right?---That's correct.

10

And Mr Huang Xiangmo is a senior person within the Communist Party. Correct?---I don't know that.

You at least know, don't you, that the Australian Council for the Peaceful Reunification of China is a Chinese Communist Party front organisation. Correct?---Yes.

20

And so would you accept that at least one reason that must have been weighing on your mind in the way in which you were dealing with the Electoral Commission towards the latter part of 2016 and into 2017 was the potential risk of exposing Mr Huang Xiangmo as the donor.---I did not think it in that way, it wasn't that complicated.

But this is a man of significant power within the Chinese community in Australia. Correct?---Yes.

30

And so I'm suggesting to you that must have been at least one of the considerations in your mind in continuing to perpetuate the scheme and the cover-up of the scheme when the Electoral Commission came knocking. Do you agree?---We didn't discuss that at that point in time, so I didn't think of Mr Huang in the picture at the time.

It was at least one matter that was weighing on your mind, whether or not you discussed it with Mr Wong, it was a matter that was at least weighing on your mind as to why you should continue to lie to the Electoral Commission. Do you agree?---I agree to saying that we continued to lie because we already started to lie.

40

But I'm suggesting to you that - - -

THE COMMISSIONER: Just answer, just listen to the question.

MR ROBERTSON: I'm suggesting to you that it's more than that. I'm suggesting one of the reasons that you were continuing to lie is that you didn't want to expose Mr Huang Xiangmo as the true source of the money that was the subject of the fake donors.---Probably.

Well, are you accepting that it was at least one factor that led to you - - -?  
---You're asking me and I've - - -

- - - continuing to tell the lie?--- - - - given you an answer that I didn't think  
of it of such complexity at the time which - - -

THE COMMISSIONER: No, listen. Don't make speeches, just answer the  
question. Would you put it again?

- 10 MR ROBERTSON: At least one of the factors that was weighing on your  
mind at the time of the Electoral Commission inquiries was the fact that you  
didn't want to expose Mr Huang Xiangmo as the true source of the  
\$100,000. Correct?---Correct.

Is that a convenient time, Chief Commissioner?

THE COMMISSIONER: Yes, we'll take the luncheon adjournment. I'll  
resume at 2 o'clock.

20

**LUNCHEON ADJOURNMENT**

**[12.59pm]**