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COMPULSORY  
EXAMINATION

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

COMPULSORY EXAMINATION

OPERATION AERO

Reference: Operation E18/0093

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 17 MARCH, 2020

AT 2.00PM

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

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

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Chief Commissioner, Mr To Yip attends in response to a compulsory examination summons issued to him.

THE COMMISSIONER: Yes, thank you. Just before I proceed with the evidence, I'll deal with some formal matters. Mr Crawford-Fish, you're here.

10 MR CRAWFORD-FISH: Yes, Chief Commissioner.

THE COMMISSIONER: You seek leave to appear for Mr Yip?

MR CRAWFORD-FISH: Yes, I do.

THE COMMISSIONER: I grant leave.

MR CRAWFORD-FISH: Thank you.

20 THE COMMISSIONER: I direct that the following persons may be present at this compulsory examination – Commission officers, including transcription staff; the witness, Mr Yip; his legal representative, Mr Michael Crawford-Fish.

I propose to make an order under section 112 of the Independent Commission Against Corruption Act restricting the publication of information with respect to this compulsory examination. The direction will prevent those present today, other than Commission officers, from publishing or communicating information relevant to the compulsory  
30 examination. It will permit Commission officers to publish or communicate information for statutory purposes or pursuant to any further order made by the Commission. The direction may be varied or lifted by the Commission without notification if the Commission is satisfied that it is necessary or desirable to do so in the public interest. It is a criminal offence for any person to contravene a section 112 direction.

I make a direction in these terms, that being satisfied that it is necessary and desirable in the public interest to do so, I direct pursuant to section 112 of  
40 the Independent Commission Against Corruption Act that the evidence given by this witness, Mr Yip, the contents of any exhibits or documents or the contents of documents shown to him, any information that might enable him to be identified and the fact that he has given evidence today shall not be published or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission.

**BEING SATISFIED THAT IT IS NECESSARY AND DESIRABLE IN THE PUBLIC INTEREST TO DO SO, I DIRECT PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT THAT THE EVIDENCE GIVEN BY THIS WITNESS, MR YIP, THE CONTENTS OF ANY EXHIBITS OR DOCUMENTS OR THE CONTENTS OF DOCUMENTS SHOWN TO HIM, ANY INFORMATION THAT MIGHT ENABLE HIM TO BE IDENTIFIED AND THE FACT THAT HE HAS GIVEN EVIDENCE TODAY SHALL NOT BE PUBLISHED OR OTHERWISE**  
10 **COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION.**

THE COMMISSIONER: Now, Mr Yip, I understand you give evidence on oath. Is that right?

MR YIP: Yes, please.

20 THE COMMISSIONER: If you wouldn't mind standing and you'll be handed the Bible.

<TO YIP, sworn

[2.17pm]

THE COMMISSIONER: Just take a seat, Mr Yip. Would you just state your full name?---Full name's To Yip, T-o, surname's Y-i-p, Yip.

Thank you. Just before we proceed with the evidence, Mr Crawford-Fish, do you make application of any kind?

10 MR CRAWFORD-FISH: Yes, a section 38 declaration is sought.

THE COMMISSIONER: Yes, right. The provisions of section 38, of course you appreciate will prevent the evidence from being used in other proceedings, however in respect of any proceedings concerning evidence that he's previously given and may now give, it of course does not protect against use of the evidence in that context, if there were to be any proceedings about evidence given that constitutes an offence under the Act.

20 MR CRAWFORD-FISH: Yes, Your Honour. Yes, Commissioner.

THE COMMISSIONER: But you've explained the provisions to Mr Yip?

MR CRAWFORD-FISH: Yes, I have.

THE COMMISSIONER: He understands the provisions?

MR CRAWFORD-FISH: I have, Commissioner, yes.

30 THE COMMISSIONER: Thank you. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Mr Yip and all documents and things produced by him, if any, during the course of his evidence at this compulsory examination are to be regarded as having been given or produced on objection. There is accordingly no need for the witness, Mr Yip, 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 MR YIP AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM, IF ANY, DURING THE COURSE OF HIS EVIDENCE AT THIS COMPULSORY EXAMINATION ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. THERE IS ACCORDINGLY NO NEED FOR THE WITNESS, MR YIP, TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Mr Yip, you understand the effect of that order, that is it prevents the evidence from being used against you in other proceedings in the future. The only exception to that is in relation to any proceedings that may be brought if any in the future in relation to an offence under the Independent Commission Against Corruption Act, such as giving false evidence. You understand that that's the way the protection operates?  
---Yes, yes, sir. Thank you.

10 And you've had the benefit of legal advice.---Thank you.

Is that right?---Yeah.

Thank you.---Thank you.

Yes, Mr Robertson.

MR ROBERTSON: Mr Yip, you'll see today there's no translator present.  
---Ah hmm.

20

Can I just indicate to you, if you don't understand any of my questions in English, simply let me know and I'll attempt to ask them in a different way, and if we get to a point where you don't understand anything that I'm asking you in English and I can't rephrase it in a way that you understand, just let me know and it may be that we'll need to adjourn and get a translator present. Do you understand that?---Okay, thank you.

And you understood what the Chief Commissioner said to you a moment ago in English about the - - -?---Yes.

30

- - - effect of a section 88, section 38 declaration?---Yes, sir.

Is it correct that after you were served with a summons to attend here today in this compulsory examination, you made contact with Mr Johnston and told him that you had some matters that you wanted to correct in the evidence that you've previously given to this Commission?---Yes, sir.

And what are those matters that you wish to correct or to clarify?---Yeah. Just the two things I need to clarify - - -

40

THE COMMISSIONER: Sorry, Mr Yip, to interrupt you, could you just keep your voice up a little bit just so that we all can hear and it's picked up by the microphone?---Okay, I'm sorry, sir.

That's all right.---Yeah, there are two things I need to clarify with my, the, the public inquiry last year. First, first of all is the, the, about the donation. I said I donate \$500 to Jonathan. That's wrong. I didn't donate any money

to Jonathan. And the second one is I said I joined the, I attended the dinner, but the fact is I didn't attend any dinner.

MR ROBERTSON: So do you agree that during the public inquiry that took place last year, you told this Commission that you'd donated \$500, do you agree you told that to the Commission?---Yes, sir.

10 And do you agree that that was false evidence that you gave to the Commission on that occasion?---Yes, yes, I'm sorry.

And similarly do you agree that you told the Commission that you attended the Chinese Friends of Labor dinner of 2015 but that that was false evidence to the Commission? Is that right?---Yes.

Are they the only two matters where you gave false evidence to the Commission that you wish to now correct?---Yes.

20 Is there any other evidence that you gave that you now consider to be misleading without some further explanation or clarification?---No, I don't think so.

So just to put this in context, can we go to Exhibit 152, page 26, please. It'll come up on the screen in front of you in a moment, Mr Yip.---Okay.

You'll see on the screen there a copy of a reservation form for Harbour City Group P/L.---Sorry.

30 Can you see that on – is there anything on the screen in front of you?  
---Nothing on the screen, sorry.

THE COMMISSIONER: Nothing on your screen?---No. I can see from there.

MR ROBERTSON: Can you see it sufficiently on the large screen just above the Commissioner?---Yes, I can see, yeah.

We may need to adjourn in a moment. If we can just pause for one moment. Mr Yip, do you now see - - -?---All good.

40 Do you now see a reservation form on the screen in front of you?---Yes.

And that's your signature in the bottom right-hand corner. Is that right?  
---Yes, yes.

And do you see there there's a date, the 30/03/15 in the bottom right-hand corner?---Yes, I can see.

Now, is it consistent with your recollection that you signed this document sometime around 30 March, 2015?---Yes.

And can you just explain to the Commission the circumstances in which you signed that document?---Sorry, sir, sorry, sir, can you - - -

Can you just explain the circumstances in which you signed a document that looks like the one on the screen, who asked you to sign it, for example?  
---Jonathan asked me to sign this, this form.

10

And where were you at the time that that occurred?---Should be in my shop.

Do you recall whether Mr Jonathan Yee said anything to you at the time that he was asking you to sign this particular document?---They just told me that's for the, a, a, a function, a dinner in - - -

But what did he explain to you about this document, why was he asking you to sign this document?---I forgot exactly what, what he said to me.

20

Well, doing the best you can, Mr Jonathan Yee comes into your shop. Is that right?---Yes.

And he shows you a document that looks like the one on the screen but not yet filled out. Is that right?---Yeah, yes.

And do you recall whether the \$5,000 figure that you can see in the top right-hand corner - - -?---Yes.

30

- - - do you recall whether that was on the form before you signed it?  
---No, I don't think so.

You don't think it was on the form before you signed it?---Yeah.

And do I take it that the rest of the document was blank in the sense that it didn't have Harbour City Group, et cetera, written in on it?---Yeah.

And is that your handwriting where it says Harbour City Group P/L, 73 Dixon Street?---Yep, yep, yes.

40

And what about the strikeout that we can see towards the middle of that column, do you recall whether that was on the document before Mr Jonathan Yee gave it to you?---I don't think there's a cross there.

And doing the best you can, what discussion or explanation did Mr Jonathan Yee give with you at the time that he presented you with this form?---I really can't remember what exactly he told me. I think that he just let me help him to sign a paper for the kind of donation to the, to the Australian Labor Party in a, in a special function.

But did he explain to you why he wanted this particular form to be signed?

---No, he didn't.

You at least knew that this was a form that was associated with donations?

---Yeah.

10 Did Mr Yee indicate whether he in fact wanted you to make a donation or not?---At that moment I, I didn't pay too much attention on this. So just as, as a friend he asked me to help, just help to sign the form.

But when you signed this document what did you think it was signing to say?---I thought that's just maybe, that's a special donation for the, for the, for the, for a Chinese Labor, Friend of Labor for the party function.

20 So at the time you signed this document you knew it was a document that said that Harbour City Group P/L either had or was going to make a donation of \$5,000. Correct?---At that time I'm not sure if it's 5,000 or exact the amount.

Well, you at least knew that by signing this document you were indicating that Harbour City Group Pty Ltd either had or was going to make a donation to the Labor Party in one of its forms. Is that right?---Oh, yeah, I remember, I, I, I remember something now.

Please.---I think Jonathan told me, asked me, just sign the paper, I don't need to donate anything, just help him to sign this form.

30 So at the time you signed it you knew it was a form that said that Harbour City Group either had donated or was going to donate, but Jonathan made it clear that you didn't actually have to donate?---Yes.

Is that right?---Yes.

40 And so you at least knew, didn't you, at the time that you were signing this document that you were assisting Mr Yee to conceal something, to cover up something? In other words, for you to say that a donation either had been made or was going to be made, even though you weren't going to make such a donation. Do you agree with that?---I, at that time I really didn't pay too much attention on this matter, I didn't think too much, I thought just a reservation form so I just sign for him.

But you'd at least agree, wouldn't you, that by signing this document you were agreeing to cover up something with Mr Jonathan Yee. Do you agree with that?---I'm not sure it's cover something or not, no.

Well, why was it that you signed a document that said that Harbour City Group Pty Ltd either had made a donation or was going to make a donation

in circumstances where Harbour City Group was not going to be making a donation? Why did you decide to sign such a document?---Just, just as a friend, a neighbour you know, Jonathan asked me do him a favour, just, just sign the form.

If you just have a look in the bottom right-hand corner, can you see there's a little passage there that says, "I confirm this donation is not made on behalf of?"---Ah hmm. Yes.

10 Do you see that there?---Yes.

And did you read that paragraph before you signed this document?---No, no, I didn't read.

But you at least realised that signing this document was a matter of some legal significance. Is that right?---I'm not sure if this to be for legal, legal, legal, legal things or not.

20 Well, you at least accept, don't you, that by signing this document you were making an indication of something that wasn't true, in other words, you were indicating that Harbour City Group Pty Ltd either had made a donation or - - -?---Yes.

- - - would make a donation, even though there was no intention to make such a donation?---Yes, I do, yes.

Right. You at least accept that.---Yes.

30 Just go back one page in that exhibit. You see now, Mr Yip, a tax invoice number 4-0-9-2-0 on the screen.---Yes.

Now, do you recall whether you ever received a tax invoice that looked something like the one on the screen?---Yes.

40 And do you recall about how long it was between signing the document we saw a moment ago, the one that was at page 26 of Exhibit 152, and when you received a tax invoice that looked like the one on the screen, was that within a few weeks or was it a few months or was it a few years, what's your best recollection of that?---In my best recollection around a few weeks.

So if you have a look at the date in the top right-hand corner where it says 9 April, 2015, do you see that there?---Yes, yes.

Are you saying that it was probably around about that date that you received the invoice or is it possible that it was later?---I'm not quite sure which.

But your best recollection was that it was within a few weeks of signing - - - ?---Yes.

- - - the document that we saw a moment ago?---Yes.

THE COMMISSIONER: When you received this invoice, you connected it up with the document you had signed some weeks or months before?---Yes.

You realised it was the same, dealing with the same matter?---Yes.

10 And Harbour City Group Pty Ltd was your personal company, was it?  
---Not personal company, we are, we are four partners.

You are a director of it?---Yes.

Okay. And is that the company that you use to operate your business?  
---Yes.

I see. And when you received this tax invoice and under the heading Description you'll see on the screen - - -?---Yeah.

20 - - - "Donation to Chinese Friends of Labor NSW Labor Chinese Launch \$5,000, 12 March, 2015," you knew of course that there had been no donation by the company, Harbour City Group Pty Ltd in the amount of \$5,000?---Yes.

And in fact you knew that your company, Harbour City Group Pty Ltd, had not contributed any dollars by way of a donation at all - - -?---Yep.

- - - to the Chinese Friends of Labor.---Yes.

30 Is that right?---Yes.

Did you speak to Jonathan Yee about this tax invoice?---Yeah. Jonathan gave me this tax invoice.

Oh, he gave it to you?---Yeah, he gave to me, and that's in my best recollections, but it's really long time ago. Yeah, Jonathan gave me this tax invoice, he asked me, that's the invoice, you can use this invoice for the company tax deduction, but I, yeah, I thought that's, I didn't donate any money so I just throw it away.

40

I see.---I didn't use this tax invoice for the, our company tax deduction, yeah, because I didn't donate any money, so just throw it away.

Thank you.

MR ROBERTSON: So is it right to say that a payment of \$5,000 to Country Labor doesn't appear anywhere in the Harbour City Group accounts. Is that right?---No.

And no tax deduction was claimed in relation to either \$5,000 or any other amount - - -?---No.

- - - associated with this pretend donation. Is that right?---No, I didn't.

Can we go please to Exhibit - - -?---Sorry, sorry. That's Country Labor, not Australian Labor Party.

10 THE COMMISSIONER: Yes, right.

MR ROBERTSON: Yes. Is that the first time you've noticed - - -?---Yes.

- - - that it says Country Labor?---Yeah.

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

Did Jonathan Yee at any point give you any explanation as to what Country Labor was?---No.

20

When you signed the document, the reservation form that I first took you to, did you understand that to have anything to do with Country Labor?---No, I have no idea.

Was it your understanding that that had something to do with the Australian Labor Party and NSW rather than Country Labor. Is that right?---Yeah.

30

And are you saying the first time you've spotted that this invoice was to do with Country Labor rather than the Australian Labor Party NSW Branch - - -?---Yeah.

- - - is when you've just noticed that on the screen in front of you now?  
---Yes.

Can we go to Exhibit 237, please, and to page 11. Now, Mr Yip, you ultimately made a disclosure to the NSW Electoral Commission. Is that right?---Yes.

40

And on the page that we can now see on the screen, page 11 of Exhibit 237, the handwriting that we can see on the screen, whose handwriting is that?  
---It's mine.

And the signature that we see about eight-tenths of the way down the page, is that your signature?---It was mine.

About three-tenths of the way down the page, see the words, "Harbour City Group," are in typed-in text?---Yes.

Do you see that there?---Yes.

Who typed in that text, was that you or was that someone else?---Someone else.

And do you know who it was that typed in that text?---I didn't ask.

10 Can you just explain then the circumstances in which you came to write out the text on this form, is this a form that someone gave to you?---In my best recollection I think I received this form from the Electoral Commission. When I received this form, actually I don't know what happening, so I, I, I thought this one should be related to the, the 5,000 donations so I give this form to Jonathan, ask him to help me to fill out the form.

And doing the best you can, what did Jonathan say to you about filling out this form?---Jonathan just asked me fill out all the information what I know.

20 And when you were filling out this form you knew that you were making a statement or a disclosure to a government authority, being the Electoral Commission. Is that right?---Yes.

You knew this was a legal document. Correct?---Yes.

And if you just have a look just above your signature, do you see it says, "I, To Yip, on behalf of Harbour City Group Pty Ltd, declare that all donations made during the relevant disclosure period have been disclosed." Do you see that text there towards the bottom of the screen?---Yes, yes, yeah.

30 And so at the time you signed this document you knew you were making a declaration to the Electoral Commission that you, that your company, Harbour City Group Pty Ltd, had made donations to the Labor Party. Is that right?---Yes.

And you knew that that declaration was false. Correct?---At that time I didn't read the, the clause there.

40 But whether you read it or not, you at least knew that by signing this document you were saying something to the Electoral Commission. Correct?---Yes.

And not just saying something, but saying something that was untrue. Correct?---Yes.

You knew the purpose of this document was to say that your company had donated \$5,000 when you knew that your company had donated zero dollars. Correct?---Yes.

Can we just turn the page, please. In the typed-in text that says the date and ALP NSW, was that text that you typed in or was that text that someone else typed in?---Someone else typed it.

And do you know who typed in that text?---I don't know.

Is it possible that Jonathan Yee gave you a copy of this form with some of the material filled out?---Yes.

10 Do you have a recollection of that or - - -?---Yes.

So, so you recall that Mr Yee gave you a copy of this form. Is that right?  
---Yes.

And the copy of the form that Mr Yee gave to you had the text ALP NSW and the date et cetera that we can see on the screen?---Yep.

20 Can you see just towards the right-hand side there's a receipt number of 4-0-9-1-0, can you see that there?---Yes.

Again is that a number that Mr Yee gave you rather than a number that you obtained yourself, is that right?---Yeah.

And so just so it's clear in my mind, Mr Yee gives you a copy of this form that's partially filled out but not filled out in whole. Is that right?---Yes.

30 You realise that what, by signing this form you would be telling the Electoral Commission that your company had donated \$5,000. Correct?  
---Yes.

You filled out some of the additional details like your name and signature et cetera, correct?---Yes, yes.

And then having signed the form, what did you then do with the form?  
---Gave it back to the, Jonathan.

So you gave it back to Jonathan.---Yeah.

40 You left it to Jonathan to send it in to the Electoral Commission. Is that right?---Yes.

Can we then go please to page 19 in the same exhibit. Now, Mr Yee, you were sent a letter from the Electoral Commission in February of 2017 from the Electoral Commission asking you to produce documents. Is that right?  
---Yes.

And so you recall receiving a letter along the lines of what you can now see on the screen. Is that right?---Yes.

And you provided a response to that letter, correct?---Yes.

And if we can go please to page 31 of the same bundle. Do we see there a copy of a cover letter when you responded to the notice to produce from the Electoral Commission?---Yes.

10 Now, the text that we can see on the screen, is that text that you typed out or that someone else typed out?---Jonathan typed for me.

So Jonathan, you've got a recollection of Jonathan typing out the text that we can see on the screen?---Yeah, he gave me this letter.

So is it right then that Mr Yee gives you a copy of this letter unsigned and asked you to sign the document. Is that right?---Yes.

You've got a specific recollection of that happening?---Yes.

20 It wasn't for example that Mr Yee gave you some ideas about what to say and you then typed it out?---No.

You have a recollection that Mr Yee gives you the text of this letter and asks you to sign it. Is that right?---Yes.

And do you agree that as well as sending this cover letter, you also sent some documents back to the Electoral Commission?---Yes.

30 And let's just have a look at those. If we go first to page 26 of that exhibit, do you recall that one of the documents that accompanied the cover letter was some bank statements from Harbour City Group bank account?  
---It is my personal bank account.

This is from your personal bank account - - -?---Yeah.

- - - that we can see on the screen?---Yep.

Now, do I take it that you collated those documents to send on to the Electoral Commission?---Yes.

40 And so you got them out of your own records and collated them to be sent off to the Electoral Commission?---Yes.

And if we then go to page 30, is it right that under the cover letter was also a copy of a tax invoice?---Yes.

And I'll just note, if you look in the top left-hand corner of this one it says, Australian Labor Party NSW rather than Country Labor.---Yes.

And so this appears to be different to the one that I showed you a moment ago.---Mmm.

But do you recall how you obtained a copy of the document that was on the screen, is that something that you otherwise had or did you obtain that from some other place?---I think I, I think I only received one tax invoice from Jonathan. I'm not sure it's this one or the, which one you call, Country Labor. I'm not sure.

10 So to be clear, you've got no recollection of ever receiving in the post for example from either the Australian Labor Party NSW or Country Labor, a tax invoice. Is that right?---No, I didn't receive any post from them.

You're quite sure in your mind you've never got anything from the party direct. Is that right?---No.

But you do recall Jonathan Yee showing you a copy of a tax invoice from either Australian Labor Party NSW or Country Labor. Is that right?---Yes, only one.

20

And if we just jump to the next page, just to get your bearings in terms of the date, do you see this one's dated 4 March, 2017?---Yes.

Do you see that there?---Yes.

And is it your best recollection that you got the tax invoice around the time that you signed this letter, which looks like around March of 2017, or did you get the tax invoice at some earlier time, for example back in 2015?

30 ---I think Jonathan gave me the tax invoice to me, 'cause then I throw, I throw away once, that one I throw away, and after that I received the, the document from, from the Electoral Commission asking me to provide all the documents and all, and my bank statements and the forms and the tax invoice, so I ask Jonathan, because I don't have any tax invoice, I already throw away for the original ones, so I ask Jonathan give me the tax invoice to provide to Electoral Commission.

So just to be clear about that, your recollection is the first time you received a tax invoice was within a couple of weeks of signing that first reservation form - - -?---Yes.

40

- - - that I showed you. Is that right?---Yes.

And that tax invoice you threw away within short order. Is that right?---Yes.

That original tax invoice you didn't get from the party, you got directly from Jonathan?---Yes.

And so did Jonathan come over to your shop, did he, and said here's a copy of the tax invoice?---Yes, yes.

But your recollection was that that happened within a couple of weeks of the first form that you signed, the first reservation form that you signed.---Yes.

Is that right?---Yes.

10 And you then received a notice to produce from the Electoral Commission in February of 2017. Is that right?---Yes.

One of the things that that notice to produce asked for was a copy of the invoice. Correct?---Yes.

At that point in time you didn't have the invoice anymore because you'd thrown it away?---Yes.

20 And are you saying that you asked Jonathan to then acquire a new copy of the tax invoice so that you could respond to the Electoral Commission?  
---Yes.

THE COMMISSIONER: This letter on the screen, 4 March 2017, you may have already dealt with this, but was this prepared for you or did you assist in putting it together?---Jonathan prepared for me.

Well, did he sit down with you and prepare it or did he just present it?  
---He just presented it.

30 Where was that, at your - - -?---Yeah, he, I think he - - -  
- - - business or at his home or where was it?---I think he bring to our shop.

You think he brought it to - - -?---Think he bring to our shop, yeah.

And the explanation set out in the letter, there being a table of 10 guests, including myself, who paid 500 each, \$500 each, do you say that you did not write those words, they were written for you?---Yeah.

40 Is that right?---Yes.

The whole, whole of the letter was written for you?---Yeah.

Without your input?---Yes.

Is that what you're saying?---Yeah. Ah, no, Jonathan typed the letter and he gave it to me and give to me and sign the letter.

And you signed it in his presence or – did you sign it while he was there?  
---Yeah.

Did he take the letter with him or did you post it to him or what?---I think I, when he gave me this letter I signed the letter and I sent to the Electoral Commission.

I see.---Yes.

10 Okay. Thank you.

MR ROBERTSON: So it was you that sent this letter to the Electoral Commission, it wasn't a letter that you gave to Mr Yee to send on to the Electoral Commission?---My recollection is I think I sent this letter to the Electoral Commission.

So just to understand the order of events. You get in the post a notice to produce from the Electoral Commission in about February of 2017. Correct?---Yes.

20

And you make contact with Mr Yee and tell him that you've received that notice to produce. Is that right?---Yes.

And what happens then, what's the next step in the process that leads to this letter of 4 March?---I really can't remember which one is first, which one's second.

30

Well, did you at least have a discussion with Mr Yee as to how you were going to respond to the notice to produce from the Electoral Commission?  
---Yes.

And what did Mr Yee say in that discussion?---He just give me this letter, ask me to provide to the Electoral Commission.

But presumably you at least agreed that you would try and find some bank statements to go with the letter. Is that right?---Yes.

40

And you must have at least agreed that Mr Yee would obtain a copy of a tax invoice to go with the letter. Is that right?---Yes.

The story that's on this letter which involves or at least includes you paying, saying that you've paid \$500, is that a story that Mr Yee came up with, that you came up with or a combination of you and Mr Yee?---Jonathan.

So that was entirely Jonathan's idea - - -?---Yes.

- - - for you to say that you'd donated \$500 rather than \$5,000. Is that right?  
---Yes.

But you agreed to go along with that untrue story. Is that right?---Yes. I'm sorry.

And so by signing this document you knew that you were going to be saying something to the Electoral Commission that was untrue. Correct?---Yes.

10 You realised that you were saying to the Electoral Commission that you had made a donation or perhaps your company had made a donation in circumstances where no such donation had been made. Is that right?---Yes.

But your best recollection is that it was you that sent the cover letter that we can see on the screen, the tax invoice that I showed you a moment ago - - -? ---Yes.

- - - and the bank statement that I showed you a moment ago. Is that right? ---Yes, yes.

20 You sent it yourself rather than giving it to Mr Yee. Is that right?---Yes.

Now, ultimately the Electoral Commission asked you to participate in a recorded interview. Is that right?---Yes.

And you agreed to participate in such an interview. Is that right?---Yes.

And during the course of that interview you told the Electoral Commission that you had paid \$500 for a seat. Correct?---Yes.

30 And that information to the Electoral Commission was untrue. Correct? ---Yes.

And you knew it was untrue at the time you told the Electoral Commission. Correct?---Yes.

You also told the Electoral Commission that you attended the Chinese Friends of Labor dinner of 2015. Correct?---Yes.

40 And that was false information you gave to the Electoral Commission. Correct?---Yes.

And you knew it was false at the time that you said that to the Electoral Commission. Correct?---Yes.

You also signed a witness statement in about August of 2017 to the Electoral Commission. Is that right?---Yes.

Just to refresh your memory, I'll get that on the screen. Page 65 of Exhibit 237. You recall signing this witness statement that we can now see on the screen?---Yes.

And if we just turn the page you'll see at paragraph 6 you say, after the comma in the second line, "The only money I spent on the Labor Party was the \$500 for a single seat at the table." Do you see that there?---Yes.

10 And that was false, a false statement you were making to the Electoral Commission. Correct?---Yes.

And you knew it was false at the time that you made it. Correct?---Yes.

And in the following year, in June of 2018 you participated in a private hearing before this Commission. Correct?---Yes.

20 And during that private hearing again you said that you had, you or your company had contributed \$500 in connection with the 2015 Chinese Friends of Labor dinner. Correct?---Yes.

That was false evidence that you gave to this Commission in that private hearing.---Yes.

Correct?---Yes.

And you knew it was false at the time that you gave that evidence. Correct? ---Yes.

30 THE COMMISSIONER: Sorry. Can I ask you, before you gave evidence at the compulsory examination - - -?---Yes.

- - - had you spoken to Jonathan Yee about the fact that you were required to give evidence in this matter?---Not the, not the compulsory examination, but before the public inquiry last year.

Before the?---The public inquiry last year, I, before that I talked to Jonathan I'm going to the public inquiry.

40 And what was, and where did that conversation take place?---Around our shop, maybe on the street.

And what on that occasion did he say to you and what did you say to him? ---I said, "I'm going to the public inquiries," but I didn't tell him I, the, the, that in the private inquiry, I know I can't tell to anyone.

Yes.---And before the public inquiry told Jonathan I'm going to the public inquiries and Jonathan asked me to, just asked me to say the same, same

thing as the, the, the previous ones, you only donate \$500, so he told me I'm going to be fine. Only \$500 a very small amount.

So using his words, he said to you, what did he say, did he say, "When you give evidence at the public inquiry?"---Yeah, to - - -

What did he say?---Yeah, he told me, you, he told me, you just, I'm just saying the same thing which the, the, the, the compulsory examination or the, to the Electoral Commission, just to keep the same, yeah.

10

And you understood by his words that you were to give the same factual story - - -?---Yeah.

- - - in the public inquiry as you had given to the Electoral Commission.  
---Yes.

Which included in particular reference to the fact that you had given \$500. Is that what you're saying?---Yes.

20 That he said something along those lines?---Yes.

All right. Thank you.

MR ROBERTSON: And I think you just said a moment ago that he told you to keep to the story that you gave during the compulsory examination. Is that right?---Yes.

30 But how did he know about what you had said in the compulsory examination?---After the, the interview with the Electoral Commission I told Jonathan, I told Jonathan I just said I donate only \$500, not 5,000, I didn't donate 5,000, only \$500, and - - -

Just do it in stages. So after you received the notice to produce from the Electoral Commission you drew that to Mr Jonathan Yee's attention.---Yes.

Is that right?---Yep.

And he assisted you in providing a response in the way that you and I have already discussed. Is that right?---Yes, yes.

40

After you received the summons from this Commission to attend in the private hearing - - -?---Ah hmm.

- - - did you tell Jonathan that you'd received that summons to participate in the compulsory examination?---You mean the private one?

In the private hearing.---No, I didn't tell him.

You didn't tell him at all?---Yeah.

And you participated in that private hearing in I think June of 2018. Is that right?---Yeah. He, but he told me he went to a private hearing but I didn't tell him I'm, I'm not.

I see. So just to be clear, you came here for a private hearing in June of 2018. Is that right?---Yeah, yeah.

10 You didn't tell Mr Yee before you attended - - -?---No.

- - - that you had been asked to attend. Is that right?---Yeah.

And after you had attended here in the private hearing did you speak to Mr Yee and said, well, I've now had my private hearing?---No, I didn't.

But are you saying Mr Yee told you that he had participated in a private hearing - - -?---Yes.

20 - - - before this Commission. Is that right?---Yes.

Did he tell you whether anyone else had participated in private hearings, perhaps other employees of Emperor's Garden or family members?  
---No, he didn't tell me.

So he told you about his private hearing but not about anyone else's private hearing?---Yeah, yeah.

30 Did he tell you anything about what took place during the private hearing?  
---No.

Did he tell you anything about the kinds of questions that were asked or the kinds of issues that the Commission was concerned about?---No. I did not ask him, I really don't want to talk this matter with him at that moment.

So he told you about the private hearing but you didn't want to discuss - - -?  
---No, no, no.

40 - - - the details - - -?---I don't want.

- - - with respect to that matter. Is that right?---Yeah.

Just in your private hearing is it right that one of the things that you told this Commission was that you had attended the 2015 Chinese Friends of Labor dinner?---Yes.

And that was false evidence. Correct?---Yes.

And you knew it was false at the time that you gave that evidence. Correct?  
---Yes.

And then you explained to the Chief Commissioner that you were given a summons to attend the public inquiry before this Commission. Is that right?  
---Yeah.

10 And is it right that you drew Mr Jonathan Yee's attention to the fact that you had received such a summons?---Not the private ones, but the public, yes.

But for the public one?---Yes.

So you told Jonathan, look, I've been given this summons, I've been asked to attend this public inquiry. Is that right?---Yes, yes.

And you had a discussion with Jonathan with respect to that matter?---Yes.

20 And other than what you said in answer to the Chief Commissioner's questions, can you recall anything else that Jonathan Yee said to you regarding your attendance at the public inquiry?---No, he just told me just keep the same, same story.

The same story as what though?---The only I donate \$500 not 5,000.

So you understood Mr Jonathan Yee to be saying you should stick to the story about the \$500. Is that right?---Yes.

30 And in point of fact you did stick to that story when you attended before the public inquiry, is that right?---Yes.

And so you gave evidence in the public inquiry that you or your company had paid \$500. Correct?---Yes.

That was false evidence. Correct?---Yes.

And you knew it was false at the time that you gave that evidence. Correct?  
---Yes.

40 You also told the Commission in the public inquiry that you attended the 2015 Chinese Friends of Labor dinner. Correct?---Yes.

That was false evidence. Correct?---Yes.

And you knew it was false at the time that you gave that evidence to the Commission. Correct?---Yes.

Why was it that you decided to give false evidence to this Commission in both the public inquiry and the private inquiry or the private hearing?

---When I got the explanation letter he told before, that Jonathan gave to me the letter to the Electoral Commission, my understanding is, before I thought just say I only donate \$500, I thought that maybe just a small amount, not a big issue, and as it is I didn't say I donate \$5,000, so - - -

But you must have appreciated that it's a very serious matter - - -?---Yeah, I - - -

10

- - - to lie on oath before this Commission. Correct?---Yeah, yeah, I know I'm so wrong and I'm sorry.

It was a serious matter to lie to the Electoral Commission. Correct?---Yes.

And it was an even more serious matter for you to come and sit in that very seat, swear to tell the truth - - -?---Yes.

- - - and then to lie. Correct?---Yes.

20

What explanation do you have as to why you would engage in such serious conduct?---Yeah, actually that's my, you know, my, that's the first legal case in my life, you know, I'm very worried if I change the evidence between all the, the, the inquiries, I'm going to get in trouble, so I know, I know that's not excuse, but is wrong, totally wrong, I know, but - - -

You said a little while ago that you spoke to Jonathan Yee about giving evidence in the public inquiry. Did you speak to anyone else about giving evidence in the public inquiry?---Public, public inquiry?

30

Yes.---Yeah, I told my wife.

Anyone else?---My wife and also my - - -

And at the moment I don't want to know about lawyers for the moment, but putting aside lawyers, did you speak to anyone else about it?---And my partner, my business partner.

What about Mr Ernest Wong?---Who is?

40

What about Mr Ernest Wong?---I don't know him.

You don't know Mr Ernest Wong?---No. I know him, I know him from the, from the media, but I don't think he knows me.

So is it right to say that the only people you have spoken to about giving evidence in the public inquiry are Jonathan Yee, your business partner, your

wife and your legal adviser?---Yeah, and the, Jonathan's brother, Valentine Yee.

Valentine Yee as well?---Yeah, yeah.

As best you can recall, what did Valentine Yee say to you regarding giving evidence in the public inquiry?---Valentine Yee, you mean Valentine?

10 What did he say to you?---Valentine just - - -

I'm talking about Valentine now.---Yeah. I think he, he just, he just stick the same story should be fine.

Well, let's be clear about this. Do you have a specific recollection of Valentine Yee, we've talked about Jonathan Yee, but Valentine Yee, do you have a specific recollection of Valentine Yee saying to you that you should stick to the story?---Yeah, but after that he went, after the, his public inquiry he told me he change all the evidence.

20 I just want to go back or come back to that part about him changing his evidence, but are you saying, and I want you to be quite clear about this in your mind, are you saying that before you gave evidence in the public inquiry you had a discussion with Valentine Yee - - -?---Oh, sorry, sorry.

- - - as to what you might say in the public inquiry?---Oh, sorry, sorry, my misunderstanding. Before I, before the, before the public inquiry.

30 Yes, before you gave evidence in the public inquiry.---I, I only, I only talk to Jonathan, my wife and my partner. That's it.

So you only spoke - - -?---Yeah.

You didn't speak to Valentine Yee - - -?---No, till after that.

- - - in advance of you giving evidence in the public inquiry. Is that right?---Yeah, yeah, yes.

Are you quite sure about that in your mind?---Yes, yeah.

40 You have had some discussion with Valentine Yee about your evidence in the public inquiry. Is that right?---Yes.

And did that happen before or after you were sitting in that chair giving evidence in the public inquiry?---I think it's after.

And what did Valentine say to you after that took place?---He didn't say too much. He said \$500 is just small amount.

I want you to - - -?---He didn't talk too much.

And if you want to pause and think about it for a moment, because this is quite important. I want you to remember as best you can what Valentine Yee said to you about evidence in the public inquiry.---Me, about me?

Said to you.---Said to, about my inquiry, is it?

10 Yes.---Yeah, didn't talk too much with my inquiries, Valentine Yee. Valentine told me his inquiry, public inquiry, what happened in his public inquiry.

THE COMMISSIONER: What did he say about that?---(No Audible Reply)

What did he say about that?---He said he change the evidence, yeah.

20 Well, just trying to think back, where did this conversation take place with Valentine Yee?---Where?

Where, where did it happen?---In Chinatown.

Right. So he must have said some introduction, but what did he say? ---Yeah, he told me when first day in the public inquiry he, he kept the same story, the wrong story, and after that he, I think on second day he got the other public inquiries or second, I think the second day after, I can't remember, and he said he changed her, his evidence to said he didn't donate any money.

30 Okay. Thank you.---That's what he told me.

MR ROBERTSON: But you mentioned a moment ago about him saying something about \$500 and it not being a lot of money. Did I get that right? ---No, no, that's all I talked with Jonathan.

That's what you told to Jonathan?---Yeah, yeah, yeah.

40 But did you have any discussions with Valentine Yee regarding that matter? ---No, no.

Because I thought you said before, but maybe I got it wrong, I thought you said before that Valentine Yee, not Jonathan, Valentine said something like, "It's only \$500, you don't need to worry about it too much."---No, no, that's Jonathan said.

So that was Jonathan said that.---Jonathan, yeah, that was Jonathan.

THE COMMISSIONER: Coming back to your evidence as to Valentine Yee telling you he had changed his evidence, did he explain why he was telling you that?---No, he didn't. No, he just told me he changed the evidence, he can't cover, he can't cover the story.

Ah hmm. Okay.---Yeah.

10 MR ROBERTSON: Just to be clear, Jonathan Yee gave you some advice as to what you should say in the public inquiry, in other words, say the same thing as you've said before.---Yes.

Do I have that right?---Yes.

Did Valentine Yee give you any advice as to what you should say - - -?  
---No, no, no.

- - - in the public inquiry?---He, no, Valentine Yee, no.

20 And with Valentine did you discuss the question of the public inquiry at all before you had given evidence in the public inquiry?---No, no, not Valentine Yee.

So your only discussion with Valentine regarding the public inquiry was after you had already given evidence. Is that right?---Yes, yes.

And it was after Valentine had given his evidence as well. Is that right?  
---Yes.

30 So there was no other discussion after you had given your evidence but before Valentine had given his evidence?---No, no, no.

Is that right?---Yes.

It was only after Valentine - - -?---Yes, yes.

And are you saying that Valentine said that he had changed his evidence?  
---Yes.

40 And what else did Valentine say to you, did he say to you, well, I've now changed my evidence, you might want to change your evidence, or something like that?---No, he said he changed, he told me he can't, he couldn't cover the story. That's it.

But I'm just trying to understand, why is Valentine giving you this information, is he suggesting to you that you should do something or you should not do something in light of what Valentine's decided to do?

---No, no, no, just, just, just normal conversation, yeah.

Well, did he say to you something like, I haven't been able to cover this up anymore, I think you should now go back to the Commission and say what you had been telling the Commission before was false?---No, he didn't tell me.

What about Jonathan, did Jonathan say anything like that to you?---No. After the public inquiries I think I only talked to Jonathan like once or twice, I can't remember, and I didn't talk to him for a long time.

10 Have you been telling us the truth today?---Sorry?

Have you been telling the Commission the truth today?---Yes.

Why have you decided to tell the Commission the truth today?---I'm so regret. I'm so regret after the public inquiry and yeah, just feel very sorry, yeah.

But why has it taken you - - -?---I have to tell the truth.

20 But why has it taken you so long, why didn't you approach the Commission at some earlier stage and say, well, look, what I've said in the past to this Commission or to the Electoral Commission was false?---Yeah. Very honestly, just like a few weeks ago still a few weeks ago I only know all the peoples who connect with the Jonathan all the employees from the, Jonathan's restaurant, everyone change their evidence. I really didn't know that.

30 THE COMMISSIONER: When did you find out?---Just I think when I received the summons for this summons and the few investigator or few - - -

An investigator?---Yeah, yeah, told me everyone change their evidence. He asking me to look at the, the transcript from the, from the ICAC website. So at that moment I look at the website, I saw oh, everyone change their evidence.

But is this when the investigator gave you the summons to be here today? ---Yeah. A few weeks ago I think, two weeks, two or three weeks ago.

40 But I think you're being asked why didn't you before then come forward and tell the Commission that your evidence had been - - -?---Yeah, he tell me what I need to do, you know. Yeah, I know it's my fault. It's, I'm so wrong. I should come earlier. I'm sorry, yeah.

MR ROBERTSON: Or is it the case that you didn't come forward earlier because you thought you'd be able to get away with your lies?---Yes.

And when you received the further summons to attend a further private hearing you thought the game was up, I can't continue with the lies anymore. Is that right?---Yes.

And so that's why after you received the summons to attend today you called up Mr Johnston and said, "There's some matters that I need to correct in my evidence."---Yes.

Is that right?---Yes.

10

And so it follows from that, doesn't it, that but for the fact that you received the summons, if you didn't receive that summons you may well have just continued to stay quiet and hope that you could get away with the lies that you'd told. Is that right?---Yes.

When is the last time you spoke to Jonathan Yee?---Last time? I remember I think two or, two months ago. Two or three months I think.

Was that after or before the public inquiry?---After.

20

When is the last time you spoke to him about anything to do with this Commission's investigation?---I really didn't talk too much about this matter but I really don't want to talk to him anymore.

Did you tell him that you were coming to a private hearing today?---No, no.

Have you told anyone other than lawyers - - -?---No.

- - - that you were attending a private hearing today?---No.

30

Other than the matters that you've told us about, is there any other matters that you wish to correct or clarify in the evidence that you've given to the Commission or to the Electoral Commission?---No, I don't think so.

Is there anything that you've said to this Commission or to the Electoral Commission which you think on reflection I need to explain a little bit more because otherwise it might be misleading?---Sorry, sir?

40

Is there anything that you've said to the Electoral Commission or to this Commission which you think might be misleading or might lead someone to think something that might be wrong, without giving some further explanation?---No.

And other than what you've told us today, is there any other information that you've become aware of that you think might be relevant to this Commission's investigation?---No.

That's the examination, Chief Commissioner.

THE COMMISSIONER: Yes, thank you. Mr Crawford-Fish, is there anything you want to ask?

MR CRAWFORD-FISH: No, no, Commissioner.

THE COMMISSIONER: Thank you. Yes, thank you, Mr Yip. You may step down.---Thank you, sir.

10 Yes, you're excused.---Thank you, sir.

**THE WITNESS EXCUSED**

**[3.09pm]**

THE COMMISSIONER: Nothing else?

MR ROBERTSON: Nothing further, Chief Commissioner.

20 THE COMMISSIONER: I'll adjourn.

**AT 3.09PM THE MATTER WAS ADJOURNED ACCORDINGLY**

**[3.09pm]**