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INQUIRY INTO THE CITY OF PERTH

PUBLIC HEARING - DAY 85

MONDAY, 12 AUGUST 2019

INQUIRY PANEL:

COMMISSIONER ANTHONY (TONY) POWER

COUNSEL ASSISTING:

MR PHILIP URQUHART

COUNSEL APPEARING:

**MR KEITH THOMAS, with MS CHRISTINE OREO
(Ms Lily CHEN)**

.12/08/2019

WITNESS

HEARING COMMENCED AT 10.02 AM:

5 COMMISSIONER: I will begin with an Acknowledgment of Country. The Inquiry into the City of Perth acknowledges the traditional custodians of the land on which it is conducting this hearing, the Whadjuk people of the Noongar Nation and their Elders past, present and future. The Inquiry acknowledges and respects their continuing culture and the contribution they make, and will continue to make, to the life of this City and this region.

10 Mr Urquhart.

MR URQUHART: Thank you, sir. The first witness today will be Lilly Yong and I also ask, sir, for an order for any member of the Yong family to remain outside the hearing room during the taking of Mrs Yong's evidence, thank you.

15 COMMISSIONER: Thank you.

I will direct that any member of the Yong family remain outside of the hearing room during the evidence of Lilly Yong.

20 Mrs Yong, will you now please come forward and take a seat in the witness box to my left. Ms Yong, do you wish to take the oath or make an affirmation?

MRS YONG: Affirmation, please.

25 COMMISSIONER: Thank you, Madam Associate.

MS Lilly YONG, affirmed:

30 COMMISSIONER: Thank you, Madam Associate. Mr Urquhart, when you're ready.

MR URQUHART: Thank you, sir.

35 EXAMINATION-IN-CHIEF BY MR URQUHART

Mrs Yong, is your full name Lilly Yong?---That's correct.

40 You are the mother of Keith Yong?---Yes.

Who also has a twin brother by the name of Jonas?---Yes.

And you also have a daughter named Angie, is that right?---That's right, yes.

45 And your husband's name?---Tet Khiong Yong.

Thank you. Do any of your members have any tertiary qualifications, that is, do they have any university degrees?---Yes, the three children and my husband.

5 What degrees do they have?---My husband got law and engineering, my three children got law.

As I understand it, you were born in Malaysia, is that right?---No, not me. I born in Australia.

10 You were born in Australia. Did you and your family live in Malaysia?---Yes, for a number of years.

15 Where were your children born?---My daughter born in Australia and my boys were born in Malaysia.

Did the family all move here to Australia about 17, 18 years ago?---2003, 2004, something like that.

20 So 16, 15 years ago?---Yes.

And what was the reason for moving to Australia?---I wanted to come back to Australia and then I just called the children if they wanted to come over and try here.

25 And they did?---Sorry?

And they did, obviously?---Yes, they did.

30 Of course, you're aware that your son, Keith, was a Councillor for the City of Perth, wasn't he?---Yes, that's right.

From? Can you remember what years he was a Councillor?---Four years.

35 For four years?---2013 I think was the first time he started.

Yes, he campaigned in 2013 and was successful and then he lost when he went to be re-elected in 2017?---Yes, I think so, yes.

40 COMMISSIONER: Mr Urquhart, just pause for a moment. Mrs Yong, you will have to speak up and you will have to pull yourself and your Chair closer to the microphone because the transcribers cannot hear you?---Okay, sorry. Thank you.

Thank you, Mr Urquhart.

45 MR URQUHART: So you were born in Australia. Is English your first language?---Yes.

Should you not understand any of my questions, you please say so?---Yes.

Okay?---Yes.

5 Do you remember being summonsed to give evidence at this Inquiry at a private hearing back in March of this year?---Yes.

You and your daughter were summonsed, weren't you?---That's right, yes.

10 Did you understand what a private hearing meant?---Yes.

And what did it mean, Mrs Yong?---No public people allowed to sit in.

15 After you gave evidence at that hearing, which was on 5 March, who did you speak to about your evidence after you'd finished?---I think I talk to my daughter.

You spoke to your daughter?---Yes, because I was so very anxious and so - really stressed. The first person I saw was her because she was with me.

20 Sorry, who was with you?---She was with me, so first person I speak to.

And did you speak to her about the evidence you had given?---No, I just said - I can remember asking a lot of questions and I was very stressed out.

25 Who else did you speak to?---I think I would have, but to the next person I saw would be my son.

Your son Keith?---Yes.

30 So you speak to him, did you?---Yes, the next person I saw.

And did you speak to him about the evidence you had given?---I just said I was very anxious and very stressed there. He just told me to calm down and take some big breaths. I said it was very long questioning.

35 But my question to you, Mrs Yong, was, did you speak to your son Keith about the evidence that had you given?---Yes, I might have. Yes, I think I mention.

40 You did? What did you speak to him about in regards to your evidence?---Why did I write the letter.

Are you referring to the letter - - -?---The complaint letter.

45 The complaint letter about the electoral irregularities, is that right?---Yes, don't recognise the name.

So you told him about that evidence you had given?---Yes.

And what else?---I can't remember what else they ask me.

5 No, I just want to know what you told Keith that you had spoken about?---I just told him what they asked me. That was the first thing came to my mind. I got to look at a lot of things.

10 You've got to keep your voice up, I think, now. That was the first thing that came to your mind, you said, so you told him about the letter, yes?---Then there was another thing that they ask me to look at the screen.

You told him about that?---Yes.

15 Was that looking at all the corporate nomination forms?---Yes, that's right.

That you had helped complete for Keith?---No, I don't think I helped complete for Keith. They just asked me to look at it and I said, "Yes, that's the people in it."

20 And you told Keith about that as well, did you?---I think so, because they asked me.

He asked you, did he?---No, they - the people asked me and I said, "That's what they asked me."

25 So you told Keith about that and am I right in saying that Keith never said at any stage to you, "Stop, mum, you can't tell me about these things"?---No.

So you told him about the evidence you had given regarding the letter?---Yes.

30 Alleging the irregularities in the electoral roll, you told him that you were asked questions about the corporate nomination forms that you had completed?---Yes.

35 What else did you tell him?---I think that's roughly about it. They just keep on saying - they keep on asking me to look at the screen, they keep asking me to look at the screen and then, I have to read something and I didn't bring my glasses and I had to read this thing, so many pages. My eyes were sore, they just say, "Try to read it, try to read it."

40 So you told him a lot about your evidence that you had given, didn't you?---Yes, we talk about, yes.

45 Did he ask you more questions about the evidence you had given?---No, he didn't really ask me. I just babble on, I told him what went through - I just babble on, babble on, I said all these things, I just want to get out. They are just asking me and looking at things and reading and I didn't have my glasses, my eyes are so sore and it was really stress - I keep on - they just keep on asking me and I just keep on repeating and repeating.

So you were just babbling on and told him about all those things?---Yes.

5 Mrs Yong, do you know why you're back here this morning giving evidence?---Just ask me the same thing again.

Is that what you think?---Yes.

10 Are you okay?---Yes.

Have some water?---Okay, thank you.

Feeling a bit better now?---Yes, thank you.

15 So you think you're just going to be asked the same questions again?---Yes.

I'm not going to do that?---Oh.

20 Are you relieved about that, are you?---I don't know.

It looks like you are. You're relieved about that?---Yes.

You feel a bit better now?---Yes

25 [10.15 am]

What I want to ask you about, Mrs Yong, is what the Commissioner said to you on - - -

30 COMMISSIONER: 5 March.

MR URQUHART: 5 March, yes, on three different occasions, okay?---Yes.

35 Do you remember the Commissioner speaking to you when you went into the witness box, you took your seat there?---I think so, yes.

And this is what the Commissioner said to you - sir, this is at page 1 from that date.

40 COMMISSIONER: Thank you.

MR URQUHART: :

45 *I direct that you, Ms Yong, and the Inquiry officers present not disclose any of the evidence that you give during this hearing, whether directly or indirectly to any other person without the express written authorisation of this Inquiry. This direction will continue in force until*

the Inquiry concludes, which will be on 20 January 2020, or the Inquiry orders otherwise.

All right?---Yes.

5

Then he's advised you that all mobile devices must be switched off. Incidentally, did you have your phone with you on that day?---I think so.

You think so? You don't remember your son, Keith, telling you, "Don't take your phone with you"?---He told me but I think I brought it.

You think you brought it?---The only thing I forgot I think was my glasses.

Never mind, we will just get back onto this. Then the Commissioner said to you:

15

Before Madam Associate administers the affirmation to you, do you understand every part of the direction that I have given you.

You answered, "Yes" and then the Commissioner said, "Do you have any questions about it that you would like to ask me now" and you said, "No"?---No.

20

So you did understand what the Commissioner said to you?---Yes.

About not talking to anyone about the evidence you were giving?---Yes.

25

And you understand the reason for that is, is because it's a private Inquiry, a private hearing?---Yes.

Just in case you had forgotten about that, the Commissioner said just before the hearing broke for lunch - this is what he said to you again - this is at page 66:

30

Before we adjourn, Ms Yong, there are a few things I need to say to you. You will recall that earlier this morning I gave a direction?---Yes.

35

Not to discuss your evidence with any other person?---Yes.

Except in limited circumstances. Those circumstances do not apply at the moment, so you understand, I hope, that during the 40 minute adjournment that we are going to take - sorry, 30 minute adjournment that we are going to take now, that you must not disclose what has gone on in this room today?---Yes, I understand."

40

?---Yes.

Then when Counsel Assisting had finished asking you questions, do you remember the Commissioner speaking to you for a third time about the direction that he had given you?---I'm not sure, probably, yes.

45

I can remind you because I've got the transcript here?---Yes.

Page 103, sir, on the same day.

5

COMMISSIONER: Thank you.

MR URQUHART: :

10

Ms Yong, there are two things which I need to deal with and I want you to listen very carefully, please.

So no doubt you were listening carefully?---Yes.

15 :

The first is that I gave you a direction this morning when you began your evidence and that was to the effect of you not discussing any aspect of this evidence which you've given today, directly or indirectly, with any other person and you've told me twice that you've understood that. Now, that will continue to apply to you?---Okay.

20

So that you should not discuss anything that has happened here today with anyone else, including any member of your family, do you understand that?---Yes.

25

Yes.

You understood all that, didn't you?---Yes.

30

Yet later that day, you told your son, Keith - - -?---I was babbling and babbling.

Let me finish - about the evidence that you had given?---I was so stressed out, I just had to talk to somebody. I forgot all about what the Commissioner said already, I just had to - - -

35

You think you were allowed to babble your evidence?---I wasn't thinking, I wasn't thinking.

40

Why weren't you thinking, Mrs Yong?---I was so stressed, my back was painful and I had pain everywhere, I just couldn't hold it like this.

All right, you're - - -?---I just keep getting it all out. Get it all out.

45

I'm sorry to put you through this stressful situation again, Mrs Yong, but I'm going to ask you why it was that you told - - -?---I just had to hold - - -

Let me finish - why you told your son, Keith?---I just had to - he was the second person I saw after my daughter, I had to get it all out, tell somebody.

Keep your head up, please, and speak clearly into the microphone.

5

COMMISSIONER: Mrs Yong, please look at me?---Sorry.

Sit up straight. You will find it a lot easier to deal with this if you sit up straight and speak into the microphone?---Yes, yes.

10

Please look at me when I'm speaking to you. Please look at me when I'm speaking to you, Mrs Yong?---Yes, sir.

Sit up straight and just answer the questions honestly, do you understand?---Yes.

15

Keep your voice up?---Yes.

If you bend forward like you have been doing, you will find it harder to give your evidence?---Just so sore.

20

Can you understand me?---Yes, I understand.

Will you do what I ask?---Yes.

25

Thank you. Mr Urquhart.

MR URQUHART: Why didn't you do what the Commissioner asked you to do no less than three times during the course of your evidence and after you'd completed your evidence on 5 March?---I just forgot. I just all in pain and confused and very stressed, I just had to get it out. I just had to get it out.

30

You forgot?---Yes, I forgot.

Seriously, you forgot what you had been told - - -?---Yes.

35

- - - three times on that day?---Yes, I forgot. I forgot.

But this was straight after you'd finished giving your evidence, wasn't it?---I forgot.

40

You forgot?---I forgot.

You forgot you had given evidence at a private hearing and you forgot what the Commissioner had clearly told you?---I just felt so stressed. I was so stressed.

45

Mrs Yong, you didn't forget, did you?---I forgot.

You were very keen to tell your son, Keith, about what you had been asked

about?---I just forgot.

5 Weren't you?---My eyes were sore and I just look and look and look, and I said, I can't read any more. They said, "Do the best you can", I said, "I forgot to bring my glasses." I had to tell somebody. I had to tell somebody.

10 Mrs Yong, didn't you know that the reason why you were called to give evidence at a private hearing was to do with your son, Keith and his time as a Councillor?---Yes, I guess so.

So of all the people you spoke to, you spoke to him?---He was next person I saw.

15 You spoke to him and you spoke to your daughter?---Yes, she was the next one next to me.

And your daughter was also about to give evidence at a private hearing examining, wasn't she?---Yes.

20 So who else did you speak to about your evidence you had given at the private hearing?---My husband, I think, because he asked me how am I, because he saw me, oh, not right. He asked me so I had to repeat some of the things, that I was so stressed, they make me read this long page document and I didn't have my glasses.

25 But you told your husband as well about what it was that you were reading?---Some kind of document, some kind.

30 Did you tell your husband what you were reading, did you?---I said it was some kind of document, I said, it was a long thing. He said, "What is it" and I said, "I don't know."

Did you tell him it was a corporate nomination form?---It was a long thing.

Did you tell him that as well?---I tell him it's a long document and my eyes - - -

35 Mrs Yong, the question is quite a simple one and I will ask it for the third time: did you tell him that these documents you were reading were corporate nomination forms?---No, I just - no, I didn't. I can't remember, I just remember it was a long document they make me read, my eyes were sore.

40 Did you tell him you were questioned about the letter or the complaints you were making about the irregularities on the electoral roll?---Yes, I told him.

45 You told him about that to?---I said I saw a name, didn't recognise it. I said, that was the letter they asked me.

So you told him that?---Yes.

And what else did you tell him?---I think I just keep on saying, my eyes were sore, they asked me to read this long document.

5 Mrs Yong, you maintain, do you, that when you spoke to those three members of the family - anyone else? Did you speak to Jonas? He's the only member left in the family, did you speak to him as well?---I don't think so.

No?---No, I don't think so.

10 So just those three members?---I think it's just those people.

Your explanation for that is that you forgot, is it?---I never thought of it, that would come back into my mind.

15 You forgot what the Commissioner had said to you three times on that very same day, is that right?---Yes. I was so stressed, I just had to - - -

Mrs Yong, is the real reason though because you wanted to tell your son and your daughter what to expect when they are called to give evidence?---No.

20

No?---I just had to tell them. I was in so much pain, my eyes were sore, it was just what's in my mind.

25 There is one thing I'm going to ask you about in addition to that and that is a commercial lease agreement between Lex Legal Management Trust Pty Ltd and Beau Geste Pty Ltd, okay, that you signed. Madam Associate, if we could have a look at 8.0989, please. TRIM number, sir, 20951.

30 COMMISSIONER: Thank you. You brought your glasses today, Mrs Yong?---Yes, because - - -

Excellent?---Because when I said my eyes were sore - - -

35 That's all right, just concentrate on counsel's questions.

MR URQUHART: Remember, I hope you haven't forgotten, but you've given an undertaking to tell the truth, the whole truth and nothing about the truth this morning?---Yes.

40 You have. Do you remember that?---Yes.

You do remember that?---Yes.

Do you see that lease agreement?---Yes.

45

That was made on 1 September 2009 between Lex Legal Management Trust Pty Ltd of which you were a director, is that right?---Yes.

And Beau Geste Pty Ltd, is that another family company?---That one is, yes, my daughter's using it for the restaurant.

5 It was to do with supposedly leasing premises at unit 11/326 Hay Street, Perth?---Yes.

Do you see that?---Yes.

10 Then we will just go to 8.0990 now. Is that your signature on the right-hand side?---Yes.

And your daughter's signature?---Looks like it, yes.

15 It says it's "Signed this 1st day of September 2009"?---Yes.

But when really was that document created, Mrs Yong?---I think this one, one day she said the Commissioner asked her for a lease and she was so stressed, she's, "I can't find my lease, I can't find my lease", and I said, "You can't find your lease", and then she said, "Sign this one." I said, "You can't find your lease", so I think I just signed it. I think I remember just signing something. She said, "I can't find my lease", the Commissioner asked for the lease. I said, "You can't find the lease", so I sign it.

25 [10.30 am]

So did your daughter - - -?---She said, "I couldn't find the lease."

So your daughter typed up another one, did she?---Also she got.

30 Yes?---Yes.

And you signed it, and I'm thinking you might have signed this on the night of 5 March of 2019, does that sound about right?---Yes, something like that.

35 After you'd given evidence?---Yes. She said she needed the lease, she can't find it.

So your daughter was talking to you and telling you what evidence she had to give at her private hearing, isn't that right?---No, she never told me that, she just - - -

40 Move forward, please, and keep your voice up?---She just said that they - she was so stressed when she come to me, she says, "They asked for my lease, they asked for my lease", she said, "I can't find it."

45 When she was saying "they", she was talking about the Inquiry, wasn't she?---Yes.

So she said to you she can't find the lease?---She said, "I can't find my lease." I

said, "You can't find your lease, go look for your lease", she said, "I can't. They want it", so she said, "Just sign this", I said, "Okay."

5 You knew that she typed this up on that same day, 5 March, didn't you?---I knew she did something to get me to sign.

But I'm asking you, you knew that she only just typed up this lease agreement?---Yes, she would have typed that up to get me to sign.

10 Yes, typed it up either on 5 March of this year or 6 March?---Yes, something like that.

And you knew she was going to take this to the Inquiry, didn't you, on 6 March?---Yes.

15 And she was going to hand this document over to prove that she signed a lease with you on 1 September 2009?---There was a lease.

20 That might well be so, but this lease - - -?---She couldn't find it.

- - - was just a sham lease. Do you know what a sham is?---A made up lease.

Yes?---There was a lease, she couldn't find it. She was so stressed, that she - - -

25 But it's not this lease, is it?---It's not this lease.

No?---She did another one for me to sign.

30 So the purpose of signing this was to make the Inquiry believe that this was a lease signed 10 years ago, isn't that right?---She tried to get the lease but she can't find the lease.

Yes, I know that.

35 COMMISSIONER: Just listen to the questions, Mrs Yong?---Yes.

Please ask it again.

40 MR URQUHART: The reason why you signed this lease was to pretend that it was signed 10 years ago?---Yes.

So you and your daughter ignored what - I can tell you now, the Commissioner said the same things to your daughter about not discussing her evidence with anyone?---She didn't discuss the evidence, she just said - - -

45 She did, didn't she, because she said the Inquiry wanted the lease?---She said, "They wanted the lease."

And you knew, you've already told us, that was the Inquiry?---Yes.

5 So you and your daughter discuss her evidence and then you produce a false document to the Inquiry?---No, I didn't discuss with her. I wasn't well, she just came - - -

You knew - - -?--- - - - and said she needed - - -

10 Mrs Yong, you knew that she was going to produce that document up on the screen to the Inquiry, didn't you?---I didn't know she was going to produce it because she just said - - -

15 What did you think she was going to do with it?---I don't know. I just said, "You've got to find it, go find it" and then she said, "Here, sign this", so I didn't know she was going to produce one.

20 Why did you think she was asking you to sign a sham lease if she wasn't going to give it to the Inquiry?---I think she was so stressed out, so many - - -

That's not the question I'm asking. I'm not asking about whether she's stressed out. Why did you think she was asking you to do this?---Because she was asked to produce a lease.

25 Yes, that's right?---Because she couldn't find that lease.

And she produced this lease instead?---She was so stressed.

30 Didn't she?---Yes, she just produced this lease.

And you signed it?---I just signed it.

35 Have you done anything else that you weren't supposed to do with respect to your participation in this Inquiry?---No.

This is your opportunity now, Mrs Yong, to tell the Inquiry what else you have done that you should not have done?---I can't remember anything else.

40 You can't remember?---No. I can't remember anything else.

There never was a lease agreement from 2009, was there?---Was a lease. There was a lease.

45 What was this lease for?---That was for leasing to Beau Geste, leasing to Beau Geste.

For the restaurant business?---For the restaurant because - - -

COMMISSIONER: Mrs Yong, please bring your seat forward closer to the microphone so all of your answers are recorded. I do want your answers going unrecorded, do you understand me?---All recorded, yes.

5

And keep your voice up, please?---Yes. It's for Beau Geste, the restaurant.

MR URQUHART: What for? But why did a restaurant - was it somewhere in Victoria Park?---Bentley.

10

Bentley, okay. So why did a restaurant in Bentley need an office in the middle of the City?---Because is it a family firm already and they need office sometimes to meet people, just in case they meet people because that restaurant is small, it's not convenient to meet people there, so just for them, they can any time go to a place to meet people.

15

To meet people? What sort of people?---What sort of people? Probably meet up with suppliers or some people like that.

20

The suppliers?---I don't know. They just need somewhere to go and meet people. That's all I can think of.

Why couldn't these people be met, either at their premises or at the restaurant in Bentley?---I don't know. I just think of there, they have got a place to go and more convenient for people to meet there than the restaurant, that's not so convenient and suitable.

25

So how often did your daughter use this office?---I can't remember. I can't remember.

30

Hardly at all, I would think?---Not often, probably not often but they went there.

M'mm?---They went there.

35

And did your daughter pay your company rent?---Rent?

Yes?---I can't remember rent.

No?---Because it's all in the family. It's up to them, I think, it's for them to use.

40

They didn't pay any rent, did they?---No rent, didn't pay any rent. I don't remember any rental.

This sham lease though says that Beau Geste was supposed to. Condition number 3 was:

45

The tenant shall pay to landlord as rent \$1,200 per year in equal

monthly instalments of \$100.

?---But it's all in the family, we are not strict.

5 So there was no need for a lease, was there?---Because just do a lease for use any time they want.

The question is, there was no need for the lease, was there?---Just lease it for their use but not really, I guess.

10

Definitely not. Definitely not, was there?---No, not really.

15 But you needed the lease, didn't you, in March of this year to explain why Beau Geste completed, or whilst either you or your daughter or a member of your family completed the nomination form seeking two nominees to vote in the City of Perth elections?---I thought the company was deregistered.

20 That might be so but before it was deregistered, there was an application by the company, from memory, your daughter, seeking two nominees to vote for the company. When your daughter was questioned about that, she said that there was a lease and then she was asked to produce the lease?---Yes.

25 There was no lease to produce until this one was typed up five months ago, isn't that right?---This one she couldn't find the lease, so she was asked to bring the lease. I think she was so stressed, so many things on her mind, she just asked me to sign.

Mrs Yong, there was no lease to find - - -?---There was a lease.

30 - - - because there wasn't one ever signed?---There was a lease.

35 Mrs Yong, is your truthful evidence - your truthful evidence is that there was a lease signed between Lex Legal Management Trust Pty Ltd and Beau Geste Pty Ltd back in 2009, even though there was no need for a lease?---There was a lease.

That is your honest, truthful answer, is it?---Yes, there was a lease, yes.

Thank you, sir. They are all the questions I have.

40 COMMISSIONER: Thank you. Mrs Yong, have a drink of water and then I want you to listen to me very carefully?---Sorry?

45 Have a drink of water and then listen to me very carefully, please. Today you have given evidence in a public hearing. On 5 March you gave evidence in a private hearing?---Yes.

I gave you a direction at that time, on 5 March?---Yes.

That direction still applies?---Okay.

5 So anything that you said in that private hearing remains subject to the direction,
do you understand me?---Yes, I understand.

Do you really understand me?---Understand now. Understand. Understand now.

10 I do not want to hear about another repeat of you not complying with that
direction?---Yes.

Do you understand that?---Yes, I understand now. Understand.

15 Are there any other housekeeping matters before the next witness is called,
Mr Urquhart?

MR URQUHART: No, there shouldn't be, sir.

20 COMMISSIONER: Thank you. Mrs Yong, you may now leave the witness box,
thank you?---Thank you.

WITNESS WITHDREW

25 MRS YONG: Do I stay here or outside?

COMMISSIONER: Outside.

Mr Urquhart, do you call your next witness?

30 MR URQUHART: Yes, I do, thank you, sir, and that will be Angie Yong.

[10.45 am]

35 COMMISSIONER: Thank you. Ms Yong, please come forward and take a seat
in the witness box to my left. Do you wish to give your evidence on oath or make
an affirmation.

MS YONG: Affirmation.

40 COMMISSIONER: Thank you, Madam Associate.

MS Angie Yit Choo YONG, affirmed:

45 COMMISSIONER: Please take a seat, Ms Yong. When you're ready,
Mr Urquhart.

MR URQUHART: Thank you, sir.

You go by the name of Angie, do you, Ms Yong?---Yes.

5 However, your name on your birth certificate is what?---Angie Yit Choo Yong.

Is that spelt Y-i-t, C-h-o-o?---Yes.

You were born in Australia?---Yes.

10 How old are you?---43.

Are you married?---Yes, I am.

Your occupation?---Business owner.

15 Business owner?---Yes.

Is that of a restaurant?---Yes, a restaurant.

20 Are you part owner with your husband?---Yes, that's right.

Does he go by the anglicised name of Danny?---Yes.

Chen?---Chan, C-h-a-n.

25 Thank you for that. You are the eldest your family, is that right?---Yes.

Your mother is Lilly?---Yes.

30 And you have twin brothers?---Yes.

Jonas and Keith Yong?---Yes.

How much older are you to your twin brothers?---Two years older.

35 Do you have a law degree?---Yes, I have a law degree.

Where did you get that degree from?---University of London.

40 Where were you when you got that degree?---What do you mean?

Were you in London or were you somewhere else?---It's external program.

External program?---Yes.

45 So you did it by correspondence?---Yes.

Was that from Malaysia?---Malaysia, yes.

You were born in Australia and then you moved to Malaysia with your family, is that right?---Yes.

5

And you lived there for a number of years before returning to Australia about 15, 16 years ago, does that sound about right?---Around there, yes.

English is your first language?---No.

10

It's not? What's your first language?---Hakka, Chinese.

Chinese?---Yes.

15

What language did you first learn?---Language is Mandarin.

How old were you when you left Australia?---Less than one year old.

But you understand English perfectly well, don't you?---Normal conversation of English, yes.

20

You did law degree in English, did you not?---Yes, I did.

So you've got a very good grasp of the English language, haven't you?---I guess the standard English.

25

Move forward, please. You have to keep your voice up nice and loud so we can hear, because it's got to be transcribed and those microphones will not amplify your voice. Plus, unlike the last occasion when you gave evidence at the Inquiry hearing, this one is public so there's members of the public present in court?---Yes.

30

So they need to hear you?---Okay.

Have you ever worked as a lawyer?---Worked as a lawyer, yes.

35

Where?---In Malaysia.

Did you do your law degree by correspondence at the same time as your brothers?---Yes.

40

And you did it from the same university?---Same college.

Same college, at the same time?---Same time, yes.

45

And did you do the same units?---I'm not 100 per cent sure it's the same units.

The number of the units would have been the same?---It should be, yes.

And was it?---I'm not 100 per cent sure.

5 Why aren't you sure?---I'm just not sure because we did not graduate at the same year, so, yes.

Were there times when all three of you were doing the same units?---I don't think it was on the same year, no.

10 Can you remember any of the units you did?---What I can recall would be criminal, contract, jurisprudence, evidence. I can't recall the rest of the subjects.

15 It wasn't that long ago, was it? It was just before you came to Australia?---It would be more than 15 years ago, I would think.

Yes?---Yes.

20 That's only a fraction of the units you would have done. It's not even 50 per cent, do you agree? Do you agree?---Sorry, what was the question?

Do you agree it's less than 50 per cent of the units you would have done in order to get your degree from the University of London by correspondence?---Less than 50 - you mean of all the subjects that I took, it's less than 50 per cent?

25 Yes, exactly?---I would not know for sure what would be the 100 per cent subjects to be taken.

How long did it take you to do this degree?---I think three years.

30 Three years?---Yes.

And you've remembered four units you took?---Yes.

35 Criminal law, evidence, jurisprudence and contract; you can't remember any others?---I'm trying to recall but I just can't think of the subjects now.

COMMISSIONER: Ms Yong, I did my law degree a lot longer ago than you do yours and I can still remember the subjects I did.

40 MR URQUHART: And the Commissioner has taken the words right out of my mouth because I can remember all the ones that I did and you were still at kindergarten.

45 COMMISSIONER: In my case, you weren't even born?---All I can recall is that each year I would have taken four subjects but I just - I'm trying to recall the subjects.

MR URQUHART: There's 12 subjects you did and you can remember four. I did contract, torts, legal process, criminal law in my first year, that's four already. The second year I did trusts, real property, constitutional law and evidence, there's eight. So I've covered 1984 and 1985. 1986, I did some subjects I wish I hadn't
5 but nevertheless, I did employment law, international law, some philosophical unit which I did miserably in. I also did business associations, commercial law - how are we going? Did I give you any clues there?---Yes. I recall tort as well.

10 Anyway, Ms Yong, did you get some assistance in completing your law degree by any other member of your family?---No.

You're sure about that, are you?---Yes.

15 I want to go now to the evidence that you gave on 5 and 6 March of this year before the Inquiry at a private hearing?---Yes.

20 Did you understand what it meant when the hearing was described as private?---My understanding was, private means there won't be any public audiences.

20 Yes?---Yes.

What else did it mean?---To me, that was it.

25 What did the Commissioner tell you as well, what it meant? I'll remind you if you want but before I do that, you were affirmed. You gave your evidence on affirmation, do you remember that?---Yes.

30 What does that mean to you, giving evidence on affirmation?---To tell the truth.

30 Yes?---Yes.

And did you do that?---I did all except in regards to a lease agreement.

35 So you lied about that, did you?---I promised the Inquiry back then that I have the lease and I am able to produce it the next day. So when I got home, I was, like, searching everywhere and I just couldn't find it, so I remember clearly I really had the lease agreement, so I was, like, really anxious and I panicked, so I decided to do up a simple lease.

40 To do what, sorry?---To do up a lease agreement.

45 Do up a lease agreement?---Yes, because I panic, I couldn't find the lease agreement that I had.

45 Yes?---Yes.

So you panicked?---I panicked, yes.

You panicked and you what, made up a lease agreement, did you?---I just like - I panicked because I promised I had - - -

5

[11.00 am]

The question is did you make up the lease agreement? Did you type up what's called a - it sounds to me like a sham lease agreement, did you?---To me, I was just wanting to be able to produce the lease agreement I promised the Inquiry back then.

10

But you couldn't, because you couldn't find it?---Yes, I couldn't find it.

So did you go back to the Inquiry and say, "Sorry, Commissioner, I could not find the lease"?---Yes, I should have done that.

15

Of course you should have, but instead, you typed up a lease agreement which you and your mum signed, didn't you?---Yes.

20

And you produced that document to the Inquiry on the second day when you gave your evidence, didn't you?---Yes, that's right.

25

And you told the Inquiry that you had found this lease in a file of documents, didn't you?---Yes. It was all because I was - I panicked.

You said that. You weren't panicking the next day, were you?---I was still very anxious and stressed out and I really panicked.

30

Being panicked, does that mean you don't have to abide by your affirmation?---No.

So you lied?---And I shouldn't have.

35

You lied, didn't you? You lied, didn't you?---Yes, I panicked and I did what I should not have done.

You lied? You lied, didn't you?---Yes, and I'm here to clarify what I did was wrong.

40

Why didn't you clarify on 6 March this year, to come back and say, "I can't find the document but it existed"?---Yes, it was - I should have done that.

45

Yes, but you didn't because you wanted to have the Inquiry believe that this was a lease agreement that you and your mum signed 10 years ago, didn't you?---Because I knew - - -

Didn't you?---I really - - -

Didn't you? You did that, didn't you? You produced this document that had you typed up the previous night and signed and got your mother to sign it and you produced that document to the Inquiry and said, "This is the lease that my mum and I signed back in 2009", didn't you?---Yes, because I panicked.

5

You panicked?---Yes.

Is that your explanation?---Yes, I had - - -

10 Why? Why did you panic?---I had a lot to deal with. Because - - -

Why did you panic?---Because I had to deal with the kids, I had the restaurant business, dealing with the staff and all, and I had to deal with the Inquiry where I promised to produce the lease agreement, which I believe I had it and when I

15

couldn't - - -

You promised that you would look for it?---Yes. I really tried looking for it and - - -

20 And it wasn't there?---Yes, when I got - - -

Let's have a look then at some of your answers you gave on 6 March 2019. Page 1, sir.

25 COMMISSIONER: Thank you.

MR URQUHART: This is Counsel Assisting, Ms Lendich - not me?---Not you.

Some people say she's far more pleasant than me:

30

Ms Yong, you have heard me indicate to the Commission this morning that you have said that overnight you were able to locate the document to which you refer, is that correct?---Yes.

35

Can you tell me where you located that document?---In my home. It's filed away.

That was a lie, wasn't it?---Yes.

40 :

Was it located on your computer?---No, it's in the bottom of my files.

That's another lie, wasn't it?---Yes, because I panic.

45

:

So you were able to locate a hard copy of the document?---Yes.

In what file was it located?---It's in my file with a few of my personal things.

5

Another lie, wasn't it?---Because I panicked.

That's another lie, I'm asking you. I'm not asking whether you panicked, you've told us that repeatedly. I'm not interested in whether you panicked or not, I'm interested in how many lies you've told. That was another lie, wasn't it?---Yes.

10

Then you provided some other documents as well and then you were asked - this is now page 3, sir:

15

Ms Yong, you gave evidence that these three documents were located at your home last night?---Yes.

And that they were located in the same file?---Yes.

20

And that is a file with things personal to you?---Yes.

So insofar as the document that was the sham lease, they were lies as well, weren't they?---Sorry, what documents?

25

Two other documents you produced to the Inquiry that morning?---What about them?

30

One was a copy of a letter from the Returning Officer to your brother, Keith Yong, on 4 October 2013, and another one was a copy of a letter from Beau Geste to the Returning Officer dated 23 September 2013. I'm not interested in those, they seem to be genuine. I'm only interested in the document that you were lying about, and Ms Lendich asked you:

35

Ms Yong, you gave evidence that these three documents were located at your home last night?---Yes.

So they were located in the same file?---Yes.

40

And that is a file with things personal to you?---Yes.

In fact, they were all lies because there were only two documents you found in a file, not the lease, isn't that right?---Yes.

45

COMMISSIONER: Sorry, I didn't hear that?---Yes.

You will have to keep your voice up, Ms Yong?---Okay.

MR URQUHART: You were asked about what type of file it was in - now on to page 4, sir:

5 *Do you lift up a lever to open it or do you pull the two rings apart?---It should - there should I think, I think I pulled them apart, yes, pulled them apart.*

You pulled them apart?---Yes.

10 *So last night when you took these documents out of your folder, you pulled the folder apart?---Yes.*

Insofar as the lease, this lease agreement - you've got a printer where you were living at home, didn't you?---Yes, I have.

15 So you typed up that agreement on the night of 5 March, didn't you? You've typed up a new commercial lease agreement?---Yes, because I couldn't find the lease agreement I had.

20 And you signed it and your mother signed it?---Yes.

And you told your mum, "Look, I can't find the lease agreement so I've typed one up. I want you to sign it and pretend it was from September of 2009"?---I only told her that I couldn't find the lease I had and, "Please sign the agreement."

25 Please sign a lease, a sham lease that's replicating or copying what the lease was back in 2009?---Why is it considered a sham lease?

30 Because it's not what it's purported to be. It wasn't the lease agreement you signed in 2009?---But to me, I couldn't find the lease I had - - -

Did you pass property law when you did it or didn't you study it? Did you do property law?---I would think I did, yes.

35 I would have thought so as well. This is a sham lease, isn't it?---My intention was not a sham lease. I did it - - -

Really?---Yes.

40 You did it?---I did it because I just couldn't find the lease I had.

So it's to replace the other one that you had?---Yes.

45 But it's a sham. You are saying - you produced this to the Inquiry saying, "This was the lease agreement I had with my mother's company back in 2009", but it wasn't, was it? Was it? You have to answer. You're shaking your head, you have to answer. It wasn't, was it?---Sorry, can you repeat the question?

Really? It's a straightforward question, particularly for someone's who's done property law and who's got a law degree. Do you want me to explain it to you again? You produced this agreement to the Inquiry back on 6 March of this year and said, "This is the lease agreement I was telling you about the previous day", but it wasn't, was it?---No, it wasn't.

Bear with me for one moment you. So you've typed up this lease agreement on the computer that you've got at home, yes?---Yes.

And then printed a copy off?---Yes.

Is that right?---Yes.

And then got your mum to sign it?---Yes.

And you signed it?---Yes.

And what did you do to make it look like that you'd actually got it out of a file, out of a binder? What did you do?---I didn't do anything to that.

Yes, you did, to make it look like - to fit with your evidence that you were giving before the Inquiry on 6 March that you got it out of a file that you had to pull apart, what did you do to make it look like that? What did you do?---I didn't do anything to make it look like it's - - -

Yes, you did?---No, I did not.

We will put the document up that you provided to the Inquiry, shall we?---Yes.

8.0989, thank you, Madam Associate. The TRIM number, sir, is 20951.

COMMISSIONER: Thank you.

MR URQUHART: There we go, that's the agreement, isn't it, that you produced to the Inquiry? You'd better have a look at the next page too, 990, thank you, Madam Associate. Do you see that?---Yes, I see the agreement.

So that's the sham lease, I think we have established. What did you do to make it look like it had been in your file for nearly 10 years? What did you do. There's a big clue there on the left-hand side of the page?---Left-hand side?

Yes, left-hand side?---You mean the - - -

You mean what?---The two punch holes.

Yes, the two punch holes. You punched holes in the agreement. So you didn't

give the original to the Inquiry, did you?---I can't recall whether I brought the original or a copy.

You brought a copy of it, didn't you?---I can't recall whether it's a copy or not.

5

I can assure you it's a copy?---Okay.

Ms Yong, you were very clever, weren't you?---No.

10 I don't think you were panicking at all?---I was really panicked.

Because you see, in your state of panic, you punched holes in the lease agreement that you typed up and then printed out and got your mum to sign and yourself to sign, and then you punched holes in it because we can see that there on the left-hand side, then you took a copy of it. Do you see?---I don't think the reason I punch holes was to show that it was from a file.

15

So why did you punch holes in it then?---Because to me, it's for me in the event I wanted to put in the file in the future, I already have the holes done.

20

Ms Yong, please?---I did not do that to show that - - -

Please. The only reason why you typed up this agreement was so you could give it to the Inquiry, wasn't it?---Yes, because I panicked, I couldn't find the one that I had.

25

No, you weren't panicking?---I was.

You weren't panicking at all?---I was.

30

You were very clever?---No, I wasn't.

You punched the holes in it, do you see? You did though, didn't you?---I did punch the holes.

35

There was no need to?---But not to show that it was from the file.

So that was to punch a hole in it to file it away?---Yes.

40 But it was a sham lease, why did you need a copy?---Because to me, I never really thought of it as a sham lease. To me, it's just because I couldn't find the lease I had, so I just panic and because I was so stressed out and anxious, I did that

[11.15 am]

45

COMMISSIONER: So you thought by drawing up this lease, it would be a good substitute for the lease you had previously signed, is that your evidence?---Yes.

You told me earlier that you did contract and you did evidence?---Yes.

Do you remember that?---Yes.

5

So you would know, Ms Yong, that when you want to prove a contract, including a lease, you produce the original of it. You would have learned that in evidence and contract, wouldn't you?---Yes.

10 So by doing this document, it could never be a substitute, could it?---Seems to be so now.

I would have thought for someone who did contract and evidence at the University of London, you would always have known that, Ms Yong?---I should have known this but maybe because I was in not very normal state, I just - - -

15

You forget, Ms Yong, that I was there and heard your evidence, including the evidence you gave on 6 March and you may have forgotten but I haven't, about how compelling your answers to me were about where you found the lease, what you found it with. I haven't forgotten that, not one bit of it. You certainly did not strike me on the morning of 6 March, when explaining that lease and where you had found it, as someone who had panicked or was panicking?---I was really panicked.

20

25 You didn't strike me at panicking at all. Mr Urquhart.

MR URQUHART: Thank you, sir. I'm up to page 11, now of your evidence before the Inquiry on 6 March. You were asked by Ms Lendich:

30

Ms Yong, the third document that you produced to the Inquiry this morning is a copy of a commercial lease agreement?---Yes.

This is the agreement that's up there on the screen:

35

Can you tell me who drafted this document?---I'm not sure from who - I'm not sure from who - who drafted it.

You don't know who drafted it?---I don't know. Yeah, I don't know.

40 That was another lie, wasn't it?---Yes.

You drafted it the night before, yourself, didn't you?---Yes.

Who helped you? Anyone?---No.

45

Who helped you draft it?---No-one.

Are you sure?---I'm sure.

Who suggested that you draw up this lease agreement on the night of 5
March?---No-one suggested to me. I couldn't find it, so I just thought - - -

5

I've got all that. You then were asked - this is going back to 6 March:

*Do you know when it was drafted?---I do not know when. All I know is
I signed the lease when it was ready.*

10

That was another lie, wasn't it?---Yes.

:

15

When did you first see it?---I see it when was the time I signed it.

There's a truthful answer, I suppose. However, you then, I think, gave another lie:

*Yes, and what date was that?---I can't remember the date. It should be
the date of the agreement.*

20

That's another lie, wasn't it, because the date of agreement there on the screen is
the 1st day of September 2009. So that was another lie?---Yes.

25

:

You signed it on the date of the agreement?---Yes.

That was another lie, wasn't it?---Yes:

30

:

How old was your son when you signed it?

35

How old was your son in March of this year?---Nine.

Nine? Your answer was to that question:

How old was your son when you signed it?---He should be just a baby.

40

That was a lie, wasn't it?---Yes.

:

45

How many months?---How many months? A few months old.

That's another lie, wasn't it?---Yes.

:

Do you recall signing the document?---Yes.

5

So that's a truthful answer:

Who gave it to you to sign?---My mum.

10 That was a lie, wasn't it?---Yes.

We could go all morning, sir. I think we have established the point.

15 Ms Yong, before you started giving your evidence on 5 March the Commissioner said something to you. I'm going to remind you what it was. Sir, this is on page 105 from that day, 5 March.

COMMISSIONER: Thank you.

20 MR URQUHART: :

25 *I direct that you, Ms Yong, and Inquiry officers present not disclose the evidence that you give during this hearing, whether directly or indirectly, to any other person without the express written authorisation of this Inquiry.*

Did you understand that?---Yes.

The Commissioner continued:

30

This direction will continue in force until the Inquiry concludes, which will be on 20 January 2020, or the Inquiry orders otherwise. All mobile devices, including mobile telephones, are to be switched off, not just put on silent.

35

Counsel Assisting is shortly going to ask you some questions and take you perhaps to some documents and you will be required to give your evidence on oath or on affirmation, but before that occurs, do you understand the direction I've given you?---Yes.

40

Do you have any questions about it for me now?---Not at the moment.

The Commissioner asked:

45

And have you switched off your mobile device?---I don't have any mobile.

So you didn't bring your mobile phone with you?---I didn't bring my mobile phone.

Why was that?---I just don't think that it was necessary to have a phone.

5 And why did you not think it was necessary?---I may not be communicating with anyone.

Sorry?---I may not be using it.

10 That's right, yes, but who told you not to take your mobile phone with you?---Ah -
- -

We have got the WhatsApp communications between you and your brothers and
15 your mother in the days leading up to you giving evidence on 5 March, so you can
tell us, because we know the answer. Who told you not to take your mobile phone
with you?---It would - - -

Keith, did you say? Did say Keith?---It should be Keith.

20 I suggest you agreed with me. It was Keith, wasn't it? Why was Keith telling you
not to take your mobile phone to the Inquiry?---He didn't give the reason, he just
said, "You don't need to bring the phones or anything else with you."

Don't take anything?---Yes.

25

Phones, wallets, nothing, do you remember him saying that to you?---I can recall
vaguely, yes.

Did you ask him why?---I did not ask him why.

30

So after you finished giving evidence on 5 March, who did you speak to regarding
your evidence?---I don't remember speaking to anyone like specifically about the -
- -

35 You shouldn't have been speaking to anyone but you did, didn't you?---Yes, I think
I may have, yes.

You did, didn't you?---Yes, I think I did.

40 You spoke to Keith, didn't you?---Yes, I think I spoke to him about the lease
agreement.

Yes. So you spoke to him about that, you also spoke to your mum about the lease
45 agreement, didn't you?---I don't remember speaking to my mum about the lease
agreement.

Ms Yong, you would have had to have spoken to your mum about the lease

agreement because you had to get her to sign the sham lease?---Yes, in that sense. I just told her to sign because I couldn't find one.

Yes, because the Inquiry wants a copy of it?---Yes.

5

You told her that, didn't you?---Yes.

So you told her that the Inquiry asked you to produce that lease?---I told her I couldn't find the lease that I had and, "Please sign this lease."

10

Yes "because the Inquiry wants a copy"?---Yes.

So you told her about the evidence that you had given and the questions that were asked about the lease, didn't you?---I don't think I spoke to her about the questions asked about the lease.

15

You didn't explain to her why it was that you needed a copy of the lease signed 10 years after it was supposedly signed?---No.

20

She's just told us that you did?---I just told her I couldn't find - - -

She's just told us that you did, not 30, 45 minutes ago, before you gave evidence. She said you told her that they, that is the Inquiry, wants a copy of the lease. That's what you told her, didn't you?---What I can recall is, I couldn't find the lease that I had so I told my mum that I couldn't find the lease I had, so, "Can you please sign the lease agreement because I need a copy for the Inquiry."

25

Yes, you need a copy for the Inquiry, and you also told your brother, Keith, about the evidence you gave regarding this lease, didn't you?---I think what I said to him was that, "I need to find the lease agreement for the Inquiry."

30

For the Inquiry?---Yes.

This was regarding evidence that you had given to the Inquiry that same day, wasn't it?---It seems to be so.

35

It is so, isn't it?---Yes, seems to be so.

No, it is so. I don't want "it seems", it is so, isn't it?---Yes.

40

Notwithstanding the direction that the Commissioner gave you that I've just read out a moment ago, is that right? You ignored the direction that the Commissioner gave you?---In that situation, I just didn't really know what to do.

45

What do you mean you didn't know what to do? The question is, you ignored the direction that the Commissioner gave you, didn't you?---At that time, I didn't really think of whatever was - - -

You ignored the direction that the Commissioner gave you. I'm asking you for a third time now, it's not going to go away?---It seems to be so now.

5 [11.30 am]

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15

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45

It is so, isn't it?---Yes.

Because the Commissioner didn't just tell you once, he told you more than once. There was an a short adjournment at one point - sir, this is at page 120 - and the
5 Commissioner told you this:

*Very well. We will adjourn for 10 minutes and before we do that, Ms Yong, I gave you a direction at the commencement of your evidence, that of course continues during the adjournment; do you
10 understand that?---Yes.*

And as someone with a law degree, I expect you understand that, the implications of not complying with that?---Yes.

15 What did you understand the implications to be, Ms Yong, given the fact that you had a law degree?---I did not think of what the implication would be.

You said - you were obviously thinking of it at the time, because you agreed with the Commissioner, because the Commissioner said:

20 *I expect you understand the implications of not complying with that?---Yes.*

25 So what did you understand the implications to be?---I am not totally sure what the implication could be.

You think about it now. If you ignored a direction that was given to you of an Inquiry that has the powers of a Royal Commission, what do you think would happen if you ignored a direction given to you?---There would be some
30 consequences.

And you studied criminal law, that was one of the units you remembered; what would be the consequences, potentially? I will give you a clue, it's the same consequences if someone lies on oath or affirmation? No idea?---No idea.

35 No idea at all?---No.

40 What could happen to someone - could happen to someone - if they had lied on their oath or affirmation, what could happen to them criminally?---Could it be perjury?

Perjury, yes?---So someone could face criminal sanctions, couldn't they?---They could, yes.

45 By ignoring a direction given by an Inquiry such as this one, you knew that, didn't you?---I did not think about that at that time, no.

Did you think it could just be ignored, did you?---I did not ignore intentionally, just that in that situation - - -

5 You did ignore it intentionally because you went home that evening and you discussed the lease agreement with your mother and your brother, Keith; you ignored it?---I did not know that by telling them I need to produce the lease agreement, was actually discussing about the evidence.

10 I would be very, very, very careful with that answer, Ms Yong. Do you want to maintain that, do you, notwithstanding what the Commissioner said to you at the very end of the first day of your evidence on 5 March? Think very carefully?---It looks like it is.

15 Sorry?---It looks like it is.

It is? You maintain your answer you just gave then, notwithstanding my suggestion you think very carefully? Do you want to stand by that answer?---I'm saying it looks like it is, by saying that I need to produce the lease agreement, it looks like it is discussing about the evidence.

20 Of course it is?---Yes.

So you resile from that answer you just gave?---Yes.

25 Because I reminded you, didn't I?---Yes.

About what the Commissioner said to you at the end of your evidence?---Yes.

30 I'm just wondering why you gave that answer then, that was clearly false?---Because at the time when I said it, I did not think it was a discussion until now when you explain to me.

35 Before lawyers question a witness, they prepare themselves and they prepare themselves for answers that witnesses give that might not be the truth. So they come prepared. So now I'm going to read out to you what the Commissioner said to you at the end of your evidence, which I have read. Even though I wasn't there, I've had the transcript and I'm going to now read from it?---Okay.

40 5 March, sir, page 143.

COMMISSIONER: Thank you.

MR URQUHART: The Commissioner said this to you:

45 *In that case, we will adjourn until 10 am tomorrow morning. You will, of course, remain under your affirmation tomorrow and I remind you before we adjourn of the direction that I gave you at the*

commencement of your evidence. You are not to discuss your evidence, including any documents to which reference has been made, with anyone?---Yes.

5 *Do you understand?---Yes.*

And that includes, of course, when you are searching for that document tonight. You are not to indirectly discuss your evidence in the course of that search?---Yes.

10 *You understand that?---Yes.*

So the Commissioner is reiterating that to you over and over again and just in case you didn't get it, the Commissioner continued:

15 *You are legally trained, I expect again that you know the consequences of breaching that direction, is that right?---Yes.*

It can't be any clearer than that, can it?---Yes.

20 It was a long day on that day, because the transcript says the matter's adjourned at 5.54 pm. You went straight home and that evening you spoke about things with your brother and your mother that the Commissioner had told you on three different occasions not to do, isn't that right?---Yes.

25 So why ?---I should not have but I did it because I was really anxious and nervous. I didn't know what to do.

30 But you knew what to do, you weren't to discuss your evidence with anyone, including the search for this lease; you knew that but you ignored it, didn't you?---Yes.

What's the point - what is the point of the Commissioner giving those directions if they are just ignored? What's the point?---Yes, I should not have.

35 But I'm asking, what's the point?---I do not know.

There's no point, is there?---Yes.

40 There's no point and there's no point you giving your evidence on affirmation because the next day, you just lied about the lease. So what was the point? What's the point of you taking the affirmation?---I don't know.

There's no point, is there?---I should have - - -

45 There's no point taking the affirmation because you just immediately started lying about the lease?---I should not have done that.

What, you should not have taken the affirmation?---No, I should not have talked about the evidence and - - -

5 But you shouldn't have taken the affirmation, should you have?---I should have just abide to the - - -

But you were immediately going to start lying about the lease, because you did that from the very first page of the transcript from 6 March?---The reason I explain was because I panic, I didn't know what to do on that evening when I got home.

10 We have moved on from that. There's just no point, there's no point you taking the affirmation. There's no point taking the affirmation if you're about to lie about the questions that are going to be asked of you. I just want to know why you took the affirmation to tell the truth, the whole truth and nothing but the truth. What makes it worse is you've got a law degree.

15 COMMISSIONER: And you've practised as a lawyer in Malaysia. You, of all people, should know, Ms Yong?---Yes.

20 MR URQUHART: Who else in your family did you talk about the lease agreement with on that night of 5 March?

25 COMMISSIONER: This time I want the truth, Ms Yong?---I can't recall anyone else.

MR URQUHART: Think about it carefully because did you hear what the Commissioner just then said? This time he wants the truth. I don't know how many time we have told witnesses during these public hearings to tell the truth in accordance with their oath or affirmation. So, who else did you speak to about your evidence, and I don't want to have to put names forward, I want you to tell us, please?---Possibly my dad.

30 Your dad, okay. Possibly or definitely? You were living with your parents at the time?---Yes.

35 Would I be right in saying that it's more than just possibly, but you did actually speak to your father about the lease agreement?

40 COMMISSIONER: Ms Yong, if I have to issue a summons to every single member of your family to get to the bottom of this, I will. So now is the time to tell the truth?---He could have possibly overheard while we were talking.

45 MR URQUHART: Who is "we"?---When I was talking to my mum about, I need to produce the lease agreement.

[11.45 am]

So he's in the same room? Was he in the same room?---Not in the room.

But he was within hearing range?---Yes, I would say so.

5

So did he then join in the conversation?---I don't remember him joining in.

Are you sure about that, bearing in mind what the Commissioner has just said. It was five months ago, Ms Yong, not that long ago. I will help you out. Is the truthful answer that yes, you also discussed this with your father?---I would think so.

10

You know so, don't you? Highly commendable that you don't want to involve your father, but the trouble is, it looks like he already is involved in this. So you discussed it with him as well, didn't you?---It was by - I think everyone was just around.

15

Yes. So it was a round table discussion, wasn't it?---It wasn't a round table discussion.

20

All right, square table. Everyone was around so let's go through who was around during these discussions: you, your mother, your brother, Keith, your father - yes? Those three and yourself were involved in these discussions?---What do you mean by discussion?

25

Come on, Ms Yong. Come on, you know what I'm talking about, about the lease and your evidence at the Inquiry and the fact the Inquiry asked you to produce this lease agreement, those discussions?---I did say that I need to produce the lease agreement I had to the Inquiry the next day.

30

Yes, and you said that in the presence of your father?---Yes.

And you said that so that he could hear you say that, yes?---I - it was just a general statement. I did not intend anyone to really hear it or not hear.

35

You said there was a discussion amongst "we" - you said "we discussed it". So the people who are involved in that "we" definition - I don't know why I have to do it again - is Keith, your mother and your father. You said to them, "The Inquiry wants me to produce a copy of a lease between Lex Legal Management Trust Pty Ltd and Beau Geste Pty Ltd", you said that to the three of them, didn't you?---Yes, I would have.

40

Why has it taken so long to reach that point, Ms Yong?---Sorry, just need to get a drink.

45

Why has it taken so long to reach that point?---Because I'm trying to recall.

Your husband, he was also involved in these discussions, wasn't he?---He - - -

He was a director of this company, Beau Geste?---Yes.

5 So he was involved in the discussions as well, wasn't he?---Yes, on separate occasion.

On a separate occasion?---Yes.

10 So what separate occasion was this?---After he got home from work.

After he got home from work?---Yes.

15 Is this after the first day of your evidence or after the second day of your evidence? You produced the sham lease on the second day of your evidence. Was it on 5 March or 6 March?---I can't really remember, possibly the second day, after the second day.

20 So you told him about the evidence you gave at the second day, did you?---Yes, I just said that I had to produce a lease agreement.

So did you tell him you had produced a sham one?---I did not.

25 Did you tell him that you had to get it redrawn and signed by yourself and your mother just a day or two ago?---No, I did not.

No?---No.

30 We are getting there. So there's just one member of the family left. Did you talk to Jonas about this as well?---No, I did not.

Are you sure about that?---Yes.

35 Absolutely certain?---Yes.

100 per cent?---Yes.

40 So we have covered now the lease agreement that you spoke to your mum and your dad and your brother and your husband. What other parts of your evidence did you discuss with them, or any of them?---I can't recall anything else.

45 Might you have done? Might have you discussed other parts of your evidence, like, for example, filling out the corporate nomination forms? No? You're shaking your head?---No.

The complaints that were made by your husband and your brother and your mother about the supposed electoral fraud, did you say anything about any questions you

were asked about that?---I do not recall any of that.

Thank you, Ms Yong. That's all the questions I have, sir.

5 COMMISSIONER: Thank you. Ms Yong, it seems I need to remind you yet again of something. When you gave your evidence at the private hearing, I gave you a direction about not disclosing the evidence that you gave at that hearing, whether indirectly or directly to any other person?---Yes.

10 I've now learned today that you did just that. So I'm going to remind you again. I do not want you to disclose, discuss, in any way refer to any of the evidence that you gave at that private hearing with any other person. Having been examined today on your disclosures, do you understand what I'm saying to you?---Yes, I do.

15 And will you, from this point on, comply with that direction?---Yes, I will.

Do you understand the consequences of not complying with it?---I think so.

I suggest if you don't, you go and get some legal advice?---Okay.

20

You're excused?---Thank you.

WITNESS WITHDREW.

25 COMMISSIONER: Mr Urquhart, do you require a short adjournment?

MR URQUHART: Yes, that might be convenient, to take the morning break now.

30 COMMISSIONER: I will adjourn for 15 minutes, thank you.

(Short adjournment)

35 HEARING RECOMMENCED AT 12.14 PM.

COMMISSIONER: I will have the witness called and then I will deal with applications. Mr Urquhart.

40 MR URQUHART: Thank you, sir. The next witness will be Lily Chen and Ms Chen is in the rear of the hearing room, thank you.

COMMISSIONER: Thank you, Mr Urquhart.

45 Ms Chen, please come forward and take a seat in the witness box to my left

MS CHEN: Thank you.

COMMISSIONER: Yes.

MR THOMAS: If it please you, Commissioner, I seek to appear on behalf of Ms Chen, along with my colleague, Ms Oreo.

5

COMMISSIONER: Thank you. Mr Urquhart, is there any objection?

MR URQUHART: There's not, thank you, sir.

10 COMMISSIONER: Thank you. In that case, leave is granted for today's hearing and any extension of it.

MR THOMAS: Thank you, sir.

15 COMMISSIONER: Madam Associate. Ms Chen, do you wish to take the oath or the affirmation?

MS CHEN: Affirmation, please

20 **MS Lily CHEN, affirmed:**

COMMISSIONER: Thank you, Madam Associate. Mr Urquhart, are you ready to proceed?

25 [12.15 pm].

MR URQUHART: I am, thank you, sir.

COMMISSIONER: Thank you.

30

MR URQUHART: Ms Chen, you are 56 years of age, is that right?---More than that.

More than that now, 57?---56.

35

Yes, you're 56 years old now?---Yes.

You were born in Nanjing in China?---Yes.

40 And you migrated to Australia in 1995, is that right?---Yes, correct.

And you obtained some tertiary qualifications when you were in China?---Yes.

What were they?---Bachelor of Arts.

45

Yes. Anything else?---Master of Arts.

- What university did you attend in China?---Nanjing University.
- Then did you obtain a law degree over here?--- Yes, correct.
- 5 Was that from the University of Western Australia?---Correct.
- Did you graduate in 2001?---Yes.
- Have you worked as a solicitor here in Perth since 2001?---Correct.
- 10 In July of 2007, did you establish your own practice?---That's correct.
- Lily Chen & Associates?---Correct.
- 15 What areas of law does that firm specialise in?---Immigration, family law, business and property settlements, recently added wills and estates.
- You ran for the City of Perth as a candidate in what year?---2011.
- 20 Were you successful?---Yes.
- Did you run again in 2015?---Correct.
- Once more, were you successful?--- Yes, correct.
- 25 In 2017, did you contest the State seat of Mirrabooka?---Correct.
- Was that for the Liberal Party?---Correct.
- 30 But you weren't successful in that campaign?---No.
- Do you also work as a migration agent?---Correct.
- What does that involve?---Preliminary applications, AAT reviews, Federal Circuit
- 35 Court appeals and occasionally, Federal Court and finally, Ministerial Intervention Unit.
- That is the extent of it?---It's just normal course of actions.
- 40 So that's the extent of your work as a migration agent?---Preliminary applications and AAT, yes, but afterwards is lawyers.
- It's law, is it?---It's law, yes.
- 45 Do you have a separate office for your migration agency to the one that's your law firm?---Yes, for probably almost eight months to 10 months in Mirrabooka office.

When was that?---The exact date I cannot recall. However, the duration is about eight to 10 months.

What year?---2016.

5

2016?---Yes.

And it was only open for eight to 10 months?---Yes, correct.

10 So are you talking about your migration agency office or you're talking about your campaign office?---Campaign office is when close to the election.

Yes. So your migration agency office?---Is rented for the migration and the law services and for eight to 10 months, but then the last three months, used as a campaign office.

15

I see. So apart from that period of time, where is your migration agency office?---Yes.

20 Where is it? Where?---Opposite of this one, 26/8 James Street, Perth.

So it's your law firm address?---Yes.

Does anyone work for you in your migration agency business specifically?---Many of them.

25

Sorry?---Many.

Many of your employees?---Yes, correct.

30

Over the years, how many employees have you had?---Five to seven.

How many of those are lawyers?---Normally is one to two.

35 And the others?---Others is master degrees, graduates and bachelor degree graduates, so they are mainly processing officers, or for preliminary applications.

Ms Chen, when you were a Councillor, would you use the Perth Town Hall for functions you had organised?---Yes, I did.

40

What type of functions were they?---Not exactly remember. However, yes, I do recall, yes, there are a few functions were held in the Perth Town Hall.

What type of functions is the question?---If you have some information to refresh my memory I could answer you correctly.

45

No, I'm asking you. What type of functions did you have at the Town Hall?---I

cannot say, I cannot remember.

You must remember one function you had at the Town Hall, surely?---One?

- 5 You must remember at least one?---Is not mine, is something they have kind of for exhibition of arts I did attend.

No, my question was - the first question I was asked you was when you were a Councillor would you use the Perth Town Hall for functions you had organised.

- 10 You said, "Yes, a few." Then I had to ask two or three times, what type of functions were they that you organised and you couldn't recall and I'm suggesting to you, you must be able to remember at least one function you had organised at the Town Hall, not that you went to but that you had organised. I want to know what type of functions you had at the Town Hall that you had organised?---I only
15 remember, I organise the functions in Town Hall, hired the Town Hall for probably associations function.

What type of associations?---Women's Association, maybe.

- 20 What sort of Women's Associations?---Like - Town Hall, not the Concert Hall. WA Australian Chinese Women's Association.

Right?---This is a maybe because I said to you, my memory is faded.

- 25 I'm sorry?---My memory is not so great now.

This is from 2011?---Yes. Could not exactly remember which association I organise a function for.

- 30 I'm going to suggest to you you organised a number of functions over a number of years at the Town Hall when you were a Councillor, isn't that right?---I certainly remember one.

- 35 That's a start. What was that one?---Not in Town Hall, actually is a Council property, at Council House.

I'm not interested in Council House, I'm interested in the Perth Town Hall?---Perth Town Hall.

- 40 You know where the Perth Town Hall is, don't you?---Yes.

So what - - -?---At Hay Street or Barrack Street.

- 45 That's right, good, corner of Barrack Street and Hay Street, the old building?---Yes.

So you said that the WA Australian Chinese Women's Association was one

function you had there?---Yes.

What other functions, and these are ones you had organised?---I genuinely could not remember.

5

The Chung Wah Association, did you have any functions there involving the Chung Wah Association?---Chung Wah Association I - - -

I apologise for the pronunciation?---Chung Wah Association, I was never - I only a member, I even not a committee member and certainly was not organised by myself.

10

Was there Chung Wah Association functions there?---I guess so.

15 Were there?---Should be.

Should be?---Yes.

So there were?---Yes.

20

And you'd organise the venue at least, wouldn't you?---I probably assisted.

Probably assisted?---I didn't organise because I was not the organiser.

I said you would have organised the venue?---I may be asked to organise the venue.

25

How many times did you do that?---For Chung Wah Association?

30 Yes?---Or for other associations?

No, let's just stay with the Chung Wah Association at the moment?---Mm hmm.

How many functions there did you help organise?---For Town Hall, probably only once.

35

Maybe more than once?---I genuinely could not remember, I said to you from beginning.

Why do you have problems remembering?---Very - I only remember today what I should do. I even don't consider yesterday or tomorrow. This is my memory probably short.

40

Has that been a medically diagnosed condition?---No, I could probably check, very soon.

45

So you have a memory issue with things that have happened beyond

yesterday?---Yes, for the time being, yes, correct. This period of time.

5 And that includes not being able to remember on how many occasions you organised functions at the Perth Town Hall when you were a Perth City Councillor?---That's correct.

10 We have found out about two, the Western Australian Australian Chinese Women's Association, and the Chung Wah Association. There were other times though, weren't there, you had organised functions at the Perth Town Hall?---Must be.

Must be?---M'mm.

15 I want you to think carefully then about what those other functions were?---I genuinely cannot remember the functions itself but definitely I did assist them to recommend and even sometimes personally contact the Town Hall for, you know, the price for the functions, how much should be paid for the not for profit organisations. I was advised how much, then I pass on the information to those organisers of those associations.

20 I want to stay with those associations that you either have a membership of or are connected with?---Yes.

25 So we have got the WA Australian Chinese Women's Association and the Chung Wah Association, what about all the other associations and groups you belong to?---So mainly is member of Chung Wah Association and the Women's Association.

30 But there was more than just one occasion you helped to arrange events for those two organisations at the Perth Town Hall, wasn't there?---Must be.

Must be?---Yes.

35 So about how many?---I genuinely cannot remember.

20 functions for each association at the Perth Town Hall?---No way.

No way, okay, so you remember that. A dozen for each?---No.

40 So you remember that?---Yes.

So between 12 and 20?---No.

45 So less than 12?---Yes, less.

Less than 10?---Less.

About how many then?---Really, probably once or twice, three times. I genuinely could not recall. It's not because I don't want to answer your question, it's genuinely the memory is short.

5 Generally your memory is short?---Yes. If you could give me some information - -
-

Ms Chen, I'm going to be asking you about things that happened several years ago; is there going to be a difficulty with you remembering those things?---Very
10 difficult. If you could give me like meeting minutes, agendas and then to refresh my memory, I could answer you properly

[12.30 pm]

15 And that's the only way you'll be able to remember things?---That's correct.

So you would agree with me then, you would use the Town Hall for functions that you had organised, at least with respect to the venue, would that be fair to say?---Yes, correct.

20

On some of those occasion, did the association that you were connected with have to pay the City a fee to use the hall?---That's correct.

Was that when the CEO was Gary Stevenson?---Yes, possible.

25

Do you remember when he was the CEO?---Gary Stevenson, yes.

What years was he the CEO?---Before Martin.

30 Before what, sorry?---Before Martin.

Yes, obviously. Years?---I really cannot remember the term of their tenure, no.

Who was the CEO when you first became a Councillor?---I think now he retired in
35 Margaret River.

Yes, and who was he?---The gentleman, Edwards, something called Edwards.

Frank Edwards?---Yes, Frank Edwards.

40

So did Mr Stevenson take over from him?---Gary Stevenson, yes.

Was Mr Edwards the CEO for about a year when you were there as Councillor?---Not long before he retired.

45

And then Gary Stevenson became the CEO?---Yes, correct.

And then Mr Mileham after him?---Yes.

When did Mr Mileham become the CEO?---You ask for when?

5 Yes?---After Gary, that's what I can tell you.

Before the Council was suspended in March of 2018?---That's correct.

10 So some time between 2012 and 2018, was it?---Big range, yes, I can answer you correct.

Ms Chen, you do remember giving evidence at a private hearing, don't you, before the Inquiry?---Yes.

15 Do you remember that clearly enough?---Yes.

Even though it was last month?---Yes, because this one's special.

20 Yes, this one is a public hearing?---Yes.

No more special than the private hearing?---Private hearing is special as well.

25 Yes, it is, isn't it? I can't remember you ever mentioning that you have problems with your memory at the private hearing, so is this something that's happened since then?---Yes.

You've had your memory difficulties since you gave evidence at the private hearing?---No, correctly speaking is even before that, probably about last year to date.

30

Because as I said to you, you didn't raise this issue with your memory problems at the private hearing?---No, I didn't.

But you've now raised it very early on in your evidence here?---M'imm.

35

I just want to know why and whether your memory problem has happened since you gave evidence at the private hearing, a month ago?---Actually, before that, I just didn't raise it and then I find myself, is it because with the age or is it because with too many things in my mind. So I probably going to see doctor afterwards.

40

You're going to see a doctor after this?---After public hearing is finished.

After the public hearing?---Yes.

45 So you were experiencing these memory difficulties at the private hearing, were you?---As well.

But you haven't had time to see a doctor?---No.

In the last month?---No.

5 But it sounds like you're quite concerned about it?---Yes, correct.

But not concerned enough to see a doctor in the last four or five weeks?---No, should go to see but haven't got time.

10 Haven't got time?---M'mm, as a sole practitioner.

How do you go at work?---It is hard. I have to, you know, use the hard copy diary to remember every day what I should do.

15 Right. I don't think you're alone in that regard?---What's that?

I think we all use diaries?---But if I don't put it down, I would tend to forget.

20 What about your years as a Councillor, did you have these memory problems?---No.

You were good?---Yes.

25 Sharp as a tack?---Just from last one year to date.

Just the last one year?---To date, yes. From February, probably, 2018.

February 2018?---Yes.

30 So just before the Council was suspended?---That's correct.

And one or two months before this Inquiry was announced?---Possible.

35 Did this happen overnight, or how was it?---Gradually.

Gradual?---Yes.

So when did you start gradually having memory losses?---In past few months.

40 Just in the past few months?---Yes.

I will bear that in mind, Ms Chen?---Thank you.

45 Does it sound about right that Gary Stevenson was the CEO from October 2012 to January of 2016? Does that sound about right?---Possible.

Possible?---M'mm. Before Martin anyway.

Yes, but you remember when Mr Stevenson left, don't you?---Yes, I remember.

5 You remember that?---Yes. When I was driving into the City of Perth's Council House car parking, he was driving car out.

What, on the day he resigned?---Yes, in the morning. I was called to a Council meeting.

10 Was he resigned or was he sacked?---I thought he was resigned.

You thought he was resigned but you're not sure?---Because I was called for a meeting. I only remember he driving the car out from the car parking because only him and me. Then he left things.

15 He left suddenly?---Yes.

Getting back to the Town Hall, I've still got some questions to ask you about it. You remember that, don't you?---Yes.

20 On some of those occasions that you used the Town Hall for functions you had helped organise?---Yes.

You had to pay the City to use the hall, didn't you?---Not me, the association.

25 Yes, the association. Was that when the CEO was Gary Stevenson?---Not sure is Gary Stevenson or is Martin or is Frank, because of quite a few functions.

30 But it appears from the dates that we have established that Gary Stevenson was the CEO for the longest period of time that you were a Councillor, because Mr Edwards was only the CEO for your first year?---Okay.

And then Mr Stevenson was the CEO for, it seems, at least three years, three and a bit years?---Okay.

35 And then we had Mr Mileham?---Okay.

So am I right in saying that your groups or associations that you organised or helped organise, a fee had to be paid?---Yes.

40 And I'm going to suggest to you that was when the CEO was Mr Stevenson?---Okay.

Wasn't it?---Maybe.

45 Because wasn't it the case that the previous CEO, the one before Mr Stevenson, which was Mr Edwards, let your associations or groups that you were a member

of, use the Town Hall without paying a fee. Don't you remember that?---No, couldn't remember.

You couldn't remember?---Yes.

5

Do you accept that that did happen?---Generally not.

No, generally not but I'm saying that first year when you were a Councillor, Mr Edwards allowed you to use the Town Hall for events that you were involved in organising for nothing; you must remember that, don't you?---Maybe once.

10

Maybe once?---You refreshed my memory. Probably once.

Good. If I can help refresh your memory, Ms Chen, that would be great. So at least once that happened?---Yes.

15

And you were very happy with that arrangement, weren't you?---Not me personally.

What was the association that was having the function at the Town Hall on that occasion?---Could not recall.

20

WA Australian Chinese Women's Association, not that one?---Not sure.

Not that one? The Chung Wah Association, that one?---Not sure. So many associations.

25

Yes, but was it a Chinese affiliated association?---I guess so.

You guess so because am I right in saying that all the functions that you had a hand in organising at the Perth Town Hall were related to the Chinese community, would that be fair to say?---That's correct.

30

And I think your evidence has now been that there were quite a few functions that you helped organise?---Yes.

35

So more than just one or two?---Yes, more than that.

Eight?---Should not be so many.

40

Not so many?---M'mm.

Somewhere between two and eight?---That's fair.

Did you think that because you were a Councillor, you should be entitled to use the Town Hall - - -?---No

45

- - - on behalf of associations that you were connected with - - -?---No.

- - - for your own events free of charge? You've already answered my question twice before I'd finished it, but never mind. Isn't that the case?---Is incorrect, I never thought so.

You never thought so, because that's not listed anywhere as an entitlement of a Councillor, is it?---No.

10 But you did have at least one event there free of charge, didn't you?---I think so, very early years probably.

Very early on when Mr Edwards was the CEO?---Possible.

15 If it was very early on it would have to be because Mr Stevenson became the CEO in October of 2012?---M'mm.

And you remember when you were first elected?---Yes, correct.

20 You remember that? October when?---15, I think, otherwise got it wrong. Dates I always get wrong but is October.

How many times have you been successfully elected to the City of Perth?---15, so should be - - -

25

How many times?---Twice.

So 2015 is once?---Yes.

30 We haven't had the 2019 elections yet. So when was the other time that you were elected?---2011.

So I'm thinking the first, at least the first time and possibly others, you got to use the Town Hall for associations that you were connected with free of charge, that sounds about right, doesn't it?---Yes, I recall probably once.

35

Probably once but possibly more?---No, I don't think so, because even once, I'm not sure why he gave for free, because normally the CEO, when I ask them, they would refer me to Town Hall responsible person, say, "Look, go to", contact them. They would give me phone number, ask me to contact them, how much is for not for profit organisations.

40

I'm right in saying, aren't I, Ms Chen, that the first time you arranged for a function for an association that you were connected with to be held at the Town Hall, you did not have to pay?---I didn't ask for free.

45

Yes, but the association that you were connected with did not have to pay, did it

?---Possibly once.

It could be more than once?---I cannot recall.

5 Didn't you become a little annoyed when the CEO, Mr Stevenson, insisted that the associations that you were connected to had to start paying for the hire of the hall?---I had never had problems with Mr Stevenson. Never annoyed, because they should pay, because if the rules say they should pay, should pay.

10 You've never had a problem with Mr Stevenson?---No.

In relation to anything?---No.

15 Nothing at all?---No, but I did write a review of his KPI, some of them very good, some of them not.

We will get to that in a minute?---Yes.

20 But you weren't cross with Mr Stevenson?---No.

That he started charging groups that you were associated with - - -?---No.

- - - with a hire for the hall?---No.

25 Did that have an impact though on how you would assess his performance?---Wouldn't.

It did though, didn't it?---No. Should be fair.

30 It should be fair?---Of course. I'm a reasonable person.

Ms Chen, I don't doubt that for a moment. Do you remember what you said to Geoff Blades of Lester Blades? Do you remember him conducting a Performance Review of Mr Stevenson in 2013?---Cannot remember who is conducting but I did remember I did a KPI for Mr Stevenson.

[12.45 pm]

40 Yes, for a Mr Blades. He was a recruitment consultant?---Okay.

He was called in by the Council to do a Performance Review?---Okay.

Does this help jog your memory?---Some of.

45 Because you did actually volunteer this just a moment ago, before I'd even mentioned it, that you did a KPI assessment for Mr Stevenson?---Each CEO, we did it.

I'm just staying with Mr Stevenson?---Yes, I did for him as well.

5 Do you remember giving Mr Stevenson a D rating for everything on a questionnaire that you completed?---I could not recall. Some of the KPIs I put it down much better than D.

10 You may well have but I'm just talking about the KPI questionnaire you completed for Mr Stevenson in 2013, that's the once I'm concentrating on?---Yes. I could not remember each questionnaire now, by then, yes, I did what I felt at the time.

Yes, and you gave him a D rating with respect to every matter that you had to grade him for?---Okay.

15 Do you remember that?---No, because I recall he actually some areas, he performed well, in terms of Local Government reforms.

20 Mr Blades has told the Inquiry that he remembers this very clearly, that you gave Mr Stevenson a D rating for everything?---Now because the paper not in front of me.

Never mind, but I'm reminding you. Do you remember that, giving Mr Stevenson a D rating?---No.

25 You don't remember that at all?---No.

That's a fail, isn't it?---Some of the - I remember some of them are very good I put down and some of them probably not.

30 I'm talking about 2013. The question I asked was, a D, that's a fail, isn't it?---How many members, A, B, C, D, E, F?

35 I don't know. It doesn't really matter. I was going to ask you that but D doesn't sound very good, unless it's a distinction but no, this was an A, B, C, D. So I think D's pretty much a fail, isn't it?---Cannot remember.

You cannot remember?---M'mm.

40 I'm just trying to jog your memory because Mr Blades remembers this very clearly because he had a conversation with you?---Okay.

After he got this questionnaire from you?---I cannot remember someone talking to me about Gary.

45 You don't remember being asked by this recruitment consultant anything?---Cannot remember.

I want to suggest to you this would have been the first KPI you had done for Mr Stevenson. So you don't remember the first?---No.

5 You don't remember or you don't want to remember?---I cannot remember, not because I don't want to remember.

You know Mr Blades though, don't you? You remember Mr Blades?---Cannot put a face to the name.

10 Can you remember someone by that name who conducted a review of Mr Stevenson in 2013?---I thought normally the Recruitment Committee people, they conduct, not external people.

15 This was an external person so there we go, that might help jog your memory. It sounds like it's something that should stand out to you, because he wasn't internal, he was external?---No.

So does that help?---No.

20 Not at all?---No.

Nothing at all?---No.

25 But you do remember grading Mr Stevenson a D on some things, do you?---Maybe.

Maybe? Why would that be?---Because certainly some areas he was good, some are not. This is at the time.

30 What was he bad at?---I think the communication skills.

35 Was he bad at making you having to pay for the use of the Perth Town Hall, is that something he was bad at?---No, this is a wrong description because this is the associations pay, not me personally.

Making the associations pay then, was that something that made him bad in your eyes?---No, he's not. He's not in that regard. These are very small things.

40 You don't remember Mr Blades asking you, or let's put it this way, the recruitment consultant who had been employed by the City, him, a recruitment consultant saying to you in 2013, "Why have you given Mr Stevenson a D on everything"?---I could not recall someone ask me about a D, never.

45 And your response was words to the effect of, "Well, that's what I think"; do you remember saying that?---No. I'm not so good at to describe why I give the D is simply because of some personal issue, no. I'm very fair.

That's entirely inappropriate, isn't it?---Of course, should not.

And it would be entirely unfair for you to take a personal issue on board when grading the CEO?---Never should.

5

You never should?---Yes. You never did it.

You never should do it but on this occasion you did, didn't you?---I didn't, this is wrong.

10

Because Mr - - -?---No description.

Mr Blades asked you why do you think that?---No-one asked me.

15

You see, the answer that Mr Blades said you gave him was this, words to the effect of - you understand what that phrase means, don't you?---No.

You don't know what "words to the effect of" means?---No.

20

What it means is that he's not saying that you said this word for word, but it was what you were conveying, what you were explaining. You've never heard the phrase "words to the effect of"?---Heard it.

You have, haven't you?---But I didn't - - -

25

You have heard that phrase "words to the effect of", haven't you - you've got to answer?---Yes, correct.

And you understand what it means, don't you?---Not exactly, in different situation.

30

Ms Chen, you said words to the effect of, "Well, when the previous CEO was here, I used to be able to use the Perth Town Hall whenever I wanted to bring in groups of people that I know and bring them in for different functions, and I could use it, I never used to have to pay for it. Now, under Gary, I have to pay for it."

35

No?---No.

But you see, Ms Chen, that is consistent with the evidence that you have given, isn't it?---No.

40

Isn't it consistent with the evidence you have given?---Is your question consistent?

No, and your agreement to my questions. This is before I asked you about this conversation you had with Mr Blades because you told me that yes, there was at least one occasion when you got to use the Perth Town Hall for free, just after you became a Councillor. We established that was during the time when Mr Frank Edwards was CEO?---Possible.

45

And now, when Mr Stevenson was in charge, he did not let you use the Town Hall for free, or your associations, isn't that right?---That is not the issue.

He didn't let you use the Perth Town Hall for free?---Should not be free.

5

No, the question is, he did not let you or the associations that you were representing, use the Town Hall for free, did he?---He was correct.

I'm going to insist on the answer, he did not let you do that, did he?---Yes, he didn't.

10

So Mr Edwards did, Mr Stevenson didn't? Mr Blades here is saying, that's the reason why you gave Mr Stevenson a D rating in 2013?---That is wrong.

15

But he's right. He's right about the factual situation regarding when you had to pay and when you did not have to pay for the hire of the Town Hall, he's right about that, isn't he?---He was wrong in making such an allegation.

But he's making that allegation because you told him?---I didn't.

20

That begs the question - do you understand what that means? It doesn't matter. My next question for you is how did he know that if you hadn't told him?---Don't know why.

25

It's because you told him?---I didn't.

Can you offer another explanation as to why he would know that if you hadn't told him?---I have no idea.

30

Mr Blades said he asked you, "And so, what does that mean, that you now have to pay for the Town Hall with Mr Stevenson in charge" and you said, "Well, that's it, I don't like him so he gets a D on everything because he makes me pay to use the Town Hall"?---I didn't say that. That is naive.

35

That is naive?---Yes.

That is naive?---That's correct, if I said that.

What's your explanation then for giving Mr Stevenson a D rating on everything back in 2013?---Should not be D for everything.

40

I know that, I want to know the reason why you did give him a D on everything? Why did you give him a D rating on everything?---Not everything, some of them.

45

So you're now saying that you did not give him a D rating on everything?---No, should not be. I just said to you, I could not remember exactly. However - - -

You don't know then?---You give someone KPI, cannot be everything D. That is wrong.

5 You can't remember. You can't remember what you gave him in 2013, can you?---I cannot remember exactly. However, I wouldn't do that for everything, is a D.

Because as you've said, you're a fair person?---Yes.

10 And this would be very unfair, wouldn't it?---If all D, is not fair.

Mr Blades says, "I remember that now as clearly as I remember it in 2013", that was his evidence because he was absolutely astounded by your response. It is an astounding response if you made it, isn't it?---I didn't make.

15 If you made it, it would be an astounding response, wouldn't it?---That's correct.

"Why does that stick in your memory", he was then asked, "Well, because she's wrong. Councillors don't get to use the Perth Town Hall for no charge. They pay like everybody else." So, "Because I now have to pay to have my - also get together with all my friends in the Town Hall, I'm going to destroy this guy's career." That was his conclusion that he drew from what you were saying to him?---This is wrong.

25 "That was her attitude"?---This is wrong.

It is a wrong attitude to take, Ms Chen, but that was your attitude back in 2013?---I didn't do that.

30 Wasn't it?---No.

You've got a clear memory that you did not say that in 2013? You have, have you?---I didn't.

35 You have a clear memory of that, do you?---I didn't have a clear memory, however, I wouldn't say that because the Town Hall is a public place. Anyone who hires the Town Hall should pay.

I couldn't agree with you more. So when you say, "I wouldn't say that"?---Yes.

40 Isn't the correct description, "I shouldn't have said that but I did"?---I didn't say that.

Ms Chen, I think we are going to now adjourn for lunch?---Thank you.

45 Okay, but I haven't finished my examination of you?---Yes.

Is that convenient, sir?

COMMISSIONER: It is convenient. I will adjourn the Inquiry to 2 pm.

5

WITNESS WITHDREW

(Luncheon Adjournment)

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HEARING RECOMMENCED AT 2.02 PM

MS Lily CHEN, recalled on former affirmation:

5 COMMISSIONER: Yes, Mr Urquhart.

MR URQUHART: Thank you very much, Commissioner.

10 Ms Chen, over the lunch break, did you see if you could remember that conversation that you had with Mr Blades back in 2013?---Couldn't.

You couldn't remember? So you can't recall any conversation you had with him back in 2013?---No.

15 Did you use the Council's dining room facilities as a Councillor?---Yes.

You invited guests to dine there, did you?---Yes.

20 What did you understand were your entitlements to invite guests to the dining room?---I read the policy and - - -

When did you read the policy?---In 2011.

25 You read the policy, yes?---The dining room is hospitality of our capital city and Councillors present the hospitality of the City to the ratepayers, business community and, you know, the community at large.

30 The community at large?---Is not a suburban Local Government, is capital city, so my interpretation is broader than the other Local Governments.

Your interpretation is broader?---M'mm.

35 So how broad was your interpretation then of your entitlement to use the dining room?---Including, for example, foreign consulates.

Foreign?---Consulates.

Visiting dignitaries?---That's correct, mainly is foreign consulates.

40 What about the community at large, who did you have in mind there?---Community at large is like community leaders, association leaders, for example, the president of the Chung Wah Association.

45 Yes, you could invite them?---Yes, because they are located in Northbridge.

So you remember inviting guests from the Chung Wah Association?---Yes.

You've got a clear memory of that?---Yes, external - - -

Is that because you did it often?---No.

5 No?---No.

Why is it that you've got such a clear recollection of inviting guests from the Chung Wah Association?---Because I'm a member of that.

10 So how many times did you invite Chung Wah members to dine at the Council dining room?---Probably three times, maybe three, four times.

A year?---No, so the whole time when I was at the Council.

15 So are you saying then that your entitlements were confined to guests who had some sort of dealing with the Council?---Can I just give you list of those people, guests that I would like - I did invite?

You would like to invite or did invite?---Did invite.

20

Was it confined - in your view, did the policy confine those guests to have had official or business dealings with the Council?---Ratepayers, external - - -

25 What's the answer to that question? Was it confined to guests who had official or business dealings with the Council or was it wider than that?---Wider than that.

So ratepayers could be invited?---Yes.

30 Why?---Because they pay rates to the City, they have got issues, concerns, they would like to discuss with us and then I would invite them to come and to talk about it.

To talk about their concerns?---Yes.

35 At dinner?---Yes.

Or lunch?---Yes.

40 Why?---Mainly is lunch.

Why couldn't that be done in your office?---Because that is City business and also I say dining room as hospitality of the City, not my personal hospitality.

45 Could it be done in your office though, these matters that you wanted to talk to ratepayers about?---Some of them, they called over the phone and if they were not so serious.

So what was the serious business that ratepayers had that required you to give them lunch?---I said to you, because this is for hospitality for the City of Perth, not my hospitality for my personal, therefore when the ratepayers, and they wish to visit the Council and also see the dining room, I would like to invite them.

5

I'm sure every ratepayer would like to visit the dining room for a free lunch but what were the concerns that these ratepayers had that you invited that required them to be fed lunch?---Different kind of - various issues they raise. Parking is one of them.

10

Parking?---M'mm.

That couldn't be discussed in your office?---Normally if they talk about City, not my private business I would invite them to the Council.

15

The question is, parking issues could be discussed in your Council office, could they not?---They could.

20

So why was it that - I gather then it's not every ratepayer who raised parking issues with you got invited for a lunch, would that be fair to say?---Yes, correct.

So the ones that did get invited to lunch, why were they different to the ones that didn't get invited to lunch?---They probably talk to me at functions and they raise the issues with me, or I got to know them better.

25

We are get a bit warmer here. Were they friends of yours, was that was the difference?---No.

No?---Yes, some of them friends but not all of them.

30

So some of them were friends. So those who were friends who had parking issues to raise with you, they got an invite to lunch, did they?---Not every one.

No, but a lot of them?---Not all of them.

35

Some of your friends?---Very few.

Very few, but you decided to invite them to lunch to discuss the parking issues, is that right?---Not only parking issues, some other, like lighting issues.

40

I just want to stay with parking for the moment?---Okay.

So friends of yours who had parking issues, some of your friends who had parking issues, got invited to lunch with you, did they?---Sometimes they are talking about the rates.

45

I'm just staying with parking. We will get to rates; just parking for the moment.

So your friends would raise parking with you and that couldn't be done in your office or over the phone or when you met them socially, you had to have lunch with them, did you?---Yes.

5 Why?---That is, I present hospitality of the City to them.

That may be so but why did you have to extend hospitality to those particular people?---As they are ratepayers, the dining room was founded by the ratepayers to return to back to them.

10

Yes, so?---I only could host those.

Sorry?---I cannot every day go there to host someone.

15 You went there a lot though, didn't you?---Yes, sometimes Friday lunch times and this took me too much time. I didn't like it.

You probably went there the most out of all the Councillors in your time there, that would be fair to say, wouldn't it?---No.

20

No?---No. I knew.

You know that, do you?---Yes.

25 Would you agree with me that you, in the last two or three years that you were at the Council, you invited the most guests out of all the Councillors? Were you aware of that?---No.

Would that surprise you?---Should not.

30

It shouldn't surprise you, no?---No.

Because you did, you invited more guests to the Council dining room in 2015/16 and 16/17 than anybody else, didn't you?---Maybe.

35

Why was that?---Some of them requested.

Sorry?---Some of the lunches I invited, was requested me to invite them.

40 So people would ask you to get invited to lunch?---Yes, correct.

And you couldn't say no?---I did question them, "Did you do business in the City and do you have a business interest, and do you work in the City" and I ask those questions and if they answer, they say, "Yes", then I had to.

45

Then you had to?---M'mm.

To be the perfect host, did you?---I'm not a perfect host.

5 You seem like you had to. As soon as someone asked you if they could have a free lunch at the Council dining room, you had to say yes, provided they had some sort of business interest or they were a ratepayer, is that essentially it?---Not only them, they have external committee members of the City.

10 We will just stay with those that you just described a moment ago. So if someone leased premises here in the City or lived in a unit somewhere and they said, "I want to have lunch at the Council dining room, Councillor Chen", you had to say yes, did you?---No, never if someone who has leased a unit to me, I was requested to dine in the City.

15 I thought you said whenever somebody said to you they would like to have lunch at the Council dining room and they had the relevant interest in the City, you had to invite them?---Few occasions.

Why did you have to invite them?---I just simply could not say no.

20 Why?---That's probably my personality.

Your personality?---M'mm.

25 So you did entertain your own guests though for personal reasons, didn't you?---I did, for my husband, two young children.

So you did?---Yes.

30 So you had them, your husband. I think you're allowed to have your partner to the Council dining room, according to the policy. So what did you invite your husband and children to the dining room for?---I feel guilty because often they are not - I didn't have enough time to accompany them.

35 So you took them to the dining room?---Yes.

And not to just another restaurant somewhere?---You follow the conventions and the conduct of other Councillors. The much older Councillors or - I'm not talking about in terms of age, in terms of the history and the tenure at this Council

40 [2.15 pm]

My question to you though was, you couldn't take your family to a restaurant?---I could, I often.

45 And you're saying that you didn't do that because Councillors who had been at the City of Perth for longer than you did that and so you thought you could do that as well?---That is one of the reasons. The first reason, because I feel - - -

That's the reason you gave. Are there other reasons as well?---Yes.

5 So you did that, you took your family to the dining room, even though the policy said you weren't supposed to?---Yes, my husband was allowed.

Yes, that's right. I'm talking about your two sons?---Very rarely I invited them.

10 They weren't allowed?---Very rare.

But you still did?---I did.

15 So why?---I feel guilty. The first reason, because I often than not didn't spend the time with them as a mother.

But you could spend time with them as a mother at a restaurant and pay for that yourself, rather than having the City pay for that, do you agree?---You're correct. I did - most of the time I did have it in private restaurants, not at the City.

20 So why didn't you do it every time?---Only once or twice, most three times. They refuse to come actually.

25 Why the three times did you do it?---I can't remember exactly how many times. It was very, very few times.

You just told us it was three times?---Maybe, I said.

30 So why did you do it on those occasions then, if you weren't allowed to? It's because other Councillors did it?---Most of the time is like, you know, the City would say you could invite your families, members to come, then I did it.

When you say the City, you mean Councillors, don't you?---The Council in general.

35 We will just have to pause there whilst we wait for this alarm.

COMMISSIONER: Yes, Mr Urquhart.

40 MR URQUHART: I have been reliably informed that it was a false alarm. I think we should be able to continue.

45 Ms Chen, I was asking you questions about the dining room and you seemed to say that the City allowed Councillors to dine in the dining room with their families?---Correct.

And also friends?---They didn't say that, and only when public events like the Australia Day and/or Christmas Eve. Only a few.

But this rule that you understood was in place that family could be invited, that was on a Saturday night, wasn't it, for an evening meal?---Very rarely I would go there on Saturdays.

5

But I just want to establish that that was the rule that you understood was in place, wasn't it?---Correct.

10 Because we have heard some evidence about that. This is what the Councillors decided, wasn't it?---The basis of how the dining room rules.

The dining room rules that had either been honoured or breached by Councillors. It was an unwritten rule that Councillors could do that, wasn't it?---Many years.

15 Sorry?---Many years.

So for many years, so you took advantage of that?---I didn't take advantage, I just followed the rules.

20 But this rule wasn't in the Council Policy, was it?---It's Dining Room Policy.

It's what, sorry?---Dining room rules.

It's not written anywhere, is it?---Everyone knew.

25

It's not written anywhere, is it?---Yeah, I didn't see it.

30 Because the Council Policy forbid that, didn't it? It didn't allow for Councillors to bring their family members, apart from their partners, to use the dining room, did it?---Didn't clear prohibit.

Are you saying it did not clearly prohibit that?---Yes.

Really?---M'mm.

35

40 We will have a look at those in a moment. So you said that you invited your family to the Council dining room and one of the reasons was because other Councillors did it who were more experienced than you. Were there any other reasons?---My first reason is, I already twice said to you, because I feel guilty not being with them, always functions, duties discharged.

45 I know all that, but you weren't guilty by the fact you were taking them to the Council dining room when you were not allowed to, rather than a restaurant?---Many times, much, much more times took them to the private restaurants.

You didn't feel guilty about taking them to the dining room rather than a

restaurant, did you?---Just like MPs in the State.

5 I'm going to ask the question for, I think, a fourth time now: you didn't feel guilty about taking them to the Council dining room instead of a restaurant, did you?---I didn't.

Did you listen to my opening address that I gave last week?---No.

10 Did you read a transcript of it?---Yes.

So you remember what I said at the end of my opening?---Cannot remember that.

15 I will remind you - obviously not. I said that, witnesses be warned that they can't answer a question in a non-responsive manner, that is, avoid the question because the question will be asked again and again and again until it's answered. Okay? You're no exception, Ms Chen. I will repeat the same question over and over and over again until I get an answer from you, okay?---Please.

20 Please, I would appreciate it if you could just answer first-up rather than me having to repeat the question over and over again, because it's extremely tiresome - extremely tiresome. When you took your family to the dining room, did you take friends of yours as well?---Normally, no, only them.

25 Normally no?---M'mm.

So sometimes you did take friends when you went with your family to the dining room?---No.

30 No? Did you take friends of yours to the dining room?---If they have business interests and if they are ratepayers and if they are running business in the City, yes.

So you took them to the dining room because they were friends of yours first and foremost, didn't you?---They are also ratepayers, yes.

35 I will repeat the question again because you said something about ratepayers. You took them to the dining room first and foremost because they were your friends, correct?---No, not correct.

40 Did you take them to the Council dining room because they were ratepayers or because they were your friends?---Most of them, they have different identities and titles.

45 Can you answer the question now: did you take them to the dining room because they were friends of yours or because they were ratepayers?---Correct.

Which one was it?---Both.

But you didn't take every single ratepayer to the Council dining room, did you?---Unable, yes, correct.

5 However, you did take your friends to the Council dining room, didn't you?---Only have the capacity to invite those I knew.

But you took friends to the dining room because they were friends of yours and they just so happened to also be ratepayers, isn't that right?---If you say so.

10 No, I'm asking you?---Correct.

You believed, did you not, that you could celebrate a family member's birthday by having dinner for them at the Council dining room, didn't you?---No.

15 All paid for by the Council?---No.

How often did you use the Council's dining room to entertain guests for personal business reasons?---No.

20 Think carefully about your answer. Do you want me to ask you again? How often did you use the Council's dining room to entertain guests for your own personal business reasons?---I don't have.

You never did that?---Not to my memory.

25

Not to your memory? Is it a possibility then that you did?---If you provide something.

30 No, I'm asking you. You were doing the invitations, not me. There were occasions, weren't there, when you used the dining room to entertain guests for your own personal business reasons?---I don't have.

You didn't?---No.

35 You're now denying that?---I don't deny.

Sorry, did you do that or not?---I didn't do it.

You did not do it at all?---Yes - no.

40

That is evidence on affirmation that you did not ever do that?---No.

Were you permitted to do that?---Not.

45 Is that why you're denying it?---Not because for, this is my own conscience, my choice, principle in life.

Sorry, what is your principle in life?---You should not invite guests for your personal reasons.

5 We know you shouldn't but you already did that for your sons?---That, I gave reasons why.

Now I'm asking you - and also you said you invited friends who were ratepayers?---Yes.

10 And when you invited your friends to the dining room, you spoke about things other than parking and things like that?---More than that.

15 You brought them along to entertain them as your friends, not as concerned ratepayers about parking or anything else, did you?---I see it as discharge of my duty.

20 How were you discharging your duties by having lunch with those friends?---Be surrounded by the catering staff and Catering Manager and what we talk about, everyone could hear, surrounding us. It was very ceremonial because from beginning, the Catering Manager would introduce us and then welcome on behalf of the City and then - is very ceremonial. To me, is a duty to invite those people and it took us so long and each time I was really frustrated, but because I'm a Councillor, I have to, you know, to present as the hospitality of the City to the guests.

25 COMMISSIONER: Mr Urquhart, before you say anything else, just take a break for a moment.

30 MR URQUHART: Thank you, sir?---Thank you.

35 COMMISSIONER: Ms Chen, don't thank me yet. I'm going to give you a warning. I have sat here quietly, patiently, listening to you being asked a series of questions and not answering them, not just once but twice and in some cases, three times not answering a question. You have chosen deliberately not to answer some of these questions, even though you clearly, from the question and answer that then follows, understand them. I will not put up with this any longer?---Okay.

40 I now, from this point on, want you to listen to the question carefully. If you do not understand the question, you will tell counsel immediately that you do not understand the question, are we clear on that?---Yes, clear.

And if I do not hear you tell counsel you do not understand the question, then you will give a direct answer to it; do you understand me?---Yes.

45 There's no use saying yes to me if you're not going to follow what I say. Do you understand that?---Yes.

Mr Urquhart.

MR URQUHART: Thank you, sir

5 [2.30 pm]

What duties were you discharging as a Councillor when you had your guests in the Council dining room for lunch?---I discuss the issues they expressed to me.

10 The issues that they expressed to you?---Yes.

Such as?---Variety of, like after school dining and then the rates and the parking, the lighting too dark. They got, you know, the customers of the restaurants have scratches on their cars and they want more police presence in Northbridge, and
15 many issues like that.

And they could only discuss those issues with you over lunch, is that right?---Some of them, they raise at lunchtime, some of them they raise outside of the lunchtime.

20 The question was, they could only raise those issues with you as they were having a free lunch in the dining room?---No.

So you didn't have to invite them to the dining room to discuss those issues, did you?---That's correct.

25 So that's not a proper use of the dining room then, is it?---No.

What was the limit, how much expense could be incurred by an individual Councillor in any one financial year?---For dining?

30 Yes?---\$12,000 or \$13,000.

\$12,000 I think sounds about right. Was that enough?---Should be.

35 Should be? Was it enough for you?---Yes.

It was? Are you sure about that?---Yes.

40 You would get a summary from the Manager of Executive Support of the use of the dining room, wouldn't you?---Yes.

Was that from a Mr Dale Quinlivan, yes?---Yes.

45 Were there times when you had virtually used up your allowance before the end of the financial year?---Yes.

How did you manage that?---They would advise us.

But how were you able to entertain that many guests?---Could not.

5 How were you able to? Who were all these guests? We will put it up on the document examiner. Madam Associate, if we can look at 18.1101, thank you. This is for the financial year 2015/2016. TRIM number, sir, 19074.

COMMISSIONER: Thank you.

10 MR URQUHART: Do you see that?---Yes.

So in July of 2015 you had 33 guests, do you see that?---Yes.

15 Costing the ratepayers \$2,307.49, do you see that?---Yes.

And you used the dining room and invited guests for every month from July 2015 to April of 2016, do you see that?---Yes.

20 Over a course of 10 months, you had used up - do you see that bottom right-hand corner, the total, \$11,963.53?---Yes.

You were less than \$38 at your cut-off point, do you see that?---Yes.

25 179 guests, do you see that?---Yes.

That's an awful lot of entertaining, isn't it? Isn't it?---Yes.

30 You couldn't entertain anyone in May and June of 2016 because you'd go over the \$12,000 limit?---Yes.

35 So what happened on those months when a ratepayer said to you, or a business owner, "I want to have lunch with you, Councillor Chen", what did you say to them if they were asking you that in May and June of 2016?---Just say to them, "Used up."

Sorry?---No entitlements any more.

No entitlements any more? You could pay for it yourself, couldn't you?---Yes.

40 So why didn't you do that?---Take them to the private restaurants.

No, why didn't you take them to the dining room, pay for it yourself?---I actually didn't like the dining room.

45 You didn't like the dining room?---Yes.

You put up with it very well, didn't you?---Had to.

You had to, because you had to invite all these ratepayers who asked, "I want to go to the dining room", is that right, and you couldn't say no unless you'd reached your limit?---Yes.

5

Then you could say no?---Yes.

So you couldn't use the dining room for May and June of 2016 unless you paid for it yourself?---I did in the private restaurants.

10

No, I'm talking about the dining room?---Oh yes, dining room, no.

But you didn't do that, no?---I didn't like the dining room.

15

You used it an awful lot for a dining room you didn't like.

(Public announcement)

COMMISSIONER: So you may return to that area of questions.

20

MR URQUHART: Yes, I will.

So you didn't like the dining room but you used it extensively, didn't you?---I had to, yes.

25

You had to? You keep on saying you had to. You didn't have to, did you?---Very hard to answer your question.

You didn't have to, did you? Where was the requirement that you - - -?---I should have said - - -

30

Let me finish - where was the requirement that to use the dining room?---I should have said to them, no.

35

There's no requirement that you had to use the dining room, was there?---Yes, correct.

Are you saying to me you didn't like using the dining room?---Yes, I didn't like the timing - time consuming.

40

You used the dining room the most out of all the Councillors in 2015 and 16, didn't you?---I didn't compare myself. Maybe yes.

Madam Associate, could we have a look at 18.1103. TRIM number, sir, 19075.

45

COMMISSIONER: Thank you.

MR URQUHART: This is the next financial year. Look at that. Ms Chen, for someone who didn't like the dining room much, in the first five months of the financial year of 2016/17, you had used up \$10,782.25 of your \$12,000 allowance, do you see that?---I saw that.

5

151 guests in that five month period, do you see that?---Yes.

It's an awful lot of guests, isn't it? Isn't it?---Yes.

10 But this is something that you had to do?---Yes.

You didn't use the dining room in November or December of 2016 or January, February, March, April, May or - my apologies, you did use it in November of 2016 but not thereafter. So you didn't use it for the next seven months?---Only

15 October.

And just above that, we can see you used it in November as well. Do you see, you were still using it in November, 27 guests in November?---No?

20 It's a bit confusing, I had to look at it a few times. Yes, the date of the memo is 22 December 2016?---That's correct.

So for the first six months, let's say, of that financial year, you had almost used up your entire allowance, hadn't you?---Yes.

25

Dining out at a place that you didn't like much, is that right?---Correct.

You loved going there, Ms Chen, because it was free food and alcohol for you and, quite often, your friends, isn't that the case?---No.

30

I will ask you again: you used the dining room for your own personal business reasons, didn't you?---No.

35 Be very careful about that. I've given you another opportunity to answer that question truthfully and honestly, all right?---M'mm.

There were occasions when you invited guests for your own personal reasons, be it business or otherwise?---I needed to think about it.

40 I think you should, yes?---Political friends, yes.

Friends, yes, and also for personal business reasons, you would invite people?---I didn't.

45 You maintain that, do you?---Yes.

From 1 July 2015 to the end of November 2016, that's 17 months, you billed the

dining room \$22,745.78. That's, on average, over \$1,300 per month. In total, 330 guests which works out to nearly, on average, 20 guests a month, okay?---Yes.

You over-used the dining room considerably, didn't you?---Yes.

5

For reasons, and on occasions when it didn't fall within the limitations imposed on you by the Council Policy, isn't that right?---Under the limit, yes, correct.

10 You were under the limit, yes, but you would entertain guests that you should never have entertained in the dining room?---Yes.

And that happened more than just on an isolated occasion?---Yes.

You had a birthday celebration in the dining room, do you remember that?---Once.

15

Once, yes. That was for a family member, wasn't it?---No.

Who was it for?---Ratepayer.

20 A ratepayer? A ratepayer who happened to be a friend of yours?---I knew him for a while, yes, correct.

He was a friend?---Yes.

25 And you had a table of 10 there, didn't you?---Yes.

For his birthday?---Correct.

And you also invited your husband - did he come along?---No.

30

He didn't come along? So there were eight others there on the table, is that right, or nine?---Maybe nine

[2.45 pm]

35

And they were friends of yours?---No, this is a business.

Sorry, they were business?---Business - sorry, is the birthday person's business partners.

40

Business partners?---Yes, or employees.

Employees?---In the City.

45 So that meant you were allowed to do that?---Yes.

It meant you were allowed to throw a birthday party for a friend of yours who just

so happened to have a business in the City of Perth?---I didn't organise that and then I also didn't know his birthday beforehand until, when we started, he said today is his birthday. Then I requested the Resource Officer to go downstairs to purchase - use my own money to purchase a birthday cake and brought it back to the table. Then, you know, got the candles and then we had a birthday for him. I didn't know in advance.

Let's go through that again. So you had a birthday party for a friend of yours?---Yes, birthday lunch.

A birthday lunch. And you knew it was his birthday on that day?---I didn't know in advance but during the lunchtime, I think it was one of his staff mentioned, "Today is someone's birthday", I say, "Oh." Then I went out and requested - asked the Resource Officer, I said, "Could you please help me to buy a birthday cake?" Then she went and she bought a small cake and then we did a celebration for him.

The birthday cake was paid for by the City, wasn't it?---No, by myself.

Are you sure about that?---Yes, correct.

You said you didn't organise this table?---No.

So organised it?---I organised a table but I didn't know - I didn't expect it was his birthday on that day.

How many of his employees did you know?---One or two.

They were friends of yours as well?---No, they are not.

But you knew them?---I knew the face, even didn't know their names.

So is this a male or female who had the coincidence of having his or her birthday on the same day?---Male.

A male?---Yes.

What's his name?---Tony Bruce, maybe. For long I haven't contacted him.

Tony Bruce?---Maybe.

Maybe not?---No, but his given name is Tony.

You said he was a friend of yours?---I knew him for a while.

Did he say what his middle name was?---No middle name.

Tony?---Is Tony - - -

Tony Bruce?---Maybe, yes.

5 Maybe?---Yes, but I remember his first name's definitely Tony.

Definitely Tony?---Yes.

10 What business does he operate?---I think it's a property management firm or - - -

What's it called?---The name is difficult for me to pronounce.

Give it a go?---A-l something.

15 A-l?---A-l, and then g-o something. I can't remember exactly what is the name of the business.

Where is it then?---At Adelaide Terrace or at St Georges Terrace.

20 Which one?---Let me think about it. Opposite the Duxton Hotel.

Opposite the Duxton Hotel?---Yes. They don't have - - -

Some property management firm?---Yes.

25 Called Owl as in the bird?---No, A-l-g something.

A-l-g something?---M'mm.

30 So was parking rates and lighting and that sort of thing discussed at this impromptu birthday party celebrations?---They talking about other things, not those.

Anything to do with the City?---Yes.

35 There were?---Mm.

Did the City get a return every time you entertained guests in the dining room?---I think they probably appreciated the City's hospitality.

40 They are the individual guests, I'm talking about the City. Did the City of Perth get any benefit from this, every time you entertained guests?---Not sure about this question.

45 I'm thinking it didn't. It didn't get a return a lot of the time. Do you know what I mean by return? What benefit did the ratepayers get as a result of you entertaining these 330 guests over that two year period that I've taken you to?---If I may ask

you, counsel, can you rephrase your question?

5 I just want to know what sort of benefit did the City get for paying for these people's lunches and dinners? What return did they get, because if it was \$22,000 over those two financial years, I'm thinking you used the dining room regularly for the seven years you were on Council, isn't that right?---Just over six years.

Yes, over six years, you used the Council dining room regularly, didn't you?---Yes.

10 I've taken you to one year where you were just \$37 short of your maximum of \$12,000?---Yes.

That happened on other years as well, didn't it?---Possible.

15 Definitely? It did happen on other years as well, didn't it?---Yes, likely.

20 So the question is, if you're getting close to your limit every year that you were there, six times \$12,000 is \$72,000, so let's just give you, say, \$10,000 a year, that's \$60,000 that the ratepayer has paid for you to have your guests at the Council dining room. So what benefit did the ratepayers get from all this dining that you provided people?---No.

Did they get any benefit?---Appreciation and also - - -

25 I should say, I'm excluding those ratepayers who got the free lunch. I'm talking about the thousands and thousands of others you didn't get to invite, what benefit did their rates get from you dining these hundreds and hundreds of guests?---Some of them certainly raised the general concerns, the issues of general concern.

30 What did you do with those concerns?---Reported back to, or suggested the Administration to take actions.

Did they?---Yes. Most of the time they are very good.

35 All these actions could have been told to you over the phone or over a coffee or at any other function except the Council dining room?---That's correct.

Couldn't they?---Yes.

40 So the City didn't really get a return then, did it, on all the money it had to pay because you could have got this information without having to provide a free lunch to these people?---Yes, correct. I'm happy to close the dining room.

You're happy that the dining room is closed?---That's correct.

45

Because it was being used excessively by Councillors?---If there is no dining room there, then cannot be used and then you don't need to say no or yes.

It can't be misused, is the more accurate word, isn't it?---Correct.

5 However, I'm thinking you never raised, at any time that you were a Councillor for over six years, "The Council dining room's got to be closed"?---I didn't.

No, because you were quite happy to use it, weren't you?---Inside, actually, I was not happy.

10 Inside?---Inside my heart and my mind.

Inside your heart and your mind you weren't happy?---Yes.

So why did you not stop using the dining room then?---I tried to.

15

You tried to?---Mm.

You weren't very successful, were you?---No.

20 You didn't try very hard, did you?---Possible.

Definitely. The facts speak for themselves, Councillor Chen?---Yes.

You didn't try very hard at all, did you?---That's correct.

25

Because there were Councillors in the Council, in your final term, who did not use the dining room on principle, didn't they?---Very rare. Everyone uses.

30 Yes, but some hardly used it at all, did they?---They have a good habit to invite for coffee.

Some hardly used the dining room at all, is the question, for lunches and dinners of guests, did they?---I recall Judy McEvoy, no.

35 COMMISSIONER: All right, stop there. Ms Chen?---Yes.

In the last half-hour?---Yes.

40 I told you to stop avoiding answering questions and to answer them directly, to tell counsel if you did not understand a question, but if you didn't tell him that, to answer the question directly. You told me you would do that?---Okay.

And you were again not doing it?---I really - Commissioner, I really don't know who didn't use the dining room.

45

Stay with the point I'm addressing you on right now, all right?---Yes.

I'm not going to keep interrupting these proceedings to remind you of what you should be doing as a witness. Do you understand that?---I understand, Commissioner. I really - - -

5 Don't interrupt me, please?---Okay.

Just listen and learn?---Yes.

10 Counsel will rise in a moment and ask you more questions. This time, I want you to answer them directly. If you continue the way you're going, I'm going to adjourn proceedings and I'm going to ask your counsel to explain your obligations to you as a witness, all right, because you do not appear to take advice from me or anyone else, for that matter. So listen carefully to the questions and answer them?---Okay.

15

Mr Urquhart.

MR URQUHART: Thank you, sir.

20 There were some Councillors who hardly used the dining room at all, isn't that right?---Possible, yes.

You mentioned Councillor McEvoy was one?---Yes.

25 Councillor Harley was another, wasn't he?---Possible.

He was. How often did you see him in the Council dining room ?---Sometimes.

Hardly ever?---That's possible.

30

Councillor Green was another one?---Yes.

Who hardly used the dining room?---Yes.

35 Isn't that right?---That's correct.

And you knew that?---Yes.

40 Why couldn't you just tell me those three names straightaway?---Very hard for me to remember who are they. I clearly recall Judy McEvoy.

You tell me those Councillors who you knew used the dining room just as much as you?---You're asking me now?

45 Yes?---Councillor - former Councillor Yong, Adamos.

Yes?---Limnios.

Yes?---Myself.

Yes?---Davidson.

5

Yes, and someone who lost his seat in 2015?---Yes, former Councillor Butler.

Yes. They are the six I had in mind. So you've got a good memory there?---Yes.

10 [3.00 pm]

Did the Council Policy have a provision or a rule that Councillors were allowed to take guests to a restaurant within the City of Perth if the dining room was fully booked or not open?---Yes, correct.

15

Did you ever do that?---I did.

How many times did you do that?---Exactly how many times, I cannot remember. However, I did.

20

About how many times?---One to three.

One to three?---Yes.

25 Where did you go?---City restaurants.

I know that, but where, which restaurants?---One is at Bennett Street.

Bennett Street?---Yes, East Perth.

30

What sort of restaurant was that?---A Chinese restaurant.

What was that called?---Called Han Palace.

35 Han?---H-a-n.

H-a-n Palace ?---Yes.

40 So who were your guests that went there?---I cannot remember exactly who are they but is one of a few guests.

One of?---A few guests.

45 They were friends of yours?---I cannot remember exactly but a few guests, yes, I took them.

I'm thinking 10?---Not so many.

Eight?---Less than that, probably six to eight.

And were these friends of yours? They were, weren't they?---No.

5

No?---Yes.

Are you sure about that?---I probably knew them.

10 As friends?---In the City, so I should have known them, yes.

So these are people you knew who were friends of yours, yes?---Yes.

Were they Chinese friends of yours?---Not.

15

No?---No.

Some of them?---Exactly who are they now, memory's not good but yes, I have a few friends and I took them to - the dining room already fully booked and then I couldn't bring them to the Council.

20

No, so you took them to the Han Palace?---Yes.

What was the occasion?---I forgot about it.

25

You forgot about what the occasion was?---Yes.

I'm thinking then it wasn't very important Council business to discuss, is that right?---I was requested to invite them and then - I called the Council and they said, "We are fully booked, you need to take them somewhere else."

30

The question was, obviously this wasn't very important Council business, was it?---Possible.

35

It's definite because you can't even remember?---Yes.

So it was just a meal with friends, wasn't it?---Yes.

The other occasion? You said one to three, there was more than one, wasn't there?---More than one.

40

So the other occasions?---Can't remember where is - where was.

It's within the City of Perth?---Yes, correct.

45

Another Chinese restaurant?---Not necessarily.

Not necessarily, but was it?---Just must be in the City of Perth.

I know that. Was it another Chinese restaurant?---Possible.

5 Possible?---Mm.

How many other times were there?---Probably one to twice.

And you can't remember either of those restaurants?---Yes.

10 Only that they were possibly Chinese?---Yes.

You know many people who run Chinese restaurants in Northbridge, don't you?---Yes.

15 So what are your favorite Chinese restaurants in Northbridge?---I don't have a favorite.

You must have a favorite?---No.

20 No?---No.

What ones do you like going to?---Point 8.

25 Point 8?---Yes.

Is that one of the ones that you went to?---I didn't.

On those Saturdays nights that was paid for by the City?---No. By then I think they were not exist.

30 What are the others?---I say to you, I didn't have, apart from Han Palace.

I'm sorry, apart from the Han Palace, you haven't got any others?---Yes.

35 Apart from the Han Palace and Point 8?---Yes.

Really? What other Chinese restaurants have you been to in Northbridge, just generally?---Generally, many.

40 Okay, name some?---Hot Chilli.

Hot Chilli?---Yes.

45 That's a Chinese restaurant, is it?---Yes.

Not Mexican?---Mexican is next door to the Hot Chilli.

Okay?---Yes, I think. I did a few times myself.

5 Are you sure the Hot Chilli one was not the Mexican restaurant?---Hot Chilli is no, they are Chinese.

Any others that you've been to?---New Dragon Palace.

10 New Dragon Palace?---Yes.

That's been there for a while, hasn't it?---Yes.

Any others?---Six Ducks or Six Happiness, Fortune something - 6 Fortune or something.

15 6 Fortune?---At Rose Street, closer to parking.

Rose Street, right?---Mm.

20 Any others?---Let me think about it. Quite a few.

I will give you a clue. Have you been to one that's got the word Zen in it, in Northbridge?---Z-r-n?

25 Z-e-n?---Z-e-n.

Yes?---Z-e-n, Zen.

That's just one word and it's got another word that I'm going to have trouble pronouncing. No idea?---No. If you give me full name, I probably can remember.

30 Probably can remember?---M'mm.

I will give it a go, Szechwan Zen Chinese restaurant in Northbridge?---Z-e-n.

35 Yes. S-z-e-c-h-w-a-n, you remember that one, don't you?---Sorry, counsel, probably still cannot - I can write it down and see what's happened.

No, it's the spelling for it?---Yes.

40 Have you ever been to the Szechwan Zen Chinese restaurant in Northbridge?---Very possible, but not often. Only probably once.

You need to write it down, do you?---Yes, need to write it down. Z?

45 With the Commissioner's permission, I suppose.

COMMISSIONER: Please do.

MR URQUHART: S-z?---Wait, S-z.

5 E-c-h-w-a-n, Zen, Z-e-n?---Doesn't look like a Peiying Chinese restaurant.

Doesn't look like one?---Yes.

10 What does it look like to you then?---I cannot pronouncing the Chinese Peiying.

Don't worry, nor can I?---Very hard.

No idea, never heard of that one?---Maybe, some other names I couldn't remember, but this one I cannot pronounce.

15

I empathise with you there. No, you've never been to that restaurant before?---I said maybe because from the name, I just wrote it down, and I couldn't remember what is that restaurant.

20 Have you ever been to a restaurant by that name before?---No.

No?---Yes. Use this name, no.

25 S-z-e-c-h-w-a-n, Z-e-n, 375, William Street, Northbridge?---375 William Street.

Northbridge?---Northbridge.

30 I'm going to let you write all that down if you want, but I don't think we are going to let you get out your phone and do a Google Map search of the place?---If - this one, if in William Street, yes, I certainly went. Also chilli restaurant, very spicy restaurant, yes.

I will take your word for that. So you do remember going to that one?---Yes.

35 Was this one where you took a whole lot of guests and claimed the bill from the City?---I'm not sure about that but I did go to that restaurant a few times before they closed.

40 I'm just going to concentrate on the one that you went, on Saturday, 30 January 2016. I think we can probably stop writing things down now, Ms Chen, otherwise we are going to be here all week?---Okay.

45 30 January 2016, you went there with eight other people, and you had a nice meal there and you then you charged the City for it. What was that event?---Cannot remember if I took people there. Possible.

Possible?---Yes.

I'm hoping you definitely did on 30 January 2016?---30 January 2016?

5 Because you made a claim for \$480.40 from the City of Perth?---Then this is correct.

So what event was that?---Is no event.

10 What was the occasion?---Just a simple invitation.

What, just to friends?---Who are they, I cannot remember.

15 Can you remember anyone you took to that restaurant and claimed \$480.40 from the City?---Very hard to know exactly who are they, but yes.

Why do you say you're entitled to be reimbursed for that dinner?---As I was asked to go, take the guests to the City, any restaurant.

20 Yes, but who were these guests? There were nine of you, can you name a single guest from that group?---Cannot recall, counsel.

I would just like to know what Council business that was all about?---Cannot remember.

25 Do you know the proprietors of the Szechwan Zen Restaurant?---Yes, I knew both of them.

Who were they?---One is Edward Zhang, E-d-w-a-r-d, Z-h-a-n-g.

30 Yes?---Another one, I cannot recall his surname but I remember he's younger. What's his name? Yes, I knew two of them.

35 Did you choose this restaurants because you knew the owners?---Most of the owners in Northbridge I knew.

Did you choose this restaurant because you knew the owners?---Yes.

Is Edward a friend of yours?---Yes.

40 He is, is he?---Yes.

Can you remember a ginger and shallot lobster being ordered?---I cannot remember the exact, what we ordered.

45 Barramundi steamed ginger?---Yes.

You do remember that?---I can't remember exactly.

Lamb ribs with special spicy sauce?---From the menu, yes, we ordered.

5 You don't remember any of these dishes?---I often eat in restaurants, so very difficult, counsel.

It was a BYO restaurant, I think?---What's that?

10 It's a BYO, you can bring your own alcohol, do you remember that? There's not too many of those restaurants around any more?---I don't drink often.

But do you remember this restaurant being a BYO?---Possible, yes. No licence.

15 What do you need to do with the City if you're making a claim for reimbursement of a dinner with people whose names you don't know, but on this occasion, what would you do if you wanted to claim from the City for the cost of this meal?---You complete a form, a claim form and then once approved, they will reimburse you.

20 And do you need to provide anything to City?---I think is the receipt.

The receipt?---M'mm.

Do you remember getting the receipt from this restaurant?---Yes, I should be.

25 You remember, do you?---Should have receipt and also sometimes the receipt itemised, so you can see the menu.

Yes, that's why I could ask you about the ginger and shallot lobster?---Yes.

30 So you went to this restaurant a few times, did you?---Yes, before they close, I often go there.

Did their bills - did their invoices always make sense to you?---Yes.

35 Did it always come to the correct amount?---Sometimes they may have made mistakes

[3.15 pm]

40 Would sometimes they make a mistake by \$250-odd?---That should be very bad.

Yes. I'm going to show you a receipt from this restaurant that you submitted to the City of Perth, together with your - the receipt that you got to show that you paid for it?---Yes.

45

So Madam Associate, this is 18.1763, TRIM number 20284.

COMMISSIONER: Thank you.

MR URQUHART: Does this jog your memory at all?---Yes.

5 It does?---M'mm.

Tell us now, what memory has it jogged of yours?---Yes, this restaurant clearly I knew and the English name I couldn't remember but the Chinese writing, I recall.

10 So it belonged to Edward, did it?---Yes.

What can you recall now about this evening?---Exactly what happened, I didn't know but we had a dinner there, few guests with me.

15 Who were those guests?---Exactly who are they now, cannot remember.

Friends of yours?---At least I knew them.

Friends of yours, was the question?---Yes, possible.

20

Possibly friends of yours?---M'mm.

In fact, most likely they were friends of yours, weren't they?---Possible.

25 Why do you say you're entitled to be reimbursed for this dinner?---I just asked, if I didn't go there, then I would take the guests to the dining room.

Why do you say you were entitled to be reimbursed for this dinner?---No, I didn't say I entitled to.

30

You did, because you claimed?---Yes, I claimed.

So the question is, I will ask a third time, why do you say you're entitled to be reimbursed by the City of Perth for this dinner?---I should not to.

35

Sorry?---I should not to.

You should not to?---Yes.

40 You shouldn't have claimed reimbursement?---Yes.

So why did you?---The other people and the previous probably incident, I was reimbursed.

45 Sorry, I don't understand?---I was reimbursed previously.

Previously when you shouldn't have been reimbursed?---Now, I think so, probably

that time is an error of judgment.

5 So you're saying you claimed reimbursement for this meal because previously you were reimbursed for a claim that you made that you should not have made?---What I mean, counsel, when I was booking the Council dining room and if it was fully booked and they were ask me to take guests to somewhere else and I was advised, it can be reimbursed.

10 Yes, provided it fell within the provisions of the Council Policy?---Yes.

You're saying to me now that this evening meal didn't fall within the terms of the Council Policy, correct?---Now is harder to say.

15 You just agreed with me that was the case. Then I asked you why then did you claim for reimbursement from the City of Perth and as I understood your evidence, you said, "Well, they reimbursed me before when they shouldn't have, so that's why I did it again"?---I followed, yes, the Council's rule, unwritten rule and usually - - -

20 I see, so you followed the Council's unwritten rule that on a Saturday night, you could have friends to dinner at the Council dining room, is that right?---I don't use Saturdays very often, counsel.

25 I'm not interested in how often you do it, I'm just interested in this particular one. Are you saying that you're entitled to claim for this meal, together with eight others because you were just following the Council's unwritten rule?---I should not, that is the error of judgment.

30 But is that what you did?---Yes, I did.

There was no error of judgment, you deliberately did it, didn't you?---I did, yes.

So you had no right whatsoever to make this claim for reimbursement?---Yes.

35 So how many times did you do this? We have identified the Han Palace which you told us about, we have identified this one?---Yes.

How many other times did you do it?---Maybe once more or maybe not.

40 Maybe once more?---Yes.

And maybe more than once more?---No, is very, very limited times.

45 Very limited times?---Mm.

There shouldn't have been any time, should there?---Yes.

This bill, see all those amounts there down the right-hand side, you see that, \$19.80, \$27, \$13.50, see all that?---Yes.

5 It looks like you got the Barramundi steamed ginger thrown in for nothing, do you see that? It says 000, about halfway down?---Yes.

10 Under the lamb ribs with special spicy sauce which is immediately below the crumbed prawn, which is immediately below the bitter melon scrambled eggs?---M'mm.

Have you found it?---Yes.

So you got that for nothing?---The machine must be wrong.

15 And the lobster ginger and shallot, also it seems that was thrown in free of charge; that was a mistake, was it?---I think so. They must be the, you know, the machine.

How much should the lobster have cost?---No idea.

20 You've been there a few times, how much were you charged for the lobster?---The seasonal? According to market price.

30 January 2016, I don't know, I don't eat lobster, is that seasonal or not?---Not sure. Must be - they charge according to market price at the time.

25 So when you've ordered lobster, how much have you paid for it?---I just pay the total.

30 How much have you paid for an individual meal of a lobster?---Over \$100 possible.

\$100?---Over \$100.

35 Over \$100?---Yes.

Who had the lobster that night?---All of us.

All of you? So it was all shared?---Yes.

40 I see. Those amounts, they just come to \$227.70?---I didn't count.

45 And yet you got charged, \$480.40, so how did that come about?---Yes, I didn't check it. They ask me to pay how much, I just paid by using the credit card, should be.

You weren't too concerned as to whether they got the bill right?---I didn't.

Because it was all going to be paid for by the City, wasn't it?---Normally they wouldn't charge me - over-charge.

5 But it didn't matter, did it, because it was all going to be paid for by the City, wasn't it?---That's not correct.

But it didn't matter how much you paid because you expected to be reimbursed by the City, isn't that right?---This is wrong.

10 I know that, but isn't that right, it didn't matter how much it cost because you expected to be repaid by the City, is that right or wrong?---Is wrong.

Is wrong?---Yes.

15 So you were concerned about how much you were paying?---No, I concerned.

No, because you didn't care, it wasn't your money, isn't that right?---No.

20 Do you remember being asked by the City staff to clarify that amount you had paid? So someone there had got out their calculator and added it all up and saw that the bill only came to \$227.70. Do you remember?---Yes.

Do you remember the City - - -?---Yes, I think so.

25 Yes, asking you about that, so what did you do?---I didn't remember what I did.

You had to do something, didn't you?---Should have.

30 Did you go to your mate Edward and ask him to draw up another receipt?---He should have known that the person who conducted it is only cashier at the front of the restaurant.

Did you ask your mate, Edward, to make up another invoice?---I didn't ask him.

35 You did not ask him?---M'mm, only in the front cashier.

You went to the front cashier, did you?---Yes.

So you went in person?---Yes.

40

To the restaurant?---Yes.

45 And what did you ask?---I said - I cannot remember exactly what I said. I remember the incident now you refreshed my memory and then I ask them why the calculation was wrong. They said it's a machine problem.

Machine problem?---Yes, and then ask them, I said, "You need to give me

something to give to City."

What did they give you?---Exactly what they gave to me I cannot remember but yes, I did ask them.

5

Do you remember forwarding that on to the appropriate person at the City?---Normally, is Resource Officer.

Cecilia Firth?---Yes.

10

So let's have a look, Madam Associate, please, at 18.1751. Can you see that, at the bottom there, 25 February 2016 at 2.21 pm?---Yes.

Subject, "Your invoice has been delivered to City Perth"?---Yes.

15

So did the restaurant send you a copy of an invoice, did they, and then you forwarded it on to Ms Firth?---Yes.

Did the City, anyone from City ever ask you who were your guests that you had invited to this restaurant?---Very early stage in my first term, they did ask and then later on, they didn't ask.

20

So you realised then, didn't you, that it seemed that the City didn't ask you for any guests' names, is that right?---Yes.

25

So that meant, really, there would be no record of the guests that you had invited, either to the dining room or to take out to a City of Perth restaurant if the dining room was closed for fully booked?---Yes, counsel.

30

So it could be open for misuse then, couldn't it?---Very possible

[3.30 pm]

And it was done by you, wasn't it, misused? The Council Policy was misused by you, you already admitted that, yes?---Yes.

35

You've got to answer. Who else, what other Councillors misused the Council Policy with respect to the use of the dining room?---Many of them.

40

So you weren't the only one?---No.

Name them for us, please?---Those I already mentioned.

Name them again?---I think it's Butler, former Councillor.

45

And then the others who used the Council dining room as much as you?---Yes.

They, I'm thinking, were all part of your alignment, weren't they, at one stage or another?---Yes.

5 Madam Associate, if we could have up on the screen, please, 18.1760. Is that the invoice you received from the Szechwan Zen Chinese restaurant?---Yes.

There we go, the "steamed Barramondi" spelt wrong though, you've been now charged \$70 for that, do you see that?---Yes.

10 And the lobster, ginger and shallot, you were charged \$182.70?---Yes.

Do you see that?---Yes, I can see.

And lo and behold, it comes to \$480.40?---Yes.

15

It's an expensive lobster, isn't it?---Yes.

But that didn't matter, did it? It didn't matter how much it was going to be, because you weren't paying the bill, isn't that right?---Yes.

20

So it didn't relate to any business of the Council's, this dinner and I'm thinking therefore, the City got no return for that \$480.40, did it?---Council the business in the City.

25 Sorry?---The business, we dining in the City.

Yes, I know that, but the only return the City got was the owners of the Szechwan Zen Chinese restaurant, they are the only ones who benefitted in this, didn't they?---Yes.

30

What's going to happen now, Ms Chen, with respect to that \$480.40? What do you think the right thing to do would be?---Refund.

Yes, but you knew that before today, didn't you?---Yes.

35

And you haven't refunded it, have you?---I will.

Yes, but you haven't, have you?---Haven't.

40 And if I hadn't questioned you about it, you wouldn't have refunded it, would have you?---Yes.

45 You wouldn't have refunded it, okay. So what about that Han Palace dining experience you had at the City of Perth's expense when you had between six to eight guests? What was the bill there?---I cannot recall but must be - it must be a bill similar like this restaurant.

So about \$480. You haven't reimbursed that one, have you?---I cannot remember the amount, how much spent.

But about that amount?---Maybe more, maybe less.

5

Maybe more, maybe less, but you haven't reimbursed the City for their wrong payment of that bill for you?---No.

10 And then there's another occasion as well, you said. There might be a third occasion on which you've done the same thing?---Yes, I said it's probably one to three times but exactly how many times, I cannot remember.

We know it's at least twice?---Yes, now, is already twice.

15 And you think there's a third time so we are getting up around \$1,500, are we, roughly?---Yes.

Madam Associate, you can take that down, thank you.

20 COMMISSIONER: Are you moving to a different point now, Mr Urquhart?

MR URQUHART: I am, sir, yes.

COMMISSIONER: Would it be convenient to have a short 10 minute break?

25

MR URQUHART: I was going to suggest that, sir, myself.

COMMISSIONER: I will adjourn the Inquiry for 10 minutes.

30

WITNESS WITHDREW

(Short adjournment)

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40

45

HEARING RESUMED AT 3.49 PM.

MS Lily CHEN, recalled on former affirmation:

5

COMMISSIONER: Yes, Mr Urquhart.

MR URQUHART: Thank you, Commissioner.

10 Ms Chen, I want to move on to another area now. Do you remember me asking you questions last month, at your private hearing examination, regarding a certain migration agent?---Yes.

And do you remember his name?---Anthony Tran.

15

Anthony Tran, that's right, and you had some difficulty remembering who he was, didn't you?---Yes and you had him confused with a Vietnamese lawyer who you believed at first was also called Anthony Tran?---Yes. I mixed.

20 That other Vietnamese lawyer, he was at one time the president of the Asian Australian Lawyers Association?---Correct.

And he had come and seen you about running as a candidate for the City of Perth?---Yes.

25

That man is called Peter Le, isn't that right?---Yes, that's correct.

Spelt L-e?---Yes

30 Not Anthony Tran?---Yes, I confuse.

Yes, but it's not even the same surname?---No.

Not even the same first name?---No.

35

In fact, they don't even look alike, do they?---No, they don't.

No, completely different?---Yes. Afterwards, after hearing, I checked, I find out.

40 You checked? What did you check and what did you find out?---Totally different names.

What else did you find out about Anthony Tran?---Anthony Tran, I met him three times and once, and then after - only three times I met him. The first time at the conference, State Conference of Migration Institute of Australia.

45

How did you remember that?---Because when I checked the names and Peter Le,

and also emails, and then you, at private hearing, showed me, then I refreshed my memory and yes, remember he met me at the State Conference of MIA.

5 How did you remember that?---Because is the only conference, State Conference, I brought the whole of Australia Migration Agents State Conference to Perth.

How did you remember that you had met him there?---Because this is the first time I'd met him.

10 How did you remember that you'd met him there?---At the conclusion of the conference and I walked to exit and he was sitting at the back of the row, and then he say hello to me and then we met each other, first time.

15 I'm going to ask you for a third time now, how did you remember that's where you met him, since you've given your evidence at the private hearing a month ago? How did you remember?---After the private hearing I tried to refresh my memory and then I - once you actually gave me the transcript and - not the transcript, the information, the emails.

20 The email?---Yes.

Yes?---I remembered.

25 But how did you remember, I asked the question for the fourth time now - - -?---I'm sorry.

How did you remember that you actually first met him at the Australian Institute of Migration Conference, how did you remember that?---How? I don't know how to answer you. The conference is only once I brought to WA.

30 Okay?---Because quite a special - - -

Where was it held?---Is a Convention Centre.

35 A Convention Centre?---Should be.

Not the Perth Town Hall?---No.

40 But again, how did you remember that you met Anthony Tran there? How did you remember that? Did someone remind you?---No-one reminded me. After private hearing and then I went to website to try to find Asian - Australian Asian Lawyers Association, I try to find the president, what is the name and then I find Peter Le.

45 Okay?---Yes.

That takes care of him. I'm not going to go away from this?---Yes.

Now I'm asking you about Anthony Tran?---Yes.

5 And how did you know that you first met him at the MIA State Conference?---Afterwards, we have email - we had phone calls and I met him at Council House and also have email correspondence.

10 But was there any email correspondence referring to you meeting him at the MIA State Conference?---No, he didn't. He moved on, ask me whether I could assist him to meet with - make appointment to meet with a minister.

15 What jogged your memory that you had first met him at the MIA conference?---Myself, try hard to refresh my own memory and recollection.

20 I'm glad you made those enquiries of yourself, Ms Chen, because since your private hearing examination, the Inquiry has taken evidence from Mr Tran?---Okay.

25 And he has told the Inquiry about his contact with you and his dealings with you, okay?---Okay.

30 I just thought I'd let you know that. The Inquiry has also obtained the email correspondence you had with him after his meeting with you in May 2016 at Council House?---Okay.

35 In light of that email correspondence, and the evidence of Mr Tran, would I be saying you did not give the Commissioner the full account of your relationship with Anthony Tran in your answers at the private hearing last month?---I tried my best to answer your questions. As from beginning, I even forgot about him and afterwards, when you present to me the emails, I remember him.

40 Is the answer then to my question, yes?---Yes.

45 You did not give the Commissioner the full account of your relationship with Mr Anthony Tran? You didn't give the full account of your relationship with him at your private hearing examination, did you?---I did as much as I can, counsel.

Or as much as you decided to?---No.

50 Because you see, I suggest to you that given your contact with Mr Tran since 2015, you would have known straightaway the Anthony Tran I was talking about when I mentioned his name to you?---From very beginning I couldn't recall. Afterwards, yes.

55 You first met Anthony Tran, as you said, at the Migration Institute of Australia conference and that was in 2015, wasn't it?---Possible. I could not remember the exact date but I remember the conference.

It was certainly before the May 2016 meeting you had with him at Council House?---Yes, correct.

Wasn't it?---That's correct.

5

And you gave him your City of Perth Councillor business card?---Yes.

At that conference, didn't you?---Yes.

10

Why did you give him that card and not your work business card?---We mix together.

Why did you give him that card and not your work business card?---I only have one card, counsel.

15

You have a business card from your law firm, Ms Chen?---I only have one card at the one time.

You have a business card from your law firm, don't you?---In the same card, counsel.

20

Sorry?---One card and all the titles in.

No. Your website has got, on your desk, your business card from your law firm, hasn't it?---The website is out of date, counsel.

25

That might be so, but you've got a business card from your law firm, haven't you?---I only have one business card, counsel.

30

From your law firm, yes, and you also had a City of Perth Councillor business card; you had two business cards?---That's correct. City of Perth is a printed one and then myself, I printed another one

[4.00 pm]

35

Thank you for that. So why did you give him your City of Perth Councillor business card at that conference?---I always have two cards with me and then I just pick any one and then I just gave.

40

Why? Why give him your City of Perth Councillor business card at a function in which you were not acting in your capacity as a City of Perth Councillor?---Counsel, can I explain?

45

Why? I just want to know why you did that?---I brought this conference to Convention Centre as I promised the convention bureau to bring more people to the City and also hire the Convention Centre's venue, and then - so that is because I try to do my best as a Councillor and then, so my roles are too many, so when I

gave the card to person, to anyone, even I use my personal business card, they also showing I am the Councillor for City of Perth.

5 Who's assuming?---Not assuming, is my business card also printed all my titles, myself as one.

10 I'm just asking you why it was that you gave your City of Perth Councillor business card to Mr Tran at an event in which you were not there in your capacity as a Perth City Councillor?---At the time, probably my cards in my wallet, maybe only - or my pocket, is only left.

Why did you only take your City of Perth Councillor card to this function?---I normally bring both.

15 Why did you only bring the City of Perth one to this function?---Maybe utilised.

Maybe what, sorry?---Utilised, finished. I already gave away and event already finished, my personal business cards.

20 Really?---Yes.

Or is it the case that you deliberately made the decision to hand out your City of Perth Councillor card rather than the card you should have handed out?---No, counsel.

25 No?---Yes.

You're sure about that?---Yes.

30 Are you saying you ran out of your law firm business card?---Possible, at that occasion.

But you also said in your evidence not three minutes ago that you had both cards with you?---Always I take both cards with me.

35 So it sounds to me like you had both cards with you at this conference. So which version is the correct one, did you have both cards with you at the conference or just your City of Perth Councillor card because all your law firm business cards had run out?---That's a possibility. I often go anywhere, I have two cards, two types of cards, one is City of Perth printed for me and one is my private one and then if one card used, finished, then I could use another card.

40 Which one should have you been handing out to delegates at this conference?---My private business cards.

45 Yes, of course, because you weren't there as a City of Perth Councillor?---No.

So why didn't you say to them, "Look, give me your business card and I'll send you through my details"?---He didn't give me.

Did you ask for it?---No, I didn't.

5

You see, you would often hand out your City of Perth business card to people when you're not performing your role as Councillor, isn't that right?---Not often. People they now, they don't use business cards much.

10 You try to do that as much as you can, don't you?---At the City of Perth I do.

Yes, but I'm saying when it's not related to City of Perth business, you still do it, don't you?---No.

15 Over and over again?---No, counsel.

Are you saying this time when you handed your City of Perth business card to Mr Tran is the only time you have done that when you should not have?---I very rarely I gave City of Perth card.

20

But you do it when you are trying to impress people, isn't that right?---No.

Really? Come on, you do that, don't you? You deliberately hand out your City of Perth Councillor business card when you're trying to impress people, isn't that right?---No.

25

Particularly people in the Chinese community?---We don't need the card - - -

Isn't that right?---No.

30

You've even handed out your City of Perth Councillor card when you've been to China on business, not connected to the City of Perth business, isn't that right?---No.

35 Ms Chen, we have heard from over 90 witnesses at private hearing examinations.

We know the truthful answers to just about every single question we are now asking of witnesses, including yourself. So would you like to reconsider that answer? I will give you a chance and I will ask you again: when you've been in China on your own personal business dealings, you have handed out your City of Perth Councillor business card, haven't you?---I cannot remember because I often - I very rarely go to China.

40

The times that you do though, when you've gone there on business, you have handed out your City of Perth Councillor business card, haven't you?---When I was invited to attend the Sister City relationships - - -

45

Not interested in those. I'm not the least bit interested in those with respect to this

question I'm asking you. I'm saying when you've been to China for your own personal business dealings, you have handed out to people in China your City of Perth Councillor business card, haven't you?---Maybe occasion.

5 Mm?---Yes.

Definitely occasionally, isn't that right?---Yes.

10 Why did you not say that when I first asked you about it?---While you ask me, when I'm prepared to answer my questions and I refresh my memory to try to recollect what I did and then I answer you properly.

15 Yes. You only answered me properly when I told you about all the witnesses that we have called at our private hearing examinations, that's only when you told me the truth, isn't it?---No, I just try to remember.

Getting back to Mr Tran, that's Anthony Tran?---Yes, now I remember.

20 You had lunch with him and the member from the Federal Parliament, Mr Goodenough at State Parliament in late 2015, didn't you?---Yes, Ian Goodenough, he invited us - actually invited Anthony Tran and then Anthony Tran told him he also knew me and then Ian Goodenough extended his invitation to me.

25 There you go?---Yes, thank you.

You had forgotten about that when I was talking to you about Anthony Tran?---Yes, you refresh my memory, that's correct.

30 You invited him to dinner, or lunch at least at Council House as well, didn't you?---I cannot recall that one.

Let me help you with your memory?---Okay.

35 With several members of the Young Liberals?---Let me refresh my memory. This is possible, yes.

Yes, that's a pretty good refresher, isn't it?---Yes, yes, correct.

40 So was that a lunch or a dinner?---Lunch, Friday lunch.

Friday lunch?---Yes.

Young Liberals and Mr Tran?---Yes.

45 So that was another lunch - - -?---Yes.

- - - wasn't it, that you should not have been paid for at the City's expense?---Yes.

Isn't that right?---Correct.

5 You had email correspondence with Anthony Tran regarding Migration Institute matters in 2015, didn't you?---Not exactly remember.

You don't exactly remember? This is a year before your meeting with him in May 2016. You don't remember?---No.

10 Madam Associate, if we could have 5.0287 up on the screen, please. That's 287, volume 5. TRIM number, sir, 22515.

COMMISSIONER: Thank you.

15 MR URQUHART: There we go, do you see that?---Yes.

4 November 2015?---M'mm.

20 Six months before your meeting with in May of 2016. Do you see that?---Yes, I saw.

Sent from your law firm email, isn't it?---Yes, correct.

25 And then if we could go now, Madam Associate, to 0.0283, same TRIM number, sir, as the previous document.

COMMISSIONER: Thank you.

30 MR URQUHART: Mr Tran, sending from his work email address, do you see that, Leap Smart?---Yes, I saw.

Who you could not even think of?---Yes.

35 Or recognise when I examined you about Mr Tran last month?---M'mm.

:

Hi Lilly, please see attached the signed rear page in relation to the MIA election, thanks.

40 And we go over the page to 0284 and there we go. So email exchanges with him in November 2015?---Yes.

45 You became a Facebook friend of him, didn't you?---Yes.

Had you forgotten about that when I questioned you last month?---We didn't have many correspondence on the Facebook and emails and - - -

COMMISSIONER: Ms Chen, what was the question?---Yes, what is the question? Please repeat, counsel?

5 MR URQUHART: You didn't remember that you were a Facebook friend of him last month, did you?---Yes.

Why was that?---I said to you, I've got a short memory.

10 You've got a short memory?---M'mm.

You had his name and mobile telephone stored in a contact list on your City of Perth email account, didn't you?---Yes.

15 And you did that some time around the beginning of 2017, didn't you?---Yes.

Had you forgotten about that, had you?---Yes.

When I questioned you about Mr Tran?---Yes, correct.

20

Ms Chen, was this forgetfulness just convenient?---No.

Because you were very uncomfortable about answering any questions in relation to Anthony Tran?---No.

25

Are you sure about that?---Yes, since February 2018 to end of 2018, early 2019, I suffered a lot. That's why I say to you, my memory was not good.

So you've now had this memory deficiency since the beginning of 2018?---Yes.

30

And you have not seen any doctor about that?---No, and recently more serious than before.

So you'd been in contact with him on a number of occasions before you met him in your Council office in May of 2016, isn't that right?---Correct.

35

So why did you confuse him with Peter Le, the lawyer, who you had just met once?---Both of them from the same background, Vietnamese background. Does that answer your question, sorry?

40

Really?---Yes.

Is that your explanation?---I say to you since after the 2017 election and then end of 2017 to date and I was not good with memory and then when you ask Tran, and because there's so many Vietnamese, they called Tran, that's why I confused with Peter Le. Actually, he even didn't - you know, he didn't have the surname of Tran but I confuse with both of them.

45

You knew Anthony Tran a whole lot more than you knew Mr Le, isn't that right?---No, Peter Le is more familiar than Anthony Tran

5 [4.15 pm]

You had just met Mr Le once?---Few times, once at St Georges Terrace at his business, and once at Council House and because he's the member of Liberal Party, that's why I knew him more than Anthony Tran.

10

Anthony Tran is a member of the Liberal Party too?---I didn't ask him but I clearly knew Peter Le. I only know Peter, but I also forgot about it, his full name.

15 Would you agree with me that if Anthony Tran was meeting with you to discuss a business proposal he was offering you as Lily Chen, not Councillor Chen, then you should not have had that meeting at Council House?---Yes, I should not. He asked for to be meeting at Council House.

20 Ms Chen?---Yes.

The Inquiry is going to give you another opportunity to be completely honest about what Mr Tran discussed with you at that meeting?---Okay.

25 All right?---Mm. Yes.

And you won't forget, I hope, that I've told you that the Inquiry has Anthony Tran's account of that meeting, okay?---M'mm.

30 Is not the truth that at that meeting Mr Tran was inviting you to be his business partner with respect to a venture that he was about to embark on?---I didn't understand what he meant. He did ask me to assist him.

Yes, as his business partner?---No.

35 Isn't that the case?---No, counsel. He got his own business partner.

40 Ms Chen, I've given you the chance. I know that wasn't your evidence at the private hearing but I'm now giving you the opportunity to tell us the truth about that meeting because we have the email and we now have Mr Tran's account. So I will ask you again?---Yes.

We will break it down a bit, it might make it easier for you?---Okay, thank you.

45 He was meeting you in your capacity as Lily Chen, not Lily Chen, Councillor of the City of Perth, isn't that right?---I'm not sure what his intention.

Please?---He did ask me to meet at Council House. To me, I prefer to meet him at

my private office.

He didn't say that to you, you arranged for him to meet you at Council House, isn't that the case?---No, counsel.

5

Because you wanted to impress him with your views from your office at Council House, rather than the views at your office in James Street, isn't that the case?---No, counsel.

10 We went through this before?--- Yes.

In your evidence last month. Would you at least agree with me that that is why you met him at Council House?---No, for his convenience.

15 And not for yours?---No.

Because he wanted to meet you at Council House?---Correct.

20 And you said, "No, Anthony, I will be at my law office that day, you come to me"?---I didn't say that.

No, even though you're an extremely busy woman?---Yes.

25 Even though you haven't even got time to make this doctor's appointment?--- Yes.

To have your memory loss treated?---Recently, yes.

Is that right?---Yes, correct.

30 Ms Chen, I'm going to give you the opportunity to carefully consider what your evidence is going to be in relation to the questions I'm going to ask you and I'm going to give you tonight to think about it and you can seek some guidance from your lawyers about how you should answer these questions?---Okay.

35 I have put you on notice as to the information the Inquiry now has, not just in relation to Mr Tran, but other matters as well. Okay? We are going to be starting off with Mr Tran and your relationship with him tomorrow?---Yes.

40 I strongly urge you to be honest and frank and truthful, in accordance with the affirmation you have taken?---Yes, I do.

Whether or not that reflects well on you or whether it reflects badly on you, okay?---Yes, understand.

45 I will give you some warning: I'll be putting to you that you had a business arrangement with Mr Tran, the same sort of arrangement that I was questioning you about last month. Okay?---Yes.

The Inquiry's done a lot of work in the last month regarding this subject matter?---Yes.

5 Okay?---M'mm.

As have you because you have gone and searched how it is that you know Anthony Tran?---Yes.

10 So you've addressed your mind to this as well, haven't you?---Yes.

I want you to carefully consider this: you said in your evidence on the last occasion that you simply arranged one meeting?---Yes.

15 With Mr Tran?---Yes.

And his business partner?---Yes.

20 I want you to think whether you did something more than just that?---In - - -

No, you don't have to answer now. I'm going to give you the opportunity to think about it?---Yes.

25 And I don't think I can be any more fair than that?---Yes.

Commissioner, is that then an appropriate time?

COMMISSIONER: It would be but for one thing. I wish to address some remarks to Mr Thomas.

30

MR THOMAS: Yes, sir.

COMMISSIONER: Mr Thomas, let me start by saying that I have reached no final views about anything but you will have observed me on a number of occasions today cautioning your client about the way in which she is giving her evidence. You of course will appreciate, as your client may, that at the conclusion of this proceeding, I will have to make some findings. Obviously, the manner in which your client chooses to give her evidence may have some bearing on my findings.

40

As I say, I have reached no final views. You will have an opportunity this evening, should you wish to take it, to give some advice to your client about the manner in which she is approaching the task of giving her evidence. Whether you do or do not take advantage of that opportunity is entirely up to you.

45

MR THOMAS: Yes, sir, that's understood.

COMMISSIONER: I will adjourn until 10 am tomorrow morning.

WITNESS WITHDREW

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**AT 4.23 PM THE MATTER WAS ADJOURNED
UNTIL TUESDAY, 13 AUGUST 2019**

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