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INQUIRY INTO THE CITY OF PERTH

PUBLIC HEARING - DAY 87

WEDNESDAY, 14 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)**

.14/08/2019

HEARING COMMENCED AT 10.03 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.

MS Lily CHEN, recalled on former affirmation:

15 MR URQUHART: Thank you, sir.

Ms Chen, do you understand you're still on your affirmation to tell the truth?---Yes.

20 You have to keep your voice up, I'm afraid, because I doubt whether the transcribers picked up that response, but you said, "Yes"?---Yes.

25 Thank you. You said yesterday that you didn't want other property developers finding out about your fee arrangement with Devwest; why was that?---Not fee arrangement, if they knew I could help one developer, then I could help another developer.

What was wrong with that?---It getting more difficult and more difficult.

30 More money for you?---No. In the changed environment and very hard too.

It would be more money for you potentially, wouldn't it?---Yes.

So why wouldn't you want to work for other property developers?---Too tired.

35 Too tired?---M'mm.

Who were the investors that you introduced to Devwest as potential investors?---Business skilled migrants.

40 Where from?---From China.

Business skilled migrants?---Yes.

45 Skilled in what?---Skilled in business management, business success.

What sort of business?---Variety of businesses.

Tell me some?---One is - I think it's a landscaping business, another one is restaurant - not restaurant, sorry. Another one is, not the Devwest, but they did it themselves, 132, business talented. So that person is not referred to Devwest, I mixed up. One is landscaping. Another one probably is a developer as well.

5

Are these investors who actually ended up investing money?---Yes.

I just want to know first the people you introduced to Devwest as potential investors?---Yes. They invested into Devwest developments.

10

Yes. These are the people you introduced?---Yes.

And you said they were business skilled migrants?---Yes.

15

Where were they from?---From China.

Anywhere else?---No.

20

Nowhere else?---I have no idea who else. Sometimes maybe just introduce and then Devwest, they did themselves. They talked to them and then that's it, I didn't have a further involvement.

25

How many people did you introduce to Devwest?---To my best recollection, is one, two - one lady bought a unit, one, two, then one, three - three to four or five, that's it.

And their names?---Names, the lady who bought the unit, I could not remember her name. She's from Beijing and one gentleman who invested is Mr Lin, L-i-n

30

First name?---X-u.

Yes?---Another gentleman, I don't really know his name. He's from China, from Sichuan Province and Sichuan Province is a sister state of Western Australia.

35

I just want names - - -?---I don't know his name.

- - - of those people who you introduced to Devwest who actually invested money?---Yes. I remember - - -

40

You can only think of one?---Yes. One lady, her English name called Janice, Janicis or Janice, this is one lady and one gentleman. Another is, surname is L-i-u

45

L-i-u?---Not Liu - is it Liu? Two gentleman from Sichuan Province, but I really forget their name but I could check - double check, and one lady I remember. Another one I gave to you, Xu Lin. So these four I recall and then there is another one is a person from Shanghai who runs restaurant and they did invest. The name, also I cannot remember.

This would have taken a lot of time for you to find these sorts of people, wouldn't have it?---Yes.

5 It would have involved trips to China?---No, they all here. They come here, then I knew them.

How many people all-up did you introduce to Devwest as potential investors, so those people who did not end up investing any money, but you still introduced them to Devwest? There would be a lot more than that five, wouldn't there?---Should be, but I couldn't remember. Sometimes when they really desperate and need money, anyone I knew, they would like to talk to, even no result.

15 So just a rough number then?---Rough number, more than probably - that is four and five, then plus another probably three and a four. Less than 10.

I'm thinking a bit more than 10?---I can thought remember exactly the numbers.

20 Yes, I know that, but I'm thinking dozens?---12?

Dozens of people?---You said 12?

More than 12?---I cannot recall.

25 30 or 40?---Not so many.

No?---No.

30 What about people you introduced when you were in China with the Fergusons and Mr Hatt, you introduced people up in China as potential investors, didn't you?---No, we did have a trip together to a small town but didn't have anyone who is a potential investors. We had meetings, yes.

35 Are you saying you never went out for dinner with one of the Ferguson men and Mr Hatt?---Yes.

You went out for dinner with other Chinese business people?---Yes.

40 That happened, didn't it?---Definitely.

What was the purpose of that dinner, or those dinners?---Yes, more than one dinner.

45 Yes, and that was to see if these people would invest in Devwest property developments?---Potentially, yes.

It was. That was the reason for the dinner?---Yes, it's looking for potential investors.

There you go?---Correct.

5

These dinners would have up to 20 people, wouldn't they?---Normally only one table.

Okay, 10?---Yes, possible.

10

And you did that a number of times up in China?---Yes.

With the Devwest directors. Ms Chen, therefore you introduced dozens of potential investors to the Devwest people, didn't you?---That's correct. I was quite close.

15

I asked you that question three minutes ago and you said no, and it's only when I started to give you the information that I had that you started to tell the truth. So why is that?---From beginning - - -

20

Why don't you tell the truth from the outset, from the beginning? Why don't you tell the truth from the beginning?---I didn't tell lie because - - -

You did?---I forgot to talk about trips to China, I thought only here I introduce probably, yes, more than 10 or below 10.

25

Did I say to you how many potential investors did you introduce to Devwest here in Perth? Did I ask you that question?---No.

30

No. Do you remember your evidence yesterday where I asked you questions about going to China with Mr Hatt and the Ferguson men?---I did.

So you are not prepared to tell the truth until you find out what I know is the truth, isn't that right?---That is not right. Because - - -

35

Why do you - - -?--- - - - of the scope.

- - - keep on giving inconsistent answers to my questions?---Maybe it's because of the scope, I didn't answer you immediately correct. However, when you remind me there's also including overseas, yes.

40

Exactly?---It brought a memory back.

You try and get away with telling the truth, don't you?---That's not true.

45

How many times has it happened now where you've changed your evidence after you've found out what the Inquiry knows?---I didn't change. Once you said, I

immediately answer you

[10.15 am]

5 That's changing your evidence, isn't it?---No.

It is?---I said to you, probably scope. I only talk about here. When I travelled to China with them, yes, I did try.

10 You introduced people over there?---Yes, I did try.

Yes. So you introduced dozens of people as potential investors to Devwest, didn't you?---I tried, yes.

15 You had clients - I'm talking about clients now in your business as a migration agent, you had clients from China. From what other parts of Asia did you have clients, what other countries, and I'm including islands off mainland China?---Islands, you mean from Taiwan?

20 What other clients did you have apart from mainland China?---From Taiwan.

You had clients from Taiwan?---Yes.

Who were they?---From Taiwan, different category of all kinds.

25

So they weren't business skilled migrants?---From Taiwan is rare. They mainly like working holiday visas.

Working holiday visas?---They have students visas.

30

Working at what?---Working holiday is work and a holiday.

What they would be working?---They are working? I have no idea, different kind of jobs.

35

What sort of jobs?---Maybe cafe restaurant manager.

Maybe or definitely?---Possible, because different people in different positions, different occupations.

40

Didn't you organise work for them?---No. I only helping recently, helping people to work on the farms.

Work on the farms?---Yes, not before.

45

These people from Taiwan, how old were they?---How old? The working holiday visas, most of them, they are under 30.

Under 30? Male or female?---They have males and also have the females.

5 More males or more females did you have as clients from Taiwan?---Females more.

More females?---Yes.

10 What work did they do?---They have massage service.

Massage service?---Yes, they have restaurant/cafe managers and they also have working holiday for working on the farms, you know, the salons, hairdressers' salons. What else? Quite a lot.

15 Massage services?---Yes.

What type of massage?---Have no idea, just think that they have remedial massage, they have relaxation massage.

20 Where were these places?---Around the town, everywhere.

Yes, where?---Recently my office, next to my office has one.

25 Did any of your Taiwanese clients work there?---Not Taiwanese, they looks like from mainland China.

Clients of yours?---Only one of them is my client, not another person.

30 Where else did you dine with the people from Devwest, apart from restaurants in China?---What else?

Where else did you dine with your friends from Devwest?---Most of times in restaurants.

35 Yes, where?---Where? In different cities.

I'm not in China?---Here, in Australia?

40 Yes?---In Australia, let me think about it. It's a few years back so I could not remember exactly - cannot remember exactly which restaurant.

Well, just what location, what place?---Not exactly recall.

45 Not a place with an address along this very street, St Georges Terrace?---They came to City of Perth, yes, had a lunch, I think, dining room, yes.

Did I need to remind you about that when I asked if they dined with you anywhere

at a place on St Georges Terrace, is it only then that you remembered - - -?---Yes.

- - - that you invited them as guests to the Council dining room?---Yes. I thought is restaurants.

5

How many times did you invite the Devwest people to the Council dining room?---Once or twice.

Twice is more accurate than once, isn't it?---Possible, yes.

10

Who else did you have at that dining room table apart from the people from Devwest?---Cannot remember. I think if earlier stage at the City, at the dining room, we would put the name down and to report to the City of Perth, and I since when I cannot recall, they didn't require the name list.

15

They didn't require or Councillors just didn't provide them?---Because if everyone doesn't, then no-one does.

Yes, that's right. Councillors weren't interested in providing the names of their guests, were they?---I always just follow. If they ask to provide, I would provide.

20

Just followed the others, did you? Most of the time you didn't provide any names, did you?---Yes, we did from beginning and afterwards, no.

So most of the time, you did not?---Correct.

25

So, for example, those many hundreds of dining room guests you had in the financial years 2015/16 and 2016/17, there wouldn't be one name in the City of Perth records of those guests?---Yes. I think is my first term, we did.

30

Do you need some help as to who else was on the dining room table when you had lunch with your friends from Devwest?---Please.

Why? Why do you have to help you?---I said to you, my memory not good.

35

So does your memory become good when I say to you that there were also some investors in Devwest property developments who were also invited to come along?---I cannot recall but if you give me a little bit of help to refresh my memory, I would tell you.

40

I just did, people who were investing in Devwest property developments, or are at least potentially going to invest. How's that, can't get much more clear than that?---Well, one - - -

We have narrowed it down to a subject matter that only involves dozens of people?---From the recollection of these five people I just gave you, and none of them I introduce or dined with Devwest. I'm not sure whether there are some other

45

potential investors, I really cannot recall.

No, but if somebody else could recall that, would you accept their evidence?---Yes.

5

Good?---If Devwest - they probably knew better than me.

10 So why would you be inviting your friends from Devwest and potential investors to their property developments along to lunch at the Council dining room?---To show the hospitality of the City.

Yes, and what was your personal interest in that?---My personal interest, if the result is good and then they will pay me commission.

15 Yes. So this is an example of you inviting guests to the dining room for entirely private reasons?---No, that's not true.

At least predominantly private reasons, private business dealing reasons?---No, that's not true.

20

Surely, Ms Chen, you must agree with that in light of the admission you just made as to why you invited these people to the dining room?---This is only one, two occasions, not always.

25 That's all I'm talking about. On those two occasions you invited those people to the dining room because of your private business dealings you had with these people, isn't that right?---No.

No, okay?---I give you - - -

30

That's fine?---Two folders.

You want to give an explanation as to why it isn't?---Yes - not all company - - -

35 Do you really want to?---Yes, please.

It might not be in your best interest?---Just give you - - -

40 You tell me then why those lunches you had were not done in order to enhance your prospects of getting commissions at Devwest like you've just said?---This is part of the reasons. Another reason, as I said to you before in private hearing, any investors invest into Perth or Western Australia, I would introduce to them. Of course, cannot avoid the personal - you know, also they have a benefit but that is not main purpose. You wouldn't trust me, I knew that, but - - -

45

Why not take them to one of the many, many Chinese restaurants that you went to in Northbridge?---This is because as a Councillor of the City of Perth you would

like to show the potential investors the hospitality of the City of Perth.

5 But you're not wearing your Councillor's hat when you had this lunch, you're wearing your hat of being in partnership with Devwest?---I have two hats all the time since 2011.

So that makes it okay, does it?---This is the pub test.

10 So that makes it okay, does it?---Under the policy, yes.

You also said yesterday that after you became a Councillor, you did more legal work than you did migration work, is that right? Is that right?---I said it's gradual.

15 Gradual, was it?---Yes.

20 Why this change?---Because the immigration law changes from time to time and less and less customers, clients and the economic environment is not good, not attracting anyone who wanted to come to this State and as a result, and then I shift the practices into the legal areas, more legal areas. I still do AAT and FCC, you know, Federal Court, and ministerial intervention but very rarely we now have clients who are doing the preliminary applications.

25 I just wanted to ask you some questions, Ms Chen, regarding your Hero transaction account that you had with Bankwest?---Yes.

Can I first ask you why you had that account in the name of Li Chen?---That is old account

30 [10.30 am]

35 But the question is why? Why did you have it at Li Chen and not Lily?---Lily, afterwards change the name because people call me Li Chen, like I changed my surname, so they don't call me - my surname is C-h-e-n. A lot of clients, especially Asian clients, they call me Li Chen, like Li is like a different - totally different surname, so that's why I changed. At home, I'm already Lily, so that's why I changed it from home name to the official name, through deed poll.

40 Correct me if I'm wrong, that's the only bank account that you have that doesn't use the name Lily, that's right, isn't it?---That is opened at very, very early stage before I changed my surname - my name.

So the L-i is pronounced Lee?---Yes.

45 I'm sorry, I got the pronunciation wrong. So Li Chen?---Right.

We are going to give you hard copies of your bank account statements from the Hero account, and we have got one for you and one for your lawyer and Madam

Associate's going to give that to you. If I could just ask, Ms Chen, if you could just concentrate on the pages that I'm going to refer you to?---Yes.

5 Just one moment while Madam Associate organises that. Sir, this is at 17.1695 and continuing.

COMMISSIONER: Thank you.

10 MR URQUHART: TRIM number 21856.

Ms Chen, what did I say not 15 seconds ago?---Sorry, which page?

15 Just stay on that for the moment. I haven't referred you to a page, much less the second page. Just have a look at this. On the front page, this Hero transaction account was with the Murray Street branch of the Westpac Bank in Perth?---Yes.

There we can see your name, Ms Li Chen, unit 26/8 James Street, Perth?---Yes.

20 That address being your business address?---Yes.

Is that correct?---Yes.

These details start on 2 January 2013, do you see that?---Yes.

25 At the very top?---Yes.

You have said that your - just look up here for the moment. Ms Chen?---Yes.

30 Just look up here for the moment. Don't worry, we will get to those?---M'mm.

You said yesterday that your clients in your migration agent work, they, as I understood your evidence, made deposits into your trust account?---Yes.

35 And not this account?---This one is only for third party.

Third party?---M'mm.

When you say third party, what do you mean by that?---Sorry, third parties.

40 What do you mean by that?---Is not my own service fee. I have to pay to third parties through this account and then for - on behalf of the client, they instruct me to pay.

45 Is this the account you use for the clients who gave you money then to pass on to a third party?---That's correct, including all the authorities.

Including all authorities?---M'mm.

So were you working in your position as a migration agent when you did this?---Yes.

5 So did you charge a fee for this?---No.

On that first page, if you can go down to 8 January 2013, the very first payment there which was a deposit into your account. Do you see that, about one-third of the way down, 8 Jan 13, "█████ second pay, █████, █████", spelt █████---Where is?
10 is?

See that \$7,000?---Where is?

15 About a third of the way down?---Is it on first page?

First page, yes. Look at the dates on the left-hand side, it starts on 2 January. I want you to go to the very first date that says 8 Jan 13, have you got that?---8 Jan, yes.

20 There has been a payment of \$7,000 into this account?--- Yes.

Then on 8 January and 9 January, you seem to have paid in amounts of \$5,000 and \$2,000, a person by the name of █████, █████, █████, █████, █████, █████, do you see that?---Yes.

25 Is that an example then of what you were doing for your clients?---Yes.

How did you pay █████?---The client asked me to pay and then I just pay it.

30 And you did this over and over again? Don't bother looking. Did you do this over and over and over again?---Yes.

Did you ever ask your clients, "Why don't you just pay these people directly"?---I did. I said, "Don't through my bank accounts, you guys pay to them yourself."

35 Yes?---Yes, I did it. I did many times.

You did ask them?---Yes. I said, "Don't put money into my bank account, is not my money."

40 Yes, but people kept on doing that?---Some of them, not all. Most of them, they don't through me and even now - - -

But why did they want to do this?---So - I don't know, you have to ask them.

45 I asked you whether you asked them?---I didn't.

Why not?---Because they ask me to pay, I just pay, but also, I warn them, I said, "Please, don't put the money into" - - -

Ms Chen, you don't strike me as a naive woman at all?---I'm not.

5

No, you're not, and a naive woman might agree to that. Someone of your character and personality would not. So I'm going to ask you why was this happening?---They put - they just feel easier because they got bank account details from my staff, and then because my bank account details is all on the table, and they can take it and then clients - because we already ask them to pay to the trust accounts for our service fee and they tended to put third party fees into the private account because not mixed with the trust account.

10

I just want to know these clients of yours who were getting you to pay money to third parties?---Yes.

15

Because your account was on the table?---Yes.

Is that what you said? Does that mean their accounts weren't on the table?---This is one of the reasons.

20

Why weren't their accounts on the table?---Their accounts, I have to ask later on. So you know, "You want me to pay to this person, can I have" - you know, I have to ask those people to give me bank account, or sometimes give them cheque.

25

How did you know to pay these people?---How I know? Then the - - -

How did you know?---How I know? Some of them I knew, some of them I don't know.

30

Did you know this [REDACTED] person?---Yes, he I knew.

How did you pay them, Mr and Mrs [REDACTED]?---I put - I don't know, this is by direct electronic transfer or - - -

35

So you had to get their bank account details?---Yes, sometimes by cheque.

So you got - presumably this person [REDACTED] to give you an electronic transfer into your account?---M'mm.

40

And then you electronically transferred that money to the account belonging to [REDACTED]?---Yes.

This must be tremendously inconvenience for you?---No, I don't like it.

45

Yes, it was very inconvenience for you?---M'mm.

But you kept on doing it?---Because they are my clients, I had to.

Why?---Even they put the money into sometimes - - -

5 Why did you have to?---Just helping them.

Help them do what?---Helping them - we already - they are my clients, they paid my service fee for providing services to their applications. Some of them is appeals and reviews and then if they ask to do extra work, such as this payment to third parties, we would help them.

Why?---Yes.

15 Why?---I don't have reasons, just to help them.

It looks very suspicious though, doesn't it?---Yes. That's why I refused later on.

You didn't refuse for many, many years did you?---For the first few years, correct.

20 Don't look over the page. We will get to that. You see, what you could have just done is simply returned this money straight back to Mr [REDACTED]?---No, they wouldn't be happy.

So?---Because I wanted to make them happy.

25 Make them happy?---Yes.

Make them happy?---Yes. It was not make them happy, it was - - -

30 Did you ever ask him why - did you ask Mr [REDACTED], "Why do you have to go through me"?---"Because you are my migration agent and could you please help me to pay those fees and pay to third parties."

35 But these aren't fees?---They ask me to pay, I just pay.

These aren't your fees, so - - -?---It's not my fee, my fee is in trust account.

40 Why are you agreeing to help with what looks like very suspicious activity? You are a Councillor for the City of Perth?---This is private business.

But what business is it? This is what I'm asking you?---Is related to my migration clients.

45 How is it related?---The same client ask me to do extra work for them.

And this is the extra work?---The extra work like make payments to third parties.

And you never found out why it was that they needed a migration agent to make payments to third parties?---For many reasons and then - - -

5 Give us one?---Give you one. Some of them is, you know, insurance money, insurance payments, some of them is for the department application fees.

So?---And then they put it into this one, then sometimes I use a few ways. One is electronic transfer, sometimes by cheques, sometimes I would use a credit card.

10 But why did you have to be involved with any of those reasons you've given. This is what I just don't understand?---For the client's convenience.

But what is the convenience for the client? It's tremendously inconvenient for you - don't turn the page over?---Okay.

15 You've done that three times now?---Sorry, it is not intentionally or consciously.

You're not the first person to do that, but anyway?---Yes.

20 I just don't know why it had to involve your tremendous inconvenience to do all this at their convenience and I don't know why it's at their convenience, can you explain that to us, please?---I cannot talk on their behalf.

25 But you must have asked them, "Why do I have to do this" and they have said to you, "It's to do with insurance" and then no doubt you would have said, "So what? Just do the transfer yourself"?---Even now, many clients, we have to do everything for them. So it is inconvenient for us but convenient for them.

30 Ms Chen, if someone's electronically transferring money through to you, then I'm sure they would be able to electronically transfer money to somebody else's bank account?---This is my understanding. I ask them, "Why you cannot directly, must be through me" and they said, "We trust you.

35 "We trust you"?---Yes.

And you continued to do it for many, many years, didn't you?---For a few years, yes, correct.

40 Were the amounts larger than that one, \$7,000? They were, weren't they?---Yes

[10.45 am]

45 Let's go down to 18 January 2013, it's about two-thirds of the way down. It's the very first entry for that date, 18 Jan 13, left-hand side?---Yes.

Cash deposit at Geelong, \$10,000. What was that all about?---Cannot remember now.

Who would be giving you \$10,000 cash at Geelong in Victoria?---In Victoria?

Yes?---This one, cannot remember.

5

Then you've made two cheques out three days later in the amounts of \$5,856.50 and \$2,182; was it connected in some way to that cash deposit?---I'm not sure because not remember. Normally they paid and then they give me instruction to pay to whom and then I would do it.

10

If the Inquiry was to get those cheques, who would they be made out to?---Not exactly, if I could see the cheque, probably remember.

How often would you get cash deposits in that sum of money?---Still now, still the people they like to pay - to use cash and to me, I don't really like it but a lot of Asian clients, they would pay cash.

15

The entry there third from the bottom?---Yes.

25 January 2013, "Cheque deposit at Spearwood CSC" which stands for Customer Service Centre, at 2.05 pm, \$100 ,000?---\$100,000, cheque at Spearwood.

20

What was that all about?---Yes, cannot remember is what. Is not my money.

Don't turn over the page?---Okay.

25

Who is Ray Zing, Z-i-n-g? Who is he?---Z-i-n-g?

X-i-n-g. Ray, R-a-y, Xing, X-i-n-g?---I remember him. He is recruitment agency.

30

Recruitment agency?---Yes.

And, why would you be paying him? Did you pay him anything?---Cannot remember, should have.

35

You should have paid him?---Yes.

What for?---Cannot remember. He did work with me to refer clients to me and then I would give him probably commission.

40

How much would that commission be?---Different client gave for different commission.

How much would it be?---Not - how to say? Is not the same, different category of visas.

45

What's the most amount you would pay him?---From few hundred to probably

\$10,000s.

\$10,000 or \$10,000s?---\$10,000.

5 \$10,000?---Yes, different clients.

So where is he? Where does he work?---He is working in WA.

10 Where?---I don't know now. I haven't contacted him for quite a while.

Where was he working when you last heard?---I think he's recruitment.

Where?---I have no idea, they working for themselves.

15 Okay, but what's his address?---In the south of the river but exactly - a long time ago, I did go once in Cockburn, City for Cockburn.

20 What's the name of his agency?---Now I cannot remember. There is an agency name. I'm not sure whether they changed the name or not.

You're saying he's a migration agent, are you?---He's not migration agent.

He's a recruitment agency?---Yes, he's a recruitment agency.

25 For work?---What's that?

So he's finding work for your clients, is he? What's he doing?---No, he already got his own subcontractors.

30 What are you paying him commissions for?---Commissions for referring clients to me.

Referring clients to you?---Yes.

35 This \$100,000 cheque deposit at Spearwood, is that money to go to a third party, is it?---I cannot remember.

40 But this is your account that you use for every day expenses, is it not?---Yes, but this is 2013.

Yes, but you've got \$100,000 coming into it. Where's it from, who's it from?---I really cannot remember from whom.

45 You can't remember from whom?---Yes.

Let's see what you did four days later. So go over to the next page now. Four days later on 29 January 2013 you're paying Ray how much?---This is \$100,000.

\$100,000 which is the same amount you got from a cheque that was deposited at Spearwood four days earlier, so is there a connection there?---Yes, should be.

5 Why are you paying Ray Xing \$100,000?---I don't know who paid me. Probably that person ask me to pay to him.

So another person has asked you to pay a recruitment agent that you know \$100,000?---That's possibility. I don't know who paid it.

10

At this point, obviously that person has told you to forward it on to Ray?---Must be.

15 At this point, Ms Chen, a woman as astute as you would have alarm bells ringing, surely? We can maybe accept \$7,000 but \$100,000? \$100,000 someone's asking you to forward on to a third party?---This one needed to - needed to refresh my memory what is.

20 I would like to see how you go refreshing your memory now because this is an extraordinary sum of money, isn't it?---I think so.

It is so?---Is very much.

25 Yes. So you won't find the answer there?---I can't.

So there must be an explanation for it though?---I cannot remember.

30 I'm thinking either the person - I think there's three people that can help us out here: the person who wrote out the cheque, yourself?---Yes.

Or Ray?---Yes.

You're in the witness box there?---Yes.

35 You're the go-between, you were obviously the connection between these two people. Can you offer any explanation as to firstly, why someone would ask you to do that?---This is big amount of money, it must have reasons.

40 Yes?---I cannot remember what is the reason to pay so much to him. Yes, very hard for me to remember. Only thing is probably he - I don't know who paid so much, this is incredible.

It's obviously someone you knew?---Yes, it must be.

45 And obviously someone's asked you to do this. So you can't give an explanation as to why that person has asked you to do that but I'm sure you can answer this next question: can you give an explanation to the Commissioner as to why you agreed

to do this?---Also, the reason for myself, I couldn't remember. Certainly it's just helping to pass on.

5 Yes, and why would you agree to help pass on such a suspiciously large sum of money?---Really have no idea.

10 You see, only you know the answer to that question?---For the \$100,000, this is large amount of money, I really cannot remember the reasons why. I even forgot who put it in.

How are we going to find out then? How are we going to find out the reasons why you agreed to do this?---Probably ask Ray.

15 Ask Ray?---Yes.

I'm asking you?---I cannot remember the reasons why.

20 You can't remember or you don't want to remember?---I just simply cannot remember.

So no matter how many times I ask you, I gather you're going to say, "I can't remember"?---It's the truth.

25 I'm thinking if I take you to numerous other instances of that, where a large sum of money has gone into your bank account and then you have paid out, either the same or a very similar amount of money days later, you're going to say, "I can't remember", would I be right in that?---Yes.

30 And you won't be able to recall one single instance as to why you did this, would that be right?---This is too long time ago.

I'm thinking even if we get to 2017/18, you still won't remember, will you?---If you're 2017/18, I should be able to remember better than earlier.

35 I want you now to go to page 17.1704. I want you to go to the first entry there from 4 September, so it's 4 Sep 13?---Yes.

Who is [REDACTED], [REDACTED], [REDACTED] [REDACTED] who is he?---She is - - -

40 She?---Yes, she is my client and a friend.

A client and a friend?---Yes.

She lives here?---Yes, in Western Australia.

45

Knows how to do electronic transfers?---Yes. If she cannot, her son can.

Her son can?---M'mm.

So she has deposited \$60,120?---Correct.

5 Into your account. What was that for?---I think is stamp duty or something. She ask me to check, to pay to the Department of State Revenue or other authorities. She's still here in Western Australia.

So you had to do that for her?---Yes, because we doing her property settlements.

10

Why wasn't this going into your trust account?---This one for third party, we don't put into the trust account.

15 Was she your client and you're doing a property settlement for her in your capacity as a lawyer?---Yes. Because it's too big an amount of money, so we ask for her to pay our costs into the trust account and all third parties, we help her. This one, supposed she pays. Just because not only client, also friend, she ask me to help her, I did.

20 But if she's giving money to you?---Yes.

And she's your client?---Yes.

25 She's giving money to you with respect to settlement regarding a property sale?---Yes.

Then that money has to go into your trust account, that's law 101?---This amount - - -

30 Isn't it?---Yes, correct

[11.00 am]

35 That money, if it was for stamp duty, had to go into your trust account?---From beginning we - - -

It had to go into your trust account, it was payment of stamp duty?---If not friend, yes, and also I say to them - - -

40 I'm sorry, you've just said to us that she was a friend but she was also a client and you were dealing with her property settlements as a client?---Correct.

So this amount, if it was for the payment of stamp duty regarding that matter that you're providing legal advice for?---Yes.

45

That money had to go into your trust account?---Yes. Can I explain?

It did not, did it?---Can I explain?

It's gone into your personal account?---Counsel, can I explain?

5 Am I right there?---That's correct.

Have I got all that right?---Can I explain for this particular one?

10 I think you'd better?---So when I asked her to sign the contract for the settlements
and then I give her a letter detailing all those things, which one should pay, which
one should pay. Then she would not pay the big amount of money for stamp duty.
She said, "This is too much, I pay later." Then she paid the less, you know, the
15 service fee and advice of sale, this is small amount, and paid. When the stamp
duty comes out and I will say to her, "Please, you go to pay yourself, you don't
have to pay the money to our trust account and then we have to pay for you." She
said, "No, no, no, you help me because I don't understand. My English is not
good, you just help." Then, occasionally the staff, because I've got a trust account,
a business account and a personal account all on the table, so they would pick up
20 one and then give to her. Sometimes would put wrong, wrong one. She paid it
into and then we said, it's too late, then we just help her to pay.

What are you supposed to do then, if that's actually what happened? What are you
supposed to do with that \$60,120?---Should transfer to trust account.

25 That's right. Why did you not do that?---That time, I was not really great with
management of all those accounts, but I did talk to this one, Legal Practice Board.

You did, did you?---Yes. For the first few years, auditing, when auditors, external
auditing and internal auditing, they come in and they did ask me.

30 Let me get this right. Your migration agency clients are to pay money for their
fees into your trust account?---Yes.

35 Not into this account?---Some of the third party fees, for example, they wanted to
use my credit card, they also pay to this bank account, because the credit card is
not company's credit card, it's my personal credit card.

40 Yes, and what should you then do with that money?---This money they paid to the
personal account, is linked to my personal credit card, they do direct debit.

What are you supposed to do with that money then? You're supposed to transfer it
where?---To trust account.

45 And did you always do that?---Not first few years, not from - not first few years,
my auditing year, and then through the Legal Practice Board, I become better and
better. From beginning, my practising years, was not good.

This is five or six years after you opened your practice, isn't it?---Yes. So almost every year I got external and internal auditors come in and they check me, and also taught me to learn how to do it.

5 Can we go back now to page 1698. Mr [REDACTED] seems to be paying you more money. Do you see there, 4 April and 10 April?---Yes.

Right up the top, he's paid you \$5,000 and then \$10,000?---M'mm.

10 Why is he paying those sums of money into your personal account?---Is also third party.

Was that another third party?---Yes.

15 So you're keeping on doing this for Mr [REDACTED], are you?---Yes.

He describes it though as a "third payment", do you see?---Yes.

Why that description? It looks like it's a payment to you?---Not to me.

20

Where did that money go? Where did that \$15,000 go?---Must have, down the track, on the debit.

11 April it says, "OFI to NAB, \$15,000"?---NAB?

25

Is that where it went?---Not sure.

Not sure?---Yes. I don't have NAB bank account.

30 Go down to 1699, that's the next page. Wait on, we will just go back to 1698, sorry about that. Maybe this can help us out here?---M'mm.

See under that, "Third payment, [REDACTED], \$10,000"?---Yes.

35 There's been - you forwarded \$10,000 on to someone called [REDACTED], [REDACTED], [REDACTED]?---Yes.

What's going on there?---Is also ask me to pay to this account.

40 Again, no questions asked by you?---No.

No sending that money back to him saying, "No, I don't want to deal with this. This looks too shady to me"?---Is a client, so you have to help him.

45 You have to?---M'mm.

You have to help him do something that looks very suspicious, is that right?---I

didn't think about this is suspicious because the client's instruction, I just took it.

But it is suspicious?---Is it suspicious?

5 Of course it's suspicious, isn't it?---Not to me, because I often have this kind of things, they ask me to do.

Yes. So the alarm bells to you never rang?---Not really, because sometimes the training fee is also quite a lot.

10

Sorry?---Training fees, training fund.

Training fund?---Yes.

15 What training fund are you talking about?---Training fund is government required and you know, people they pay the training funds and this is another fee, third party fee.

20 What's that got to do with the payment from Mr [REDACTED]?---So the - I don't know, I just give you example.

I'm trying to establish here whether any of these payments are work related?---Work related?

25 Yes, because you keep on saying these are clients?---Yes, not to me.

Is this another source of income for you?---No, because no money keep for myself. Is ask me to pass on, I pass on. My own fees in the separate trust account. I cannot put my own fee into the private account.

30

I'm going to suggest to you squarely, Ms Chen, that you are getting a source of income into this bank account that's not related in any way to your business as a lawyer or your business as a migration agent, or any of the other sources of income that you have admitted to over the course of the last two days. Here is your opportunity, before I take you to some specific examples?---What is your question, counsel?

35

I am saying to you that you are getting a source of income over and above those that we have already gone through over the course of the last couple of days?---No.

40

Are you certain about that?---I cannot get the money, not belong to me. You can see the transactions, not for me. Yes, they deposit it into my bank account but I had to transfer out.

45 You had received - I will take you to it in a moment - five deposits over two days that total \$374,000 in March of 2014; can you give any explanation for that?---Not my money.

It is money that's gone straight into your personal account?---But that's not my money. Is wrong practice, should not allow anyone to put third party's money into my personal account.

5

And you had six cash deposits between 6 January 2014 and 10 March 2014, totalling just under \$180,000. They are not on those pages?---M'mm.

10 So what is all this money?---I cannot remember. Are you saying, some of them, they are rentals?

No, I'm not referring to the rentals, they are clearly identified. You see, I'm going to take you to one which is a very precise amount, all right?---Yes.

15 Page 1707at the top, so 17.1707. Have you got that page?---Is 17.1707?

That's right, thank you. This is for 30 November and then it starts into the New Year, 2014. I want to take you to the very first entry that appears, 6 Jan 14, so about halfway down?---Yes.

20

Do you see that?---Yes.

Cash deposit at Northbridge, Customer Service Centre at 3.06 pm, for \$41,947.20?---Yes, I saw it.

25

What was that?---I can't remember.

And another cash deposit 10 days later at the same Customer Service Centre in the amount of \$3,000?---On the same page?

30

Yes, on the same page, four down, the fourth entry down from that 6 January 2014 one?---Yes, I saw it.

What is that?---Have no idea.

35

Because there is no transfer of those amounts in the days or weeks afterwards, so I'm going to suggest to you that's income?---Have no idea. I probably can ask my husband. Cash deposit, I have never done it myself.

40 I'm not suggesting you have, I'm saying this is coming from another person?---I just said, very possible it will go to the same branch, must be deposited by my staff because - - -

So are you saying this money could have been deposited by your staff?---Yes.

45

Into your personal account?---Possible. They probably just got wrong bank account number. I said to you, our money in the earlier years, the staff always take

the money to deposit into the trust account, to the business account, to the personal account, especially like those years.

5 So are you saying this money should have gone into the trust account?---Some of them, maybe, yes.

In that case, that money should have made its way back to your trust account, shouldn't have it?---Should.

10 You can have a look but there's no details stating that \$44,947.20 was electronically transferred into your trust account?---Those amounts, I'm not sure what come the money, but I need to double check. This is 2014.

15 That's a fundamental mistake made by your staff, isn't it?---If that money supposed to be deposited into trust, yes, correct.

20 You see, Ms Chen, the cash deposits continue through January and February. So you go over the page now to 1708 and on 3 February 2014 there's another cash deposit, this time at the Yokine Neighbourhood Bank, in the amount of \$8,400?---M'mm.

25 Again, if you go a bit further down to 17 February 2014, two weeks later, a cash deposit at Northbridge Customer Service Centre, \$25,000, do you see that? 17 Feb 2014?---Yes, I saw it.

So is this staff making more mistakes?---Not sure.

Or is it something else?---I'm not sure about this amount of money.

30 Sorry?---I have no idea.

35 Northbridge is being used a lot because the next day on 18 February there's a cheque deposit at Northbridge CSC in the amount of \$40,015, and then that exact same amount makes its way to a [REDACTED], [REDACTED], [REDACTED] on 21 February 2014?---M'mm. Yes.

What occupation are you carrying out here, what work?---I didn't do anything, just pass on.

40 Go to 1709, please. It starts on 1 March 14, I want you to go to 6 March 14?---Yes.

45 There's a cheque deposit at Belmont Customer Service Centre on that day in the amount of \$30,000?---M'mm, saw it.

Ray then deposits \$20,000 on the same day?---Yes.

There's another cheque deposit at Belmont the following day for \$220,000?---Yes.

On that same day there's a cheque deposit at Success in the amount of \$39,000 and then on 7 March there's a cash deposit at Belmont in the amount of
5 \$65,000?---Yes.

So there's five deposits over two days amounting to \$374,000?---Yes.

What is all that?---I have no idea. Is all checked out, all paid out. There is a stamp
10 duty transfer.

Sorry?---There is a stamp duty transfer, 7 March.

\$83,815.50?---Yes.
15

So what's that the stamp duty for?---Stamp duty for the property settlements or for the business settlements.

For clients of yours?---Yes.
20

This money should be in your trust account?---Yes, correct.

So what's it doing then in your personal - - -?---I said to you, sometimes - - -
25 - - - account?---In those years, they probably pick up the wrong - not necessarily the staff. I did remind them, I said, "Look, put it in the right bank account." Sometimes they would have gave the wrong bank account to the clients. The clients would pay and then once they paid into wrong bank account, was too late.

Ms Chen, I can assure you there is no amount of \$83,815.50 going into this
30 account. You won't find it?---The bottom one, they split. Yes, the bottom, 17 March 2014, there's a cheque for \$200,000, 18 March, cheque for \$50,000.

Yes, and there's another cheque on 10 March for \$300,000?---Yes, and then you
35 will also have - you know, you just mentioned, \$83,000. So the amount would be coming in and used for third party, I would utilise.

I'm sorry, are you saying then you are forwarding an amount of \$300,000 on behalf of someone you know?---Yes.
40

And forward it on to a third party?---Yes, correct.

On 10 March and then on 17 March, the very next cheque, because it's the same one, because 10 March was cheque number 695, now cheque number 696 of
45 \$200,000?---Yes.

And on 18 March, cheque 697 in the amount of \$50,000?---Yes.

That's over half a million dollars?---Yes, because they put in and then we put out.

5 So what's all this about? Surely you must - there must be cacophony of alarm bells ringing now?---I thought is if you honestly pass on and helping clients, that should be okay.

10 How can this be described as honest activity?---I said to you, I cannot recall. I could, you know, talk to Ray after the hearings are finished - all the hearing finished, then I could refresh my memory, what's this?

Are you saying that payment by Ray to you of \$20,000 is Ray Xing?---Yes, the same person.

15 Why would he be paying you money? I thought you had to pay him money?---Yes, I paid him money. Yes, also - - -

20 So why is he paying you?---I have no idea about this. Sometimes the company would pay for their clients and the training fee, they also send it to me.

A training fee of \$20,000?---Yes, even more. Sometimes \$50,000, \$40,000.

25 So why would he be paying you that?---Not paying me, I have to pay a training fund that the State Government established.

Why isn't Ray just paying that money directly to the training fund?---I said to you, they just ask me for help.

30 But why would Ray be depositing \$20,000 to you, which was a training fund that he has to pay the government, and then ask you to pay the government?---Yes.

That doesn't make any sense, does it?---All the employers, they ask me to do this.

35 But it doesn't make any sense, does it?---It does, to me, because - - -

Why?---Why? Because just simply they want me to do everything for them.

40 You've got your own busy law practice and migration agency to run. You're not keeping the books for Ray's recruitment agency, are you?---The training fee - - -

Are you?---No, no.

45 You're a busy person yourself?---Yes, correct. The training fee's a part and parcel of immigration applications.

I understand all that but Ray can pay the government directly, can he not?---He can.

And he didn't?---He ask me to do this.

5 So did you say to him, "Ray, I'm sorry, I'm really, really busy. I'm a Perth City Councillor, I'm running my own law practice, I've also got a migration agency, I don't spend enough time with my kids and my husband, please, you go and do that"; that's the obvious thing to say to him, isn't it?---It is, but because also he is a friend, he asks for extra work without pay, I had to do it. That is consistent for Asian culture.

10 Where did this \$550,000 go that you were paid in three cheques on 10 and 17 and 18 March, where has that all gone?---These are cheques, these ones, the bank has the image we can - - -

15 I'm asking you?---I cannot remember because - - -

You can't remember writing three cheques over the course of eight days for over half a million dollars?---No.

20 Really?---Yes, but if I have the cheque image, I will.

Sir, I'm mindful of the time, might that be convenient? .

25 COMMISSIONER: It would be. Before we adjourn though, there's one thing I want to deal with. Mr Thomas.

MR THOMAS: Yes, sir.

30 COMMISSIONER: At the moment, as you well appreciate, your client is being questioned about dealings with Mr Ray Xing.

MR THOMAS: Yes.

35 COMMISSIONER: It is important that she gives her evidence to this Inquiry in the usual way. It is important that that evidence not be contaminated in any way. I'm sure you understand what I'm saying.

MR THOMAS: Yes, sir.

40 COMMISSIONER: I'm not suggesting it will be.

MR THOMAS: No.

45 COMMISSIONER: Or it is being, but in the 15 minutes that we are adjourned, I do not want your client to inadvertently telephone Mr Ray Xing and discuss any aspect of this evidence with him.

MR THOMAS: Yes, I understand that, sir. I've read some of the transcripts of earlier hearings and I understand the point you're making.

COMMISSIONER: Thank you. I will adjourn for 15 minutes.

5

WITNESS WITHDREW

(Short adjournment)

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HEARING RECOMMENCED AT 11.46 AM

MS Lily CHEN, recalled on former affirmation:

5 COMMISSIONER: Yes, Mr Urquhart.

MR URQUHART: Thank you very much, Commissioner.

10 Madam Associate, if those hard copies of the bank statements could be handed back to the witness and counsel as well, thank you.

Ms Chen, I just wanted you to go now to page 17.1709. That was the page we were looking at before we had the morning break?---M'mm.

15 I drew your attention to that one deposit by Ray that you've identified as Ray Xing?---Yes.

Being the amount of \$20,000 on 6 March?---Yes.

20 You have said it's got something to do with him wanting to pay his government training fund fees, is that right?---I just give you example, not exactly. I'm not sure this \$20,000, what's for, but I just give you example. Sometimes they ask me to pay training fees as well.

25 On 13 March, if you go down the page there, the first entry for 13 March, he's giving you an amount of \$8 ,062, can you see this?---This is application fee to the Department of Immigration and Border Protection.

30 He's paying you why?---For his client - for his workers and then to ask me to pay to the department, use my credit card.

35 Again, there would be nothing preventing him from paying the relevant government department directly, would there?---No. It's because we do the job and then we have to use our credit card. It's easier to manage.

He didn't have a credit card?---He has. Afterwards, a few - sometimes I would ask, "Can you give me your credit card and we can use." Sometimes he does - he did.

40 So therefore, there should be an amount, shouldn't there? So how did you pay the government department?---Use credit card, online.

And not money from this savings account or from this transaction account?---This account is linked to my credit card.

45 Should that credit card payment appear on this bank statement?---Not. They have separate credit card bank statements.

If you can now go to page 17.1713, please?---Yes.

The sixth entry down there on 25 July 2014?---Yes.

5

There is once again a cash deposit at the Belmont Customer Service Centre, and there have been already cheque and cash deposits at the Belmont Customer Service Centre in March of this year. There's another \$20,000 in cash going into there?---M'mm.

10

Then on that same day, you've withdrawn that amount of \$20,000, can you see that, or you've withdrawn the same amount?---Yes.

15 Would I be right in saying that the description, "D &L [REDACTED]" is in relation to your and your husband's - one of your investment properties?---Yes.

So you've withdrawn \$20,000 and no doubt paid part of the loan off with respect to that?---Not from this \$20,000.

20 It just seems to be a coincidence then, is it, that it's on the exact same day?---Yes, looks like.

So this suggests that this was money that belonged to you?---Not necessarily.

25 It either is or it's a coincidence, would you agree with me?---Yes.

So is this cash deposit money that belonged to you?---If I didn't pay out, then it must be mine.

30 That's right. So this is income of yours, isn't it?---If I paid for the clients, by using my personal credit card and then that amount of money would reimburse into my credit card.

35 Are you saying then that this is an amount of money from a client of yours?---Because it doesn't show - - -

Are you saying this sum of money is from a client of yours?---Not sure.

40 It's almost certain that it's not because it should have gone into your trust account, correct?---Correct.

45 So this has been a cash deposit, obviously a slip's been filled out at the Belmont Customer Service Centre and the account details is the account for this Hero transaction account?---Correct.

So someone, it would seem on the face of it, has intentionally deposited \$20,000 cash into your personal account and that same day, you remove that money and

pay it into one of your loan accounts. So on the face of it, it seems to be your money?---On face of it, yes.

5 And therefore seen to be income. So where did this income come from?---Because there's no anyone's name, so it's very hard to trace.

10 That's right, so therefore only you would know the answer to that, or the person who's made this deposit. It's going to be very hard to find that person, even to find you. You can look at that for as long as you like, but the answer's not going to spring out at you?---At that time I maybe knew, but not now.

15 So it's not income from your work as a migration agent or a lawyer, it's not income that you've got from Devwest, it's not income from the Stanley College, it's not income from any of the tertiary institutions that you were working for on a commission, so where's it come from?---No idea.

No idea?---M'mm. At that time I must know.

20 You're staring quite intently at that account statement, you're obviously looking at the other details there, so you would have seen, immediately after you've paid \$20,000 into your loan account, there's another payment from Ray Xing in the amount of \$30,000?---Yes.

25 Do you see that?---Yes.

And the very same day as that amount, you're paying another large sum of money into your loan account, aren't you?---Yes.

30 In the sum of \$20,649.06, do you see that?---Yes, I saw.

35 Plus, it seems like you also paid for some curtains for that same investment property in the sum of \$325?---Yes, I now remember those amount. Those amount I draw is from my personal account and then for the settlement of this property and also, they ask to pay the curtain fees as well. Is not necessarily someone pay me, I pay into, it's because this bank account got enough money, that's why I pay the two.

40 It just seems coincidental, does it not, that Mr Xing has given you enough money to pay for that loan repayment and the curtains, doesn't it?---Looks like, but not necessarily I rely on this money.

45 I can assure you that in the following months, there is no payment of \$30,000 to anyone, okay? I'm thinking this \$30,000 of Ray's all went into repayment of the loans on your investment property because I've identified \$21,000 now that you've paid on the same day. Let's go down to 1 August now?---1 August.

2014, so the second entry there for 1 Aug 14?---Yes.

There's another \$6,500 that you've paid?---Yes.

Into that same loan account?---M'mm.

5

That takes us very close to \$30,000, doesn't it?---If you put together, yes.

So what was this \$30,000 from Ray for?---I can't remember.

10

It doesn't seem to be a payment to a third party, does it?---Doesn't look like.

Seems like a payment to you?---Looks like, yes.

So this is then a source of income, is it not, for you?---Correct.

15

And why would have you got \$30,000 from Ray?---Cannot remember now.

You can't remember?---Yes.

20

No idea?---Because he used to work with me and - not work, work, like associate. So he was recruitment agency, he would refer a lot of clients and sometimes he would pay on his clients' behalf for what I have already said, the training fees, then the further fee, further fee, including department fees to me.

25

That might be so?---He got a lot of clients.

But that's got to go into your trust account though?---Some of them, not necessary to put it into because it's for my - use my personal credit card.

30

But it should have gone into your trust account?---If it is service fee, yes.

So this amount, if it's \$30,000 was relating to your work as a migration agent, it ought to have gone into your trust account?---Should be.

35

Yes, but it's not?---Not necessarily this is a service fee. This may be third party fee. I really - at that time, I must remember.

Sorry, third party fee? But you haven't paid that sum of \$30,000 to a third party?---Sometimes quite late. You know, they pay quite early, then you pay later.

40

Why?---I think his business was really good by then.

Why? Has he told you, "Pay for \$30,000 later"?---Not for - probably not for one purpose, maybe for multiple purpose.

45

Multiple purposes, paying multiple people?---Not pay multi people. He got people, he got all the subcontractors.

[12 noon]

5

Let's get this right, this could be \$30,000 he's paid you for something that you don't know, or it's \$30,000 he's given to you that should have gone into your trust account to pay multiple third party people at a later date, is that right?---The proposition is right and I just simply could not recall exactly what it was, his purpose.

10

Or he's just paid you \$30,000 for something that you did that had nothing to do with the your migration agency?---Not sure.

15

That could be the most obvious explanation, isn't it?---I don't know what is this, so maybe ask him to - - -

No, I'm asking you?---I cannot remember, counsel.

20

I'm thinking you that can't offer a reasonable explanation as to why Mr Xing has paid you \$30,000, is that a fair summary?---Yes, correct.

Is an example of you not wanting to recall - - -?---I really want - - -

25

- - - why it was you were paid this sum of money?---I really want to know.

You were receiving payments from Stanley College into this account, weren't you?---Yes.

30

Amounts that you should have declared on your annual returns but you did not?---Correct.

How much money do you think you got from Stanley College?---Cannot remember. From time to time, on a case by case basis, because it's a commission, not a payroll.

35

I can tell you that between February of 2013 and November of 2014, you were paid \$18,853.35 by Stanley College in five separate payments?---That's possible.

40

Of amounts between \$1,491 and \$6,375. If you only say it's possible, I can take you to each of those deposits, would you like me to do that?---No, I say yes.

You'll accept that?---Yes.

45

And you had forgotten about those payments from Stanley College when you were filling out your annual returns?---Yes, I just didn't put it into, I should.

I will take you now, please, to 17.1723. This is an example of you acting as a go-between - - -?---What's that?

5 - - - between two parties but in this instance, you will be able to identify both names so you might be able to have a recollection of what this was all about, also given the fact it's not 2013 any more, but 2015. So this is now 20 July of 2015 and it's about one-third of the way down. It's the last entry for 20 Jul 15 for Liang, L-i-a-n-g, Lu, L-u for [REDACTED], [REDACTED], [REDACTED], [REDACTED], do you see that?---Sorry, you give the date again?

10 20 July 15?---20 July 15. Yes.

\$30,000?---I only saw \$10,000.

15 That's [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], 187, giving you deposits of \$10,000?---20 July 2015?

Yes?---And 21 July 2015.

20 No, just 20 July 2015 for the moment. Do you see that, \$30,000?---Couldn't find. Oh here.

Where it says 20 July?---Yes, I saw it.

25 \$30,000, do you see that?---Yes.

Go to the fifth entry from the bottom that says 4 August 2015?---Yes.

And you've written a cheque out for \$30,000?---Yes.

30 Joining the dots, I'm thinking there again that's a cheque you've made out to [REDACTED] [REDACTED] for \$30,000 because Liang Lu wants you to pay [REDACTED], okay?---Yes, possible.

35 So we have got two names now?---Yes.

So you should be able to tell us what that was all about?---Paid to whom, I cannot remember because this is no name.

40 The cheque is for \$30,000 you, received a deposit for \$30,000?---Yes.

And we have got Liang Lu, kindly and helpfully, for not just the Inquiry but for you as well, stating who it's to go to, [REDACTED]. I think that's enough information for you to tell you something about this ?---[REDACTED], I don't know this person.

45 Okay, Liang Lu?---Liang Lu I knew.

Who is he, or she?---He is another migration agent I mentioned to you before.

Another migration agent?---Yes.

5 I don't know if you did, but okay. So why is he sending you \$30,000?---To ask me to pass on to third party, that's why I passed on.

And why?---I don't know what was happened between them.

10 You obviously would have asked him, "Look, I'm doing all this work for Ray, I've had enough. I'm annoyed that Ray keeps on asking me to do this, I don't want to start doing it for you, Liang, find somebody else or just pay yourself"; why didn't you say that to him?---I did ask him. I said, "Look, you don't have this through me, you do yourself."

15 You didn't, did you?---Yes, he asked me to do it.

And you said no?---No, I didn't say no.

20 Did you say, "Why? Why do I keep on doing this for you people? I'm sick of it, I'm so busy, I've had enough, I can't do it"; you didn't say that to him?---No.

Did you ask him why, "Why do I have to do this for you, because if you don't tell me why, I'm not going to do it"; you obviously asked him that?---No, I didn't ask.

25 Why not?---Because we always working together - not always, occasionally.

Is that your answer?---He ask me - sometimes he ask me to do certain things, I would help him. Sometimes I would ask him to help me, he would also help.

30 Did you ask him to transfer money on your behalf to third parties?---Very rare I do it.

But you have done it?---I only did it once.

35 Why?---Once or twice.

Why?---He asked me to help.

40 No, you said - I just asked whether you asked him to transfer money on your behalf and you said, "Yes"?---No, no, he ask me, not I ask him.

What's the reason for this?---I don't know what is.

45 M'mm?---No idea.

You've got no idea why he would be asking you to do this?---Yes.

And you didn't ask him?---Don't ask him.

5 Can you offer any explanation as to why you didn't ask him?---He just ask me to help - - -

Yes, I know all that. Can I ask you why it was that you didn't ask him, "Why do I have to do this for you"?---Because we also friends.

10 You're friends?---Yes.

You seem to have an awful lot of friends asking you to transfer an awful lot of money to third parties, would you agree with that?---Yes.

15 And you can't really explain why that is, other than the fact that they asked you, is that right?---No.

M'mm?---No.

20 Is that essentially it? The answer is not there. Is that essentially it, Ms Chen, that's your explanation?---Sorry. Please.

Please, you tell us what's going on here? The answer's not there?---I have no idea.

25 You have no idea?---Yes.

Why these people - - -?---They transfer money and ask me to help them, then I just help.

30 And you've got no idea why they are asking you to do that? You've got to answer?---No, I don't know.

That doesn't sound very plausible, does it?---Does not.

35 No, so can you tell us the reason why then? You don't want to?---Not because I don't want to.

COMMISSIONER: Sorry, I can't hear you, what did you say?---Not because I don't want to. So if I knew the cheque to whom addressed to, maybe ring my bell.

40

MR URQUHART: I've told you who it is?---Yes, who?

It's for [REDACTED]?---Because [REDACTED], this person, I don't know.

45 Then that's not going to help you then if you see the name written on the cheque?---I only know Lu Liang.

I know, but this is the one I've drawn your attention to because we actually know, it seems, who you sent the cheque to. You keep on asking me to help jog your memory and I'm doing this for you?---Yes.

5 Let me ask you this then: you still don't know who it is, you still don't know who Mr [REDACTED] is?---No.

How did you deliver the cheque to Mr [REDACTED]?---I didn't deliver.

10 He came and picked it up?---Not sure.

How would these people get these cheques that you wrote for them?---Sometimes direct deposit, sometimes maybe people come, pass by, they just pick up.

15 And did you ever ask them, "What on earth is going on here? Why do I have to do this for you"?---Sometimes the cheque I wrote, just left in office.

Did you ever ask these people, "Why do I have to do this all the time"?---I didn't.

20 Why not?---Just to me, it's just very easy to do it.

It's very easy for you to do?---M'mm.

25 Is that because you didn't expect to be questioned about it years later? Never mind about that. I want to take you to a couple of other entries there. 17 July 15, see immediately above the one, Liang Lu for [REDACTED], there's a [REDACTED]?---Yes.

187, that's a reference to a visa, isn't it?---Yes, correct.

30 [REDACTED] is the next name, [REDACTED]?---Yes.

\$10,000?---Yes.

35 21 July 2015, go to the one below Liang Lu?---Yes.

That's exactly the same or very similar, [REDACTED], [REDACTED], 187, another \$10,000?---Yes.

40 You see that?---Yes.

And then to go over the page to 1724?---Yes.

[12.15 pm]

45 The very first entry for 14 August 2015, one-third of the way down the page, [REDACTED], [REDACTED], 187, media, \$20,000, do you see that?---Where is?

So we have got \$40,000 it seems from the same people or person. What's all that about. Is this a client of yours?---I don't have a client with this name.

What's the 187 a reference to?---187 is a visa.

5

So I'm right about that?---M'mm.

Must be a client then?---Yes.

10 So why isn't this money going into your trust account?---This must be training fee.

Training fee?---Yes.

For who?---For the local employees.

15

Yes. So local employees?---When you - - -

Your clients are the employees?---Not for - our clients is one of them and also for the local employees.

20

Sorry, who's making this deposit?---The training fee is this person. I don't know this person, not my client.

Are you saying this is money coming to you from, who?---[REDACTED], don't know this person.

25

It's to do with a 187 visa?---That's correct.

So is it to do with your work?---Not sure. Yes, if this person is not my client, then they should not pay this one.

30

No, they shouldn't pay all three of them?---Yes.

\$40,000 has come into your account?---Yes.

35

Are you saying that this shouldn't be money coming from your one of your clients?---Yes.

Because shouldn't they be being paid a training salary?---Yes, training fund.

40

Training fund, yes. They should be paid from this training fund, they shouldn't have to be paying for it, should they?---Supposed to be employer pays.

Yes, exactly. So what's going on here?---So probably client's has paid and then the employer paid and then the client's reimbursed.

45

Go through that again, the client 's paid?---The employer's paid the training funds

and then employee's reimbursed the employer.

So the employee gets a salary?---Yes.

5 And then pays back that salary to the employer?---No, no. When the employer sponsors employee, that employer has to pay the training fees and then the training fees, some of the employees would reimburse the employers or make a contribution to the training costs.

10 What's that got to do with you?---They pay to me, ask me to pass on.

But that should have gone into your trust account?---That is also what I consider as third party fees.

15 That should be going into your trust account?---Yes, some of the items, yes, didn't go into the trust account.

Why not?---Sometimes just by mistakes.

20 It can't be that. That can't be the explanation for these payments because they are supposed to go into your trust account, so we have ruled that?---Trust account normally only accept the service fees.

25 Why is this going into your personal account?---Is just for convenience, to pay out.

Who have you paid out?---Not sure, because sometimes not exact amount.

Why does this money have you to go to you at all?---Yes, it's the same question - the same answer.

30 It doesn't have to, does it?---They don't have to. That's why now cause trouble to me.

So why did it?---Is wrong practice.

35 So why did you have this wrong practice?---Now too late.

Why at the time?---So is just ignorance.

40 Ignorance?---M'mm.

Hold on, you've had the Legal Practice Board watching you for more than several years now?---M'mm.

45 Haven't you learned from previous mistakes by July of 2015?---Gradually, yes, I learned.

Gradually?---Yes.

You hadn't learned by July 2015, had you?---Always busy outside, that's why
damaging my practice.

5

You said that the payments that were made that were sometimes not the exact
amount?---Yes.

Did you keep the difference?---No, I cannot because - - -

10

I know you cannot, but did you?---No, I didn't.

What happened to those then?---Sometimes you pay several times and two
different people and - - -

15

What happens to the difference?---Different organisations and they cannot - they
don't pay me more than, you know, they should pay and then - because they have
already paid me service fee.

20

It gets all very confusing, doesn't it?---I think until - - -

It would be much easier if these payments went into your trust account, would it
not?---That's why my practice almost collapse in December 2017, up to December
18, because of all those, you know, messy situation. That's why we get rid of all
the staff, refresh again, because I totally rely on them and I make many mistakes. I
needed to focus on my business.

25

I think I might be able to help you as to where this money was going to. Are you
on 1724 now, 17.1724?---Yes.

30

You're on that page?---Yes.

Good. Have a look at that. See what happens from 18 August 2015?---Yes, I saw.

35

Look at that, someone by the name of Fen Gao, F-e-n, G-a-o, gets \$10,000 from
you?---M'mm.

And then two days later, it's either that same person or someone with almost the
same name, Gao, Feng, this time with a G, gets \$10,000?---M'mm.

40

And then there's a cheque also written on that same day for \$20,000. So that
comes to a total of \$40,000. Tell me, please, who is Fen Gao or Gao Fen?---He's
employer.

45

An employer?---Yes.

Of who?---Forgot the person's name. He's the employer.

What does he do?---Marble things.

Marble things?---M'mm.

5 He's a stonemason or something, is he?---Yes.

How do you know him?---His wife is my friend.

10 What's his wife's name?---Dan Zhou.

How do you spell that?---D-a-n, Z-h-o-u.

So why are you paying him?---Ask me - third party ask me to pay to him, then I

15 paid.

Who's the third party?---So is someone here, probably paid into.

Is it [REDACTED], [REDACTED]?---Not sure which one of them. Must be one of them.

20 Why couldn't they pay Mr Gao directly?---Probably because I knew his wife.

So?---His name, I think it's probably his wife who received.

25 But the question still remains, whether you know his wife or not, why didn't the employees pay him this money directly?---Not sure why and he did ask me, yes.

There's no logical reason for them to pay you, is there?---No.

30 So why was it done?---Just ask me for help and then I did it.

But these people who are asking you for help?---Yes.

You don't even know?---Yes.

35 So these aren't even friends of yours?---No, not.

So why are you helping these people?---Just ask me for help and - - -

40 I know they just ask you but why? Why do you keep on saying yes to these people?---Very rare I will say no to anyone.

Yes, but why? Why as you're so busy?---Just stupid.

45 Ms Chen, you're not stupid. You've got a law degree, you run your own business, you've been a City Councillor, you're on many boards, you've got many jobs, you seem to be very successful at commanding significant commission fees; you're not

stupid, so why are you doing all this?---I cannot give you reasons.

No. So it's not because you're stupid, is it?---Part of it is stupidity. I was told by my husband, "You should not help those people."

5

So what are you getting out of it? What's in it for you? This is what I come back to, what's in it for you? What are you getting out of this?---Friendship and networking.

10 You're moving, I suggest to you, hundreds of thousands of dollars on behalf of, you're saying, people you don't even know and people that you know?---No, I could identify if I knew which one connect with which one.

15 We have taken you to one example and you still can't help. You're moving hundreds of thousands of dollars between different people and you're saying you're doing that because you're stupid?---Not only that.

What else then? Why else are you doing?---Should not do it because - - -

20 I know you should not and I'm asking you why?---Helping.

Okay, you're stupidly helping people?---Yes.

Anything else?---No reason.

25

And you're not getting any financial reward for this at all?---No. Some of them, yes, some not. Some is purely for friendship, some of them is already my client.

30 And all of this money is going into your personal account instead of your trust account?---Service fee all went into trust account in accordance with the costs agreement, and then some of the third party fees, they ask me to transfer, they didn't go to my trust account.

35 Would you agree with me that you were moving hundreds and thousands of dollars over the course of at least five years for various parties?---In accordance with this, yes.

40 And you derived - you got no financial benefit from that, save and except for a small amount of money, if it was part of your migration agency?---Sometimes it is big money. I told you before, some of the cases last for two to three years, all the fees up to \$30,000.

No, this money transferring I'm talking about now?---Money transfer, no, this is extra work.

45

You did not get a single dollar from that?---No, but recently, yes, I did get some kind of small amount commission when I help people to transfer money.

So you did?---Not myself will transfer, now I refer them to the transfer agency.

Why did you do that?---They ask for help as well, the transfer agency.

5

Why did you eventually say no to doing that job as a transfer agency yourself?---That transfer agency, yes, I joined. I joined recently, joined the transfer agency and are working together

10 [12.30]

So you now work for an official transfer agency?---Yes. The people who are working with us is unlicensed.

15 Is unlicensed?---Licensed.

Licensed, but do you agree with me, you were operating your own unlicensed money transferring business?---This one is not - - -

20 Is that right?---No, not right. I cannot get any commission or any fees.

So you're running a pro bono unlicensed money transferring centre, is that right?---No, just helping friends.

25 You helped a stranger that we have just identified there, didn't you?---I knew one of them, not knew another one, the [REDACTED] one, I don't know that person.

So again my question is, you were operating an unlicensed, unofficial money transferring business free of charge?---That is not my understanding. I just helping friends.

30

But that's what you were in effect doing, wasn't it?---I don't know how to describe, but my personal - - -

35 It's easy to describe. People would send money to you and ask you to either write out a cheque or transfer it to another person?---Without any fee charged.

Yes, that's right, and you weren't licensed?---You don't need a licence if you don't charge.

40

I'm just trying to get you to agree to the description of this?---M'mm.

You're running an unlicensed money transference business, unofficially, and without any payment?---Wrong.

45

What is it that you were running?---That is not a business.

Well, it's seem to - - -?---Don't need a licence.

5 Yes, I know. I can take you to dozens and dozens of transactions over the course of these years. I haven't done that because this is going to take too long and you've already told me what it was all about. So the best way of describing this is that you were the go-between, between two parties. When one party wanted to send a sum of money anywhere between \$2,000 to several hundred thousand dollars, they would pay the money to you, give you details of where that money is to go to, and then you would give that money to those other people?---Yes.

10 That's a money transfer business, or a money transfer operation, isn't it?---I don't think is that way. I just helping friends, not commercial dealings.

15 If we go now, please, to 17.1731. Have you got that page now?---Yes.

So we are up to March of 2016?---Yes.

20 I want to take you through, and just use on the left-hand side those dates. Do you see it starts 2 March. Go all the way down until you get to 29 March, about three-quarters of the way down, 29 Mar 16, have you got that?---Yes.

It says, "Repayments" is the particulars for this deposit and it's \$532,500, so over half a million dollars?---Where is?

25 Sorry, where is?---29 March 2016, yes, I saw this one.

What's that for?---Not sure. It's a big amount of money.

30 It's a huge sum of money?---Yes.

35 It's \$532,500 and by my calculations it is the largest deposit into this bank account for the five years that the Inquiry's got your bank account statements for. So what's it for?---I think this is for one of the properties in - I'm not 100 per cent per cent sure - in Queensland and then - it's like a transfer between this one, between internal bank accounts.

That same day, you've made out a cheque for \$650,000?---Yes, must be one property settlement.

40 Property settlement in Queensland?---Queensland is not so expensive. Queensland is only \$500-something.

45 Right?---This one must be - yes, must be something. Yes, it is definitely my personal.

So you didn't ask for that money to go straight into the loan account?---Either - I guess this is settlement, a settlement.

But you didn't ask for the money to go into your loan repayment account?---No, is a settlement and probably gave to the lawyers or to our trust account. I can check, this one quite recent.

5

Were you transferring money overseas on behalf of anyone?---Yes.

Why were you doing that?---Because I said to you, I sometimes assisting the clients. Sometimes I would - clients ask me to help them to transfer money because they ask me to help and then I did. A lot of Asian clients, they don't know how to do the online international transfer.

10

Don't look at the pages, Ms Chen, until I ask you to?---Okay. Sorry for that. I will not do it.

15

No, you shouldn't have done it just then?---Sorry. I didn't see anything because I need glasses but I didn't bring with me. So I cannot see, very blur.

You brought your glasses yesterday, didn't you?---Yes, I thought I could use, but unfortunately didn't.

20

You expected me to take you to your bank account statements today, didn't you?---I didn't know.

25 You didn't know?---No.

You didn't pay attention when I mentioned to you that we had your Hero transaction account?---But I didn't know you would go through, no, and also, I expecting on the screen. The screen is easier to read.

30

We are doing this to protect your privacy, Ms Chen?---Thank you.

That's the reason why we are using hard copies?---Thank you very much.

I was trying to find this and I don't but Mr Parkinson has, so he has told me that with respect to that repayment I took you to which - you should still be on page 1731?---M'mm.

35

Of \$532,500?---Yes.

40

It's not really the right description to give for a property settlement, is it?---The property settlement, what's happening is sometimes I would use the self managed super fund, sometimes use Hero account, sometimes, yes, it is between these two so would have wrong description.

45

In any event, you know how we went through your annual returns for the City of Perth?---Yes.

For your annual return for 2015/16, there doesn't seem to be any disclosure that you disposed of any property in that financial year?---Disposed?

5 Yes. You haven't recorded anything by way of property disposal. I'm looking at -
--?---2016?

Yes. So your annual return which we went through yesterday of 30 August 2016
has - sir, this is at page 17.9070. We can put it up on the screen if you want,
10 Ms Chen. TRIM number 17919.

MR THOMAS: I would like to see the document, please.

15 MR URQUHART: Mr Thomas doesn't believe me - sir, that was just a flippant - -
-

COMMISSIONER: Whether he believes you or not, he's entitled to see it.

MR URQUHART: Yes, of course. That was a flippant remark, sir. I understand.
20 I would have made the same request as my learned friend, so that's fine. 17.0970
is the document, TRIM number 17919 and it's the annual return for 2015/16.

COMMISSIONER: Thank you.

25 MR URQUHART: There we go, Ms Chen?---Yes.

If this was to do with a sale of your property in Brisbane or in Queensland, or
anywhere, it should be declared there, should it not?---Sorry, this one is purchase,
not a disposition. Queensland property is still there. This amount of money must
30 be transferred from my other account, self managed super fund.

Okay, sorry, I thought you were saying it was from a sale?---No, is a settlement.

35 It's a settlement, but you're not selling it, you're buying it?---Yes.

COMMISSIONER: I think what Ms Chen was referring to was an internal
transfer.

40 MR URQUHART: I see?---Yes.

Got it, and I think that would be a place called [REDACTED] in Beven Hills,
Queensland?---That is settlement of that property.

45 Yes, good. So 967, the mystery's been solved. So we go to the front page now of
your annual return, Madam Associate, if we can do that, 967 and item real
property number 7, can you see that [REDACTED], it looks like Beven,
B-e-v-e-n, Hills, Queensland?---Yes, correct.

And that's the first time you've listed that property as you having a joint ownership of it. There we go. Thank you for that, good?---Thank you.

5 One moment, please, sir.

COMMISSIONER: Of course

[12.45 pm

10

MR URQUHART: If we can go now to 1747, please, Ms Chen?---1734?

1747?---Yes.

15 Can I ask you before you look at that in any detail, who is [REDACTED], [REDACTED], [REDACTED]?---He is my client.

He is your client?---M'mm.

20 And a client in what regard?---Migration client.

What work did you do for him - just look up here?---Okay. All the applications.

All the applications?---M'mm.

25

For what?---For migration.

Is there any reason why you would be paying him \$150,000? No, I'm asking the question before we go there?---Yes. I don't know.

30

This is only now 6 June 2017, it's not that long ago. You're very anxious to look at the page. I will take you out of your misery?---I just wanted to know.

Fifth entry down, 6 June 17 for [REDACTED], \$150,000?---Sorry, where is?

35

Up the top, "6 Jun", for [REDACTED], \$150,000?---\$150,000?

Yes?---Must be refund to a client. [REDACTED] is a business skilled migrant.

40 So you paid him a refund of \$150,000?---I'm not sure what is this for but it certainly is paid her back.

Her?---Her, is a lady.

45 And then one week later, it seems she's repaid the money back to you?---Must be settlement. So her money probably transferred from overseas.

For settlements?---Yes.

This is for property purchases over here?--- Yes.

5 Then what's it doing going in and out of your personal account?---Then I transferred to the trust account for the \$150,000.

No, you have paid Ms [REDACTED] \$150,000, and then she's repaid the money back, it seems, a week later, back into your personal account?---She's a client of mine.

10

I understand all that but again, I will ask the question again why should not this money be going to and from your trust account rather than your personal account?---I don't know the reasons why but this money certainly is used for her purpose. Is a property or is a business.

15

But it shouldn't be in your personal account?---Should not.

This is now 2017?---Yes.

20 You're saying you are being regulated by the Legal Practice Board for a number of years?---Yes.

How come you're still making these mistakes?---This is probably, you know, occasional mistake because the money is certainly for her use.

25

Sorry?---For her use, for her purpose.

And she's repaid it back to you?---Even she paid back and certainly this amount is used for her, not for myself.

30

But you paid \$150,000, one week later she pays it back to you?---That is very strange because - - -

That's why I'm asking you questions about it?---Yes. I cannot explain but she can be contacted for this.

35

I'm contacting you, I'm asking you about it?---I understand.

You're the lawyer, you're the one with the trust accounts?---M'mm.

40

You're the one who should be making sure this money goes to the correct accounts?---I cannot give you explanation but [REDACTED] I knew very well and she is a businesswoman. She definitely this money, ask me to help her to pay something. If not a settlement, it must be some other purposes and because it's not a small amount, she must remember. She wouldn't have gave me \$150,000. Very smart business - - -

45

I can understand why you might be making a repayment to her of \$150,000, albeit it should be coming from your trust account, but you've paid her back and then she pays it, it seems, straight back to you. Would you accept that? It could be some other repayment?---I really don't know - remember. I told you, is not lying, my
5 memory's getting worse and worse. However, this amount, I assure you, is not for my personal purpose, is for her. Even you can testify her.

Did you get money from people who had to introduce themselves to you during the transfer?---No.

10 No?---No.

The reason I ask that is 19 June 2017 on that page?---19 June.

15 2017?---Yes.

Do you see that?---Yes.

20 It's got a double line?---Yes.

It's got a whole lot of numbers which is obviously a bank account?---Okay.

And it's got [REDACTED], [REDACTED], [REDACTED]?---Yes.

25 We have heard that name before, haven't we?---Yes.

She's - who is she again?---Different person.

30 Different person?---Yes.

Different person, same name?---Different name.

Okay. See the message there, "Hi, I'm Tony. Please check the", then M O N E. Then this person, Tony, has deposited \$7,989?---For the application fee.

35 So an application fee?---Yes.

For who?---For [REDACTED].

40 An application for a visa?---[REDACTED], yes, for department.

For the department?---Yes.

45 Why isn't this going into your trust account?---The same, I don't have company's credit card, I use personal credit card. That's why I go to the personal one and then directly debit to my credit card.

So this person has paid their fees on credit card?---No, no, paid to my personal account.

5 Yes?---Then I use my credit card to pay for the client's application fee and this bank account is directly linked to my personal credit card.

10 But this money should have gone into your trust account?---I explained it to you earlier, third party fees, we normally direct them to pay to this bank account and especially when they ask me to use my personal credit card. I tried to apply for business credit card, looks like very hard.

Still got a few more questions to ask you. I just want to know who is Mira, M-i-r-a, Jiang, J-i-a-n-g - the answer is not there on that piece of paper?---Jiang?

15 Mira Jiang?---She is friend - daughter of one of my Chinese friends.

Daughter of one of your Chinese friends?---Chinese friends, yes.

20 And is that the extent of your relationship with her?---She did work for me for a very short period of time, in 2017 or 2018.

She was working for you?---For a very short period, probably two months.

25 And who was paying her wages? The answer's not there?---Okay.

It would be your company, wouldn't it?---Yes, correct.

30 What was she doing working for you?---Preliminary applications, processing. Processing officer.

Why was she working for you?---At that time I didn't have enough staff so I invited her.

35 And you are a friend of her mother's?---Yes.

Where does her mother live?---In China.

She lives in China?---Yes.

40 How come her daughter was over here?---She studied here.

Studied here?---Graduated here.

45 And in order to get her visa, did she need to work over here?---She has to, yes.

Is that why you offered her a job?---She already got a PR and then she - I short of staff temporarily, that's why I hired her.

And who was paying her salary, I will ask that question to you again?---We pay.

5 You paid and who paid you? Did anyone pay you to pay her salary?---No-one pays me to pay her salary. We have tax return for her.

Someone wasn't making cash deposits at various banks - don't look at that just yet - no-one was paying cash deposits at various banks around the Perth metropolitan area which you then used to pay her salary?---No.

10 You're absolutely certain about that?---Yes. You can ask her.

I'm asking you?---Yes, she didn't - - -

15 I'm asking you?---I pay her.

You paid her out of your own funds from your work, did you?---Yes, I paid her, yes.

20 Am I right in saying that her monthly salary was \$5,602?---Must be.

Must be?---M'mm.

25 From what account were you paying her?---I pay her when she was hired by me - - -

From what account of yours were you paying her?---Business account.

30 Business account?---Yes.

Not your Hero transaction account?---No.

35 Are you sure about that?---There are some of them but then that is not - that time she was not working for me.

She was working for you in 2017, wasn't she?---Yes.

You've just told us that?---Yes.

40 You were paying her a monthly salary in 2017, weren't you?---I paid, every fortnight I pay her.

45 Would I be right that her four weekly salary was \$5,602?---I cannot remember exactly.

Or \$2,801 a fortnight?---I don't pay her monthly, only fortnightly.

Ms Chen, I'm going to say to you that someone is paying you that exact amount on a monthly basis, of cash, and then into your Hero transaction account and then that amount is being used to pay salary of one description, "Mira Jiang"?---Is wrong salary amount because her salary should be \$48 or \$46,000, so - - -

5

What, a fortnight?---No, no, a whole year.

A year?---Yes, but the salary amount should be wrong.

10 I'm just going by the entries that appear in your bank account. So we had better have a look at these, hadn't we?---Yes.

And you can explain. Sir, I would prefer if we did this before the lunch break.

15 COMMISSIONER: Yes, of course.

MR URQUHART: So we go to 1748?---1748, yes

[1.00 pm]

20

This is going to take a few minutes but let's see how we go. Sixth entry from the bottom on page 1748, 31 July 17, cash deposit at South Perth Customer Service Centre, 2.43 pm, \$5,602 cash?---Mm, I saw it.

25 What's that?---So, got no idea.

No idea?---M'mm.

It's happened no less than eight times, okay?---Yes.

30

We will keep doing it then. Go to the next page, 1749?---Yes.

1 September 2017, so about two-thirds of the way down?---Yes.

35 Cash deposit at Curtin Customer Service Centre, CSC, 3.24 pm, \$5,602, do you see that? It's a very precise amount, isn't it?---Yes, correct.

So that's one month later?---M'mm.

40 So that's 31 July, 1 September. Go over the page now, 1750, four entries from the bottom, 29 September 2017, cash deposit at Victoria Park CSC, 1.50 pm, \$5,602. Go now to 1751, the next page?---Yes.

45 30 October, so one month later, second from the bottom, do you see that, cash deposit at Victoria Park, CSC, 2.11 pm, \$5,602?---Correct.

Can you see a pattern emerging here now?---Yes.

Over the page now to 1752. Once again, three entries from the bottom, 1 December 2017, cash deposit at Curtin CSC, 10.28 am, \$5,602?---M'mm.

5 Go now to page 1755 - this person's going to different banking institutions, isn't he or she?---Yes.

1755, 8 January 2018, cash deposit at Perth CSC at 11.13 am, no surprise in guessing what the amount is, \$5,602?---M'mm.

10

If we go down a little bit further to 29 January 2018?---M'mm.

On that same page, 1755, cash deposit at Belmont CSC, \$5,602. Over the page now to 1756?---Yes.

15

Again, four weeks later, about halfway down, 27 February 2018?---Yes.

Cash deposit at Victoria Park CSC, \$5,602?---Yes.

20

That is when we no longer get your bank account details?---Yes.

So there we go, eight deposits of \$5,602 over the course of eight months, every four weeks or one month, thereabouts?---M'mm.

25

What were they?---This lady, she - now I remember - she employed by us, should be - - -

Who's making those payments? Who's making those cash payments to you?---Mira Jiang.

30

Who's making those cash payments?---Mira Jiang.

Sorry, your employee - - -?---Mira Jiang.

35

The same employee of yours?---She was not my employee up to March 2018 or around that time.

She was?---She was not. I tell you, and she gave indemnity to my husband. My husband paid her, use his personal account. Why?

40

Sorry, you husband went indemnity for her?---No, no. She gave my husband indemnity.

45

Indemnity for what?---She told my husband, "I want six months, or five months payslips" and then my husband said, "We cannot do it because you are not our employee, only friend." Then she said, "I will take full responsibility for that." Then she started to pay into this bank account and then exact amount paid back by

my husband. This one I knew.

5 Why didn't you explain all that before?---When you talking - now I ring my bell because I thought why she - the amounts that were paid to her through our business account as a formal, official employee, is not this amount. Our amount from business account to pay her salary is a different salary. The whole year - the annual one.

10 I'm sorry, let's stop here?---Yes.

Your explanation, as I understand it is this: she needed to get so many months work up for the purposes of her visa application?---Not for visa application.

15 What for?---I think she submit to the banks, a bank or banks.

Doesn't she have to work for a certain amount of time in order to obtain a particular visa?---No, no, no. That one is nothing to do with visa, she already permanent. Few years back.

20 So why did you and your husband agree to this?---I didn't agree.

The money's coming into your account?---Yes.

25 So you must have agreed?---I disagreed. I said, "Look, we cannot do this" and then my husband said to her, "You need to give us full indemnity." Then she draw indemnity and that one we kept, we could present to the Inquiry. Then my husband - - -

30 Why did your husband agree to do what sounds like, at the very least, inappropriate conduct?---Is Asian culture to help a friend but that one was wrong.

To engage in inappropriate conduct?---That is wrong, yes, I agree.

35 And no doubt you told your husband that?---Yes.

And said to him, "I won't have any of this money deposited into my account"?---Yes.

40 But it happened for eight months?---Yes, I did say to him and, "Her mother is your friend, you should help."

So you're blaming your husband for this, are you?---Partially, both of us will take responsibility.

45 Of course. The money's coming into your account?---That's correct.

And you're paying - - -?---I didn't pay, all this.

You have entered details into your bank account to indicate that you're paying a salary to her, aren't you?---I pay salaries from my business account. This one is paid by, you know, my husband.

5

You are pretending to make payments of her salary from this account, aren't you?---I didn't.

So who has then?---M'mm?

10

Who has?---My husband did it.

Your husband was accessing your account?---Yes. We joint signatory.

15

Are you sure about that?---Yes.

Not for this account?---Not from beginning.

20

No, not at all?---At some stage, yes and sometimes when he does use this bank account, the PIN number would come to me and then he would ask, "What is the PIN number." Then because each transaction, when he does, the PIN would come to my mobile phone, then he would request me for that PIN number.

25

So when did Mira work for you?---Should be in 2018, after she - - -

You told us 2017 before?---It's like my memory is not so accurate.

Did she work for you in 2017 and 2018?---She must be 2018 because - - -

30

I made sure, I asked you what year she started working, when she was working at your law firm and you definitely said 2017?---Yes, my mistake. She is from 2018.

Because you saw, didn't you, as we were going through these payments, you saw that a salary was being paid to her?---I have contract with her.

35

So she was working for you in 2018?---That's correct. Now I refreshed my memory.

When?---When?

40

Yes?---When or where?

When. I know where, it's at your law firm?---Yes.

45

When?---When, approximately is April or May 2018.

April or May 2018?---Yes.

Just after we no longer have these bank account details for you. Do you remember I told you it finished in March 2018?---Because I lost two - three staff - - -

5 But is that right, is it, it's April/May?---Maybe it's May.

May even?---Yes, maybe even May because I lost the two staff in April, end of April.

10 So this salary that she was being paid from your - don't open it?---Okay, okay.

From your Hero transaction account was a sham?---Yes, correct.

Of which you knew?---I knew.

15

And you did nothing to stop it?---I didn't.

These salaries, payments were made on just four occasions?---M'mm.

20 And yet eight lots of \$5,602 were deposited, but only a salary of that amount was paid on four occasions. So who pocketed the difference?---No-one pocketed, because exact amount through other bank account, transferred to her.

Another bank account?---Yes, business account.

25

It would have had to have come out of the Hero transaction account?---Should be business account.

30 No. Eight lots of amounts of \$5,600-odd was placed into the Hero transaction account?---M'mm. I didn't keep any.

You're saying that Mira, who was a student - - -?---He's not a student - she's not. She already permanent resident and work for others before came to us.

35 Was depositing cash of \$5,602 into your account every month?---M'mm.

And then she would be paid sometimes that amount?---M'mm.

40 And it would be described as a salary for her on your Hero transaction account?---M'mm.

Why?---Why?

45 Why was it described as a salary?---She asked and it was not a salary, just basically from - she gave to us and we give to her and is not a salary, because she was not working.

This is entirely inappropriate behaviour for a City of Perth Councillor, isn't it?---Yes.

And entirely inappropriate behaviour for a lawyer, isn't it?---Yes.

5

In fact, it's entirely inappropriate behaviour no matter who someone is?---Yes.

It's fraudulent, isn't it?---Yes.

10 Again, you and your husband just doing it to help somebody out, is that it?---We had a serious discussion with her.

Is that it?---Yes, correct.

15 Just helping people out?---Yes, it is wrong.

So it sounds like your husband's just as generous as you are in helping people out?---Very difficult for us. We didn't want to.

20 That might be an appropriate time, sir.

COMMISSIONER: Thank you. I will adjourn until 2.15

WITNESS WITHDREW

25

(Luncheon Adjournment)

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HEARING RECOMMENCED AT 2.15 PM.

MS Lily CHEN, recalled on former affirmation:

5

COMMISSIONER: Yes, Mr Urquhart.

MR URQUHART: Thank you very much, sir.

10 Ms Chen, I asked you yesterday morning about your sources of income?---Yes.

We have spent a considerable amount of time in relation to that. Have you advised this Inquiry of all your sources of income over a sum of \$500 for any one financial year during your time as a Councillor with the City of Perth?---I didn't.

15

Yes, but have you now to the Inquiry told the Inquiry all the sources of income that you received as a Councillor?---Let me think about it.

I can go through the ones that you have told us about?---Yes.

20

Would you like me to do that?---Yes, please.

Obviously there's your work as a lawyer, your work as a migration agent, the commissions you received from Devwest?---Yes.

25

You told us about those. The arrangement you had with Stanley College, you've told us about those?---Yes.

You've told us about the commission payments you had with Bupa?---Yes.

30

ECU and UWA?---Yes.

Although you did not receive - is that right, you didn't actually receive any commissions from them?---Not from universities, yes.

35

You also mentioned Alan Green, as I understand, you didn't receive any commission payments from him?---No.

And you certainly didn't receive any payments from Anthony Tran?---No.

40

I think that's all of them that you have identified. Are there any others?---Not to my recollection.

When you say not to your recollection, there may well be others?---Not sure.

45

Not sure?---M'mm, because that was not from beginning, ring my bell, until afterwards.

"Ring my bell", did you say, did I have to jog your memory? I'm sorry, I just missed that first sentence you said there?---Yes. Not at the private hearing, I didn't remember, until now.

5

So now I'm giving you the opportunity of advising the Commissioner if there were any other sources of income that you had whilst you were a Councillor?

10 COMMISSIONER: Please take your time to think about that, Ms Chen?---Yes, okay. Cannot remember.

MR URQUHART: Can't remember?---Yes.

15 Were you paid any fees by any other property developers apart from Devwest?---Not to my recollection.

Have you heard of a developer called Sincerity Group?---Sincerity, yes.

20 Have you heard about that group?---Yes, I have.

You have heard about them?---Yes.

Did you do any work for them?---Yes.

25 You did?---Yes. Is legal work.

Legal work?---Yes.

30 Are these property developers?---That is, still is my current client.

So you provided them with legal advice. Of course, I don't want to hear about that?---Yes.

35 But did you have any arrangement with them whereby they would give you an introductory fee or a commission for any investors you introduced to them?---I'm not sure whether I entered into or not but I haven't. This company purely my legal client.

40 But you're not sure if you entered into - - -?---Yes, not sure.

- - - an agreement, a similar sort of agreement that you had with Devwest?---Is correct.

45 So you're not sure?---Not sure.

So you might have?---Might, yes, because I never receive commission from them.

That's one property developer?---M'mm.

I've mentioned to you?---Yes.

5 Are you sure there are not any others that you might have had such an arrangement with?---Also not sure but if they paid me, then once you mention the name, I immediately could remember.

Does this all come back to the memory loss that you're suffering from?---Yes.

10

Have you heard of an individual by the name of Sky Zhang Z-h-a-n-g?---Many people called Sky, I haven't heard of Sky Zhang.

A Chinese man who's got residency over here?---Yes.

15

He does developments here in Perth?---Sky Zhang? I knew one guy called Sky and also his Chinese name is Haobi, H-a-o-b-i.

Right. Is he a person who does property developments?---Yes, correct.

20

He does?---Yes.

Over here in Perth?---Yes.

25 Also interstate?---Not sure about interstate.

So have you got any sort of agreement with him, with respect to commission payments?---Yes.

30 You have?---Only this year.

Only this year?---Yes.

35 I'm more interested in as to when you were a Councillor?---Only this year I did have one with him.

And not prior to that, not prior to March of 2018?---No.

40 You're absolutely certain about that?---Not sure whether we talk about the same person, because I talking about a Sky who - - -

I'm talking about any developer now, whether their name is Sky Zhang or the Sky that you've remembered?---I cannot remember another Sky.

45 Okay, let's stay with the Sky that you remember?---Okay.

So you said you entered into some sort of agreement with him this year?---Yes,

correct.

In writing, is it?---Yes.

5 But what about any agreement you had with him, whether in writing or not, whilst you were a Councillor, about introducing investors to his property developments?---No.

No?---Yes.

10

You're certain about that, are you?---Not this Haobi, not this Sky.

With any Sky?---Many Skys, I don't know which one. They all like to call themselves Sky.

15

Any Sky who's a property developer, have you got a commission based arrangement with any of those people when you were a Councillor?---Couldn't remember called Sky. I only knew two Skys. One Sky is this one, I did this year. Another Sky, I don't think he's a developer. He's a media person. Do you have a company, of his company? That may refresh my memory.

20

You see, I'm not you so I don't know. I don't know?---I have really no recollection.

25 You see, the more I ask you questions and the more I throw up names, it seems that you may well have some sort of arrangements with these property developers similar to Devwest, before the Council as suspended; is that a possibility?---Possibility, but just probably didn't pay me or I didn't introduce anyone, so that's why no income.

30 So which property developers do you think were these people?---The only one I clearly remember is Devwest but when you mentioned yesterday - - -

Not interested in Devwest, we have moved on from them. Anyone else?---There is called Stirling Capital.

35

Stirling Capital?---Yes. They approach me a few times. I'm not sure whether I sign anything with them but orally, they did request of me and I was really not so comfortable but I didn't refuse them and then because they desperate want to refer for some investors, but I didn't have.

40

So this was Stirling Capital?---Yes.

Where are they based?---They in Perth, in Stirling, Stirling Street.

45 And they approached you during your time as a Councillor?---No, no, no. Already suspended, in 2018.

I'm more interested, in fact I'm only interested in any approaches you had from property developers when you were a Councillor, so that is between 2011, so October 2011 through to March of 2018?---Cannot remember. Must have.

5 There must have been, must have there?---Yes, but I cannot remember.

When I say approach, approached you about entering into an agreement of the type you had with Devwest?---Yes, possibly.

10 There must have?---Yes.

There must have been a possibility or they must have?---Must have.

15 And you can't assist the Inquiry with the names of any of those companies?---I think is - just let me - in Subiaco is another one. I don't know whether now he's still in Subiaco or not, the gentleman who did a - signed a - that one is post 2018. Not sure, 2017. 2017 or 2018, there's another gentleman, yes, approached me, asked me for investor, or refer job, simply construction work to him and he, with me together entered into one agreement.

20 You did enter in one agreement?---Yes.

And this could be in 2017?---Maybe is 2017, maybe 2018.

25 What agreement was this?---Is a similar, like if you refer clients to me, then I give you a fee. I think is - yes.

What was the name of that individual?---I think that he used the company, construction company.

30 What was the name?---Quite a special name, I couldn't remember the name. It is something special. His personal name, let me think about his own name. His personal name is - I don't want to get it wrong. He went from Western Australia to go to eastern states to work and come back. Stephen - not Stephen - I don't know, S-t-e-p-h-e-n, anything.

35 And the name of his company?---The company I really cannot remember. He's a new company.

40 So you had one agreement with him?---Yes.

Did you receive any money?---No.

Arising from that agreement?---No.

45 Are you owed money for that agreement?---I don't owe money to that agreement.

[2.30 pm]

Do they owe you money?---No.

5 So did this agreement go ahead or not?---Didn't.

It didn't?---No.

10 He wanted you to find an investor or someone to work for him, or both?---No, he ask me to refer, you know, people who wanted to build the properties. He's a construction person.

So he was looking for investors?---Also looking for investors.

15 From China?---Anywhere.

But particularly China?---Yes.

Was this agreement in writing?---Must have.

20

Must have, so you would have a copy of it, would you?---I could ask him to give to me.

25 But you would have your own copy, would you not?---I should have. Should have. Don't know where I put because it didn't go ahead.

Nevertheless, you know what I'm going to ask you now, don't you?---Which one?

The Inquiry would like a copy of that agreement?---Okay.

30

Would you be able to find that for the Inquiry, please?---I will try my best.

In fact, you might get a notice to produce that document?---Yes, okay.

35 Will you comply with the terms of that notice to produce?---Will do.

You will?---M'mm.

Will you give an undertaking to do that?---Yes.

40

Because you didn't do that with the previous notice to produce, did you?---That looks like more harder than the emails, correspondence. This one is a document, easier.

45 I'm talking about the notice to produce with respect to sources of income?---M'mm, yes. Will.

Any other agreements that you had with companies during your time as a Councillor?---No, I don't have.

5 Finally, Ms Chen, am I right in saying that the Chinese community hold elected officials in very high regard?---M'mm.

Is that right?---Must be.

10 It is, isn't it?---I cannot represent all of them.

No, but the Chinese community - I'm just asking you a general question?---Okay.

In Chinese culture, elected officials are held in very high regard?---Yes.

15 They are, aren't they?---M'mm.

And that would include people who are Councillors?---Yes.

20 Just one moment, please, Ms Chen. Just on that subject matter, Ms Chen, have I jogged your memory sufficiently for you to remember that when you took the Devwest directors to the Council dining room for lunch, that there were also some Chinese investors at that table?---I cannot remember exactly who are they.

25 But if they were Chinese investors, am I right in saying the reason why you would take them to the Council dining room would be to impress them?---Just - I thought I answered your question, counsel.

30 I'm just getting it confirmed again. Is that right, you took them to the Council dining room to impress them?---One of the reasons.

And you would impress them more in the Council dining room than if you took them to a restaurant somewhere in the City, wouldn't that be right?---That's everyone's interpretation.

35 Did you believe you would be able to impress them more by taking them to the 9th floor of Council House, rather than a restaurant somewhere else in Perth?---Maybe.

40 Maybe or that should be a yes?---I think is maybe because not everyone thinks - because some Chinese, they want good food, suitable for them, for their taste.

I'm asking you what you were thinking?---My thinking?

45 Yes. That that would give a better impression of yourself if you took them there rather than another restaurant or somewhere else for lunch in the City of Perth?---Not really. At the time I just wanted to present them the hospitality of the City of Perth, to welcome them.

Thank you, Commissioner. That's all the questions I have for this witness.

5 COMMISSIONER: Thank you, Mr Urquhart. Mr Thomas, do you have an application to make?

MR THOMAS: No, there's no matters for re-examination, sir.

10 COMMISSIONER: Thank you. There is one matter I want to raise with you.

MR THOMAS: Yes.

15 COMMISSIONER: But I will excuse Ms Chen from the witness box for the moment. Before I do that, Ms Chen?---Yes.

Just take a seat, there's no need to stand up for me. I'm not going to excuse you from further attendance at this moment?---Yes.

20 Because there may be a need to recall you at some time in the near future. I hope that won't be necessary and the Inquiry will do all it can to avoid that?---Thank you.

But I'm just putting you on notice?---Yes.

25 Feel free to take a seat in the back of the hearing room?---Okay. Thank you.

Thank you.

WITNESS WITHDREW

30 COMMISSIONER: Mr Thomas, I've got a housekeeping matter to deal with.

MR THOMAS: Yes.

35 COMMISSIONER: I have an application from you with an affidavit in support, both dated 5 August in respect of claims to privilege. Are you aware of the application I'm speaking about in.

40 MR THOMAS: Yes, I am aware of that.

COMMISSIONER: Have you got a copy in front of you?

MR THOMAS: I don't think we do, sir, no. Sorry.

45 COMMISSIONER: Mr Parkinson will give you a copy.

MR THOMAS: Thank you.

COMMISSIONER: I've read both and my only question really is in relation to something that appears on the first and second pages of the affidavit.

5 MR THOMAS: Yes.

COMMISSIONER: I won't go into unnecessary detail for obvious reasons but you can see that the claim to privilege is spelled out, if I can put it that way, on all three pages of the affidavit, but if you look at paragraph 5, it refers to a number of
10 documents.

MR THOMAS: Yes.

COMMISSIONER: Some, but not all of those documents are described as emails
15 to "undisclosed recipients". So the ones I'm identifying for you are in subparagraph 5(b), (d), (e), (f), (g), (h), (i), (j), (k) and (l).

MR THOMAS: Yes.

20 COMMISSIONER: So that's the vast majority of those items of correspondence.

MR THOMAS: Yes.

COMMISSIONER: Can you tell me who the undisclosed recipients are, please?
25

MR THOMAS: I can't, but I can tell you how that description has come to be in the affidavit.

COMMISSIONER: That might help.
30

MR THOMAS: The documents that are produced by Deloitte appear to have a front sheet.

COMMISSIONER: Yes.
35

MR THOMAS: And on the front sheet it says, "Undisclosed recipients".

COMMISSIONER: I see.

40 MR THOMAS: I don't know whether those documents could be better described, and I'm happy to do that if that would assist.

COMMISSIONER: That would assist. It may be that you will have to go to another source.
45

MR THOMAS: Yes.

COMMISSIONER: And have a look at those documents on that source, but if you can describe those documents better, it would certainly assist me.

5 MR THOMAS: Yes. Can that be done in correspondence, sir?

COMMISSIONER: Of course.

MR THOMAS: Yes.

10 COMMISSIONER: Thank you, with a supporting affidavit.

MR THOMAS: With a supporting affidavit?

15 COMMISSIONER: Yes, of course. Thank you. Is there any other housekeeping matter, Mr Urquhart?

MR URQUHART: There's not, thank you, sir. There's no further witnesses for today.

20 COMMISSIONER: Thank you.

MR URQUHART: If we can adjourn until 10 o'clock tomorrow.

25 COMMISSIONER: Yes. Is there any other housekeeping matter, Mr Thomas?

MR THOMAS: No, sir. You did mention that Ms Chen may be recalled. There is actually a further public hearing I think scheduled on 27 August.

30 COMMISSIONER: I'm not talking about that one.

MR THOMAS: No.

35 COMMISSIONER: But thank you. In that case, I will adjourn until 10 am tomorrow morning.

**AT 2.40 PM THE MATTER WAS ADJOURNED
UNTIL THURSDAY, 15 AUGUST 2019**

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45