

The Commission must seek the advice of the Director of Public Prosecutions (DPP) on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid, and conducts all prosecutions. The Commission provides information on this website in relation to the status of prosecution recommendations and outcomes as advised by the DPP. The progress of matters is generally within the hands of the DPP. Accordingly, the Commission does not directly notify persons affected of advice received from the DPP or the progress of their matters generally.

The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of:

Ernest Wong

- for an offence of entering into or carrying out a scheme for the purpose of circumventing a prohibition or requirement of Part 6 of the *Election Funding, Expenditure and Disclosures Act 1981* (“the EFED Act”) contrary to section 96HB of the Act, namely the requirements in section 88(1) and section 88(2) (read with section 92(2)) to the effect that the true source of a “reportable political donation” received or made must be disclosed to the NSW Electoral Commission (“the NSWEC”) (chapter 14)
- for an offence of hindering an investigation contrary to section 315 of the *Crimes Act 1900* (“the Crimes Act”) in respect of his meeting with Maggie Wang on 24 July 2017 (chapter 20)
- for an offence of hindering an investigation contrary to section 315 of the Crimes Act in respect of his meeting with Steve Tong at Parliament House on 17 September 2018 (chapter 22)
- for offences of aiding, abetting, counselling or procuring others to provide false or misleading answers contrary to section 110A(7) of the EFED Act in respect of answers provided in response to the notices issued by the NSWEC under s 110A(1)(c) to:
 - Johnnie Lin on 4 May 2017
 - Lei Mo on 2 June 2017
 - Wei Shi on 29 March 2017
 - Patricia Siu on 4 May 2017
 - Valentine Yee on 24 May 2017
 - May Ho Yee on 24 May 2017 (chapter 17)
- for two offences of giving false or misleading evidence in a public inquiry contrary to section 87 of the ICAC Act in respect of evidence given on 2 September and 11 December 2019 regarding the 2015 CFOL dinner (chapter 7)
- for an offence of giving false or misleading evidence in a compulsory examination contrary to section 87 of the ICAC Act in respect of evidence given on 20 November 2018 regarding Mr Tong (chapter 22)
- for offences of procuring the giving of false testimony at a compulsory examination contrary to section 89 of the ICAC Act in respect of the testimony of:
 - Ming Tam at a compulsory examination on 12 June 2019
 - Jonathan Yee at a compulsory examination on 27 and 28 June 2019 (chapter 23)
- for an offence of procuring the giving of false testimony contrary to section 89 of the ICAC Act in respect of the testimony of Valentine Yee at the public inquiry on 12 September 2019 (chapter 24)
- for offences of attempting to procure the giving of false testimony contrary to section 89 of the ICAC Act in respect of the testimony of Johnnie Lin, Lei Mo, Wei Shi, Patricia Siu, Teresa

Tam, Jonathan Yee and May Ho Yee at the public inquiry commencing on 26 August 2019 (chapter 24)

- for eight offences of attempting to pervert the course of justice contrary to section 319 of the Crimes Act and, or alternatively, attempting to hinder an investigation contrary to section 315 of the Crimes Act, in respect of his meetings with Jonathan Yee, May Ho Yee, Valentine Yee, Patricia Siu, Teresa Tam, Lei Mo, Wei Shi and Johnnie Lin after the public inquiry had been announced on 31 July 2019 and before each of them gave evidence at the public inquiry (chapter 24)
- for an offence of making a publication in breach of a direction given under section 112 of the ICAC Act in relation to his publication to Jonathan Yee regarding Mr Wong's participation in a compulsory examination on 16 November 2018 and 20 November 2018 (chapter 23).

Huang Xiangmo

- for an offence of entering into or carrying out a scheme for the purpose of circumventing a prohibition or requirement of Part 6 of the EFED Act contrary to section 96HB of the Act, namely the requirements in section 88(1) and section 88(2) (read with section 92(2)) to the effect that the true source of a "reportable political donation" received or made must be disclosed to the NSWEC (chapter 14).

Jonathan Yee

- for an offence of entering into or carrying out a scheme for the purpose of circumventing a prohibition or requirement of Part 6 of the EFED Act contrary to section 96HB of the Act, namely the requirements in section 88(1) and section 88(2) (read with section 92(2)) to the effect that the true source of a "reportable political donation" received or made must be disclosed to the NSWEC (chapter 14)
- for an offence of making a false statement in a disclosure contrary to section 96H(2) of the EFED Act in respect of his disclosures received by the NSWEC on 20 November 2015 and 30 January 2016 (chapter 15)
- for an offence of making a false statement in a disclosure contrary to section 96H(2) of the EFED Act and, or alternatively, an offence of forgery contrary to section 253 of the Crimes Act, in respect of the disclosure ostensibly signed by Teresa Tam and received by the NSWEC on 21 March 2016 (chapter 15)
- for offences of aiding, abetting, counselling or procuring the making of a false statement in a disclosure contrary to section 96H(2) of the EFED Act in respect of:
 - the disclosure by Emperor's Garden Pty Ltd, received by the NSWEC on 20 November 2015
 - the disclosures by Patricia Siu, received by the NSWEC on 5 February 2016 and 8 September 2016
 - the disclosure by Lei Mo, received by the NSWEC on 8 October 2015
 - the disclosure by Wei Shi, received by the NSWEC on 29 February 2016
 - the disclosure by Johnnie Lin, received by the NSWEC on 5 February 2016
 - the disclosure by Harbour City Group Pty Ltd, received by the NSWEC on 8 September 2016 (chapter 15)
- for one or more offences of providing a false or misleading document contrary to section 110A(7) of the EFED Act in respect of documents produced in response to the notice issued to him by the NSWEC under section 110A(1)(b) on 22 February 2017 (chapter 16)
- for offences of aiding, abetting, counselling or procuring others to provide false or misleading documents contrary to section 110A(7) of the EFED Act in respect of the production of documents in purported compliance with notices issued by the NSWEC pursuant to section 110A(1)(b) to:
 - Johnnie Lin, on 14 September 2016
 - Lei Mo, on 14 September 2016

- Wei Shi, on 14 September 2016
- Patricia Siu, on 14 September 2016
- Teresa Tam, on 14 September 2016
- May Ho Yee, on 22 February 2017
- Valentine Yee, on 22 February 2017
- Emperor's Garden Pty Ltd, on 22 February 2017
- Harbour City Group Pty Ltd on 22 February 2017 (chapter 16)
- for offences of aiding, abetting, counselling or procuring others to provide false or misleading answers contrary to section 110A(7) of the EFED Act in respect of answers provided in response to the notices issued by the NSWEC under section 110A(1)(c) to:
 - Johnnie Lin on 4 May 2017
 - Lei Mo on 2 June 2017
 - Wei Shi on 29 March 2017
 - Patricia Siu on 4 May 2017
 - Valentine Yee on 24 May 2017
 - May Ho Yee on 24 May 2017 (chapter 17)
- for one or more offences of hindering an investigation in contravention of section 315 of the Crimes Act in relation to answers he provided to the NSWEC in his voluntary interview conducted on 23 June 2017 (chapter 17)
- for two offences of giving false or misleading evidence in a compulsory examination contrary to section 87 of the *Independent Commission Against Corruption Act 1988* ("the ICAC Act") in respect of evidence given on 27 June 2019 and 28 June 2019 (chapter 11)
- for offences of procuring the giving of false testimony at a compulsory examination contrary to section 89 of the ICAC Act in respect of the testimony of:
 - Valentine Yee at a compulsory examination on 30 January 2019
 - May Ho Yee at a compulsory examination on 11 December 2018
 - Lei Mo at a compulsory examination on 29 June 2018 and 9 July 2018
 - Patricia Siu at a compulsory examination on 13 December 2018 and 23 January 2019
 - Teresa Tam at a compulsory examination on 5 December 2018 and 21 January 2019
 - Wei Shi at a compulsory examination on 25 January 2019, 22 February 2019 and 8 March 2019
 - Johnnie Lin at a compulsory examination on 27 June 2018 and 10 July 2018 (chapter 23)
- for an offence of procuring the giving of false testimony contrary to section 89 of the ICAC Act in respect of the testimony of To Yip at the public inquiry on 10 September 2019 (chapter 24)
- for offences of attempting to procure the giving of false testimony contrary to section 89 of the ICAC Act in respect of the testimony of:
 - Wei Shi at the public inquiry commencing on 26 August 2019
 - Patricia Siu at the public inquiry commencing on 26 August 2019
 - Teresa Tam at the public inquiry commencing on 26 August 2019 (chapter 24).

Kenrick Cheah

- for an offence of entering into or carrying out a scheme for the purpose of circumventing a prohibition or requirement of Part 6 of the EFED Act contrary to section 96HB of the Act, namely the requirements in section 88(1) and section 88(2) (read with section 92(2)) to the effect that the true source of a "reportable political donation" received or made must be disclosed to the NSWEC (chapter 14)
- for an offence of giving false or misleading evidence in a public inquiry contrary to section 87 of the ICAC Act in respect of evidence given on 26 August 2019 and 27 August 2019 (chapter 9)
- for an offence of giving false or misleading evidence in a compulsory examination contrary to section 87 of the ICAC Act in respect of evidence given on 10 February 2020 (chapter 9)

- for one or more offences of making a publication in breach of a direction given under section 112 of the ICAC Act in relation to his publication to Mr Wong and Julie Sibraa regarding Mr Cheah's participation in a compulsory examination on 25 May 2018 (chapter 23).

Valentine Yee

- for an offence of making a false statement in a disclosure contrary to section 96H(2) of the EFED Act in respect of his disclosures received by the NSWEC on 13 October 2015 and 28 January 2016 (chapter 15)
- for offences of aiding, abetting, counselling or procuring the making of a false statement in a disclosure contrary to section 96H(2) of the EFED Act in respect of:
 - the disclosure by Emperor's Garden Pty Ltd, received by the NSWEC on 20 November 2015
 - the disclosures by May Ho Yee, received by the NSWEC on 8 February 2016 and 26 August 2016 (chapter 15)
- for one or more offences of providing a false or misleading document contrary to section 110A(7) of the EFED Act in respect of documents produced in response to the notice issued to him by the NSWEC under section 110A(1)(b) on 22 February 2017 (chapter 16)
- for one or more offences of providing a false or misleading answer contrary to section 110A(7) of the EFED Act in respect of answers provided in response to the notices issued to him and to his mother, May Ho Yee, by the NSWEC under section 110A(1)(c) on 24 May 2017 (chapter 17)
- for two offences of giving false or misleading evidence in a compulsory examination contrary to section 87 of the ICAC Act in respect of evidence given on 30 January 2019 (chapter 11)
- for an offence of procuring the giving of false testimony contrary to section 89 of the ICAC Act in respect of the testimony of May Ho Yee at a compulsory examination on 11 December 2018 (chapter 23).

May Ho Yee

- for an offence of giving false or misleading evidence in a compulsory examination contrary to section 87 of the ICAC Act in respect of evidence given on 11 December 2018 (chapter 11)
- for an offence of making a publication in breach of a direction given under section 112 of the ICAC Act in relation to her publication to Mr Wong regarding her participation in a compulsory examination on 11 December 2018 (chapter 23).

Emperor's Garden Pty Ltd

- for an offence of making a false statement in a disclosure contrary to section 96H(2) of the EFED Act in respect of its disclosures received by the NSWEC on 20 November 2015 and 26 November 2016 (chapter 15)
- for one or more offences of providing a false or misleading document contrary to section 110A(7) of the EFED Act in respect of documents produced in response to the notice issued to it by the NSWEC under section 110A(1)(b) on 22 February 2017 (chapter 16).

Lei Mo

- for an offence of making a false statement in a disclosure contrary to section 96H(2) of the EFED Act in respect of his disclosure received by the NSWEC on 8 October 2015 (chapter 15)
- for an offence of providing a false or misleading document contrary to section 110A(7) of the EFED Act in respect of a document produced in response to the notice issued to him by the NSWEC under section 110A(1)(b) on 14 September 2016 (chapter 16)

- for one or more offences of providing a false or misleading answer contrary to section 110A(7) of the EFED Act in respect of answers provided in response to the notice issued to him by the NSWEC under section 110A(1)(c) on 2 June 2017 (chapter 17)
- for an offence of giving false or misleading evidence in a compulsory examination contrary to section 87 of the ICAC Act in respect of evidence given on 29 June 2018 and 9 July 2018 (chapter 11).

Patricia Siu

- for an offence of making a false statement in a disclosure contrary to section 96H(2) of the EFED Act in respect of her disclosures received by the NSWEC on 5 February 2016 and 8 September 2016 (chapter 15)
- for one or more offences of providing a false or misleading document contrary to section 110A(7) of the EFED Act in respect of documents produced in response to the notice issued to her by the NSWEC under section 110A(1)(b) on 14 September 2016 (chapter 16)
- for one or more offences of providing a false or misleading answer contrary to section 110A(7) of the EFED Act in respect of answers provided in response to the notice issued to her by the NSWEC under section 110A(1)(c) on 4 May 2017 (chapter 17)
- for an offence of attempting to wilfully obstruct or hinder the Commission in the exercise of its functions under the ICAC Act contrary to section 80(a)(i) of that Act in respect of her telephone call to her brother-in-law on 20 September 2019 (chapter 17)
- for an offence of giving false or misleading evidence in a compulsory examination contrary to section 87 of the ICAC Act in respect of evidence given on 13 December 2018 and 23 January 2019 (chapter 11)
- for an offence of making a publication in breach of a direction given under section 112 of the ICAC Act in relation to her publication to Jonathan Yee regarding her participation in a compulsory examination on 13 December 2018 and 23 January 2019 (chapter 23).

Teresa Tam

- for one or more offences of providing a false or misleading document contrary to section 110A(7) of the EFED Act in respect of documents produced in response to the notice issued to her by the NSWEC under section 110A(1)(b) on 14 September 2016 (chapter 16)
- for an offence of giving false or misleading evidence in a compulsory examination contrary to section 87 of the ICAC Act in respect of evidence given on 5 December 2018 and 21 January 2019 (chapter 11)
- for an offence of making a publication in breach of a direction given under section 112 of the ICAC Act in relation to her publication to Jonathan Yee regarding her participation in a compulsory examination on 5 December 2018 and 21 January 2019 (chapter 23).

Ming Tam

- for an offence of giving false or misleading evidence in a compulsory examination contrary to section 87 of the ICAC Act in respect of evidence given on 12 June 2019 (chapter 11).

Wei Shi

- for an offence of making a false statement in a disclosure contrary to section 96H(2) of the EFED Act in respect of his disclosure received by the NSWEC 29 February 2016 (chapter 15)
- for one or more offences of providing a false or misleading document contrary to section 110A(7) of the EFED Act in respect of documents produced in response to the notice issued to him by the NSWEC under section 110A(1)(b) on 14 September 2016 (chapter 16)

- for one or more offences of providing a false or misleading answer contrary to section 110A(7) of the EFED Act in respect of answers provided in response to the notice issued to him by the NSWEC under section 110A(1)(c) on 29 March 2017 (chapter 17)
- for an offence of giving false or misleading evidence in a compulsory examination contrary to section 87 of the ICAC Act in respect of evidence given on 25 January 2019, 22 February 2019 and 8 March 2019 (chapter 11)
- for one or more offences of making a publication in breach of a direction given under section 112 of the ICAC Act in relation to his publications to Mr Wong and Jonathan Yee regarding his participation in a compulsory examination on 25 January 2019, 22 February 2019 and 8 March 2019 (chapter 23).

Johnnie Lin

- for an offence of making a false statement in a disclosure contrary to section 96H(2) of the EFED Act in respect of his disclosure received by the NSWEC on 5 February 2016 (chapter 15)
- for one or more offences of providing a false or misleading document contrary to section 110A(7) of the EFED Act in respect of documents produced in response to the notice issued to him by the NSWEC under section 110A(1)(b) on 14 September 2016 (chapter 16)
- for one or more offences of providing a false or misleading answer contrary to section 110A(7) of the EFED Act in respect of answers provided in response to the notice issued to him by the NSWEC under section 110A(1)(c) on 4 May 2017 (chapter 17)
- for an offence of giving false or misleading evidence in a compulsory examination contrary to section 87 of the ICAC Act in respect of evidence given on 27 June 2018 and 10 July 2018 (chapter 11).

To Yip

- for an offence of giving false or misleading evidence in a public inquiry contrary to section 87 of the ICAC Act in respect of evidence given on 10 September 2019 (chapter 11)
- for an offence of aiding, abetting, counselling or procuring the making of a false statement in a disclosure contrary to section 96H(2) of the EFED Act in respect of the disclosure by Harbour City Group Pty Ltd, received by the NSWEC on 8 September 2016 (chapter 15)
- for an offence of aiding, abetting, counselling or procuring Harbour City Group Pty Ltd to provide false or misleading documents contrary to section 110A(7) of the EFED Act in respect of the production of documents in purported compliance with the notice issued to it by the NSWEC pursuant to section 110A(1)(b) on 22 February 2017 (chapter 16)
- for an offence of giving false or misleading evidence in a compulsory examination contrary to section 87 of the ICAC Act in respect of evidence given on 25 June 2018 (chapter 11).

Harbour City Group Pty Ltd

- for an offence of making a false statement in a disclosure contrary to section 96H(2) of the EFED Act in respect of its disclosure received by the NSWEC on 8 September 2016 (chapter 15)
- for one or more offences of providing a false or misleading document contrary to section 110A(7) of the EFED Act in respect of documents produced in response to the notice issued to it by the NSWEC under section 110A(1)(b) on 22 February 2017 (chapter 16).

Steve Tong

- for an offence of providing a false or misleading document contrary to section 110A(7) of the EFED Act in respect of a document produced in response to the notice issued to him by the NSWEC under section 110A(1)(b) on 14 September 2016 (chapter 16).

Alex Wood

- for an offence of procuring the giving of false testimony contrary to section 89 of the ICAC Act in respect of the testimony of Mr Tong at a compulsory examination on 4 December 2018 (chapter 23).

Maggie Wang

- for an offence of giving false or misleading evidence in a compulsory examination contrary to section 87 of the ICAC Act in respect of evidence given on 9 July 2019 (chapter 20)
- for an offence of giving false or misleading evidence in a public inquiry contrary to section 87 of the ICAC Act in respect of evidence given on 26 September 2019 (chapter 20).