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INQUIRY INTO THE CITY OF PERTH

PUBLIC HEARING - DAY 115

TUESDAY, 24 SEPTEMBER 2019

INQUIRY PANEL:

COMMISSIONER ANTHONY (TONY) POWER

COUNSEL ASSISTING:

MR PHILIP URQUHART

COUNSEL APPEARING:

MR GERALD YIN (MR Yit Kee YONG)

MR JOEL YELDON(MS Janet DAVIDSON)

MR MARTIN TUOHY(MR Martin Mileham)

MR ALAN SKINNER and MR PETER MARIOTTO (MR Dimitrios LIMNIOS)

MR MATTHEW CORNISH (DR Jemma GREEN)

MR NICHOLAS van HATTEM and MR JORDIE FIENBERG (MR Reece HARLEY)

MR KEITH THOMAS and MS CHRISTINE OREO (MS Lily CHEN)

.24/09/2019

HEARING COMMENCED AT 10.04 AM:

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

10 Mr Urquhart.

MR URQUHART: Thank you, Commissioner. Clause 3(iv) of the Inquiry's Terms of Reference states that:

15 *The Inquiry is to give due consideration to, and inquire into and report on sponsorship arrangements between organisations and the City and the acceptance of gifts in the form of tickets to events by Elected Members from those organisations.*

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For the remainder of this week, the Inquiry will be examining this matter. The arrangement of providing free tickets to public servants by organisations which had received sponsorships from government agencies was the subject of two reports conducted by the Public Sector Commission in 2015 and 2016. The first
25 was the Report into the Acquisition and Use of Hospitality Resources by Healthway. This investigation found there was a number of factors which contributed to governance and oversight deficiencies in the systems and practices at Healthway regarding sponsorships.

30 In that environment, it was found that Healthway officers derived significant private benefits in the form of tickets or seats for themselves and their families in corporate boxes for events that Healthway had sponsored. In 2015, as a result of the finding of this report, the State Government requested a further report from the Public Sector Commission that addressed the acquisition and provision by all
35 public sector agencies of ticket and corporate box access for sporting and cultural events that they had sponsored or financially supported.

This report, which was titled Ticket Use for Sponsored or Financially Supported Events found that the arrangements and practices that existed in Healthway were
40 not confined to that particular public sector agency. This report was submitted to parliament on 17 February 2016.

As a result of these two reports, government bodies had their attention clearly drawn to what was inappropriate regarding the use of tickets and/or corporate box
45 access to events which they had sponsored or financially supported. The City of Perth fell within this group. It was responsible for funding, through sponsorship arrangements, various events within its precincts totalling around \$4 million every

year. Prior to the two reports I have mentioned, there was written into many of these sponsorship contracts the supply of free tickets to the City, which were frequently accessed by Elected Members.

5 The long-standing sponsorship by the City of Perth of the Perth Fashion Festival was but one instance of such an arrangement. By way of example, included in the contract for the 2014 sponsorship arrangements, which had the City granting \$313,000 to the Perth Fashion Festival, was a clause requiring the organisers of the festival to provide to the City of Perth a total of 24 VIP tickets and 72 other tickets,
10 free of charge, for a variety of events throughout the six day festival. The value of these tickets came to \$14,680 and many of them were utilised by Councillors.

The recipients of the largest sponsorship deals with the City of Perth from 2007 to 2017 by a considerable margin was a Perth International Arts Festival, an annual
15 event which began in 1953, which made it one of the oldest international art festivals in the country, and the Perth Fashion Festival.

From 2007 to 2017 the Perth Fashion Festival received between \$213,000 and \$313,000 in sponsorship from the City of Perth every year. The total amount of
20 sponsorship provided by the City of Perth to the Perth Fashion Festival for that period was just over \$3.1 million. The use by City of Perth Councillors of free tickets to events that the City sponsors is relevant to their disclosure obligations under the Local Government Act with respect to the receipt of gifts.

25 It also has a bearing on their obligations to disclose the relevant interest they have in any matter that is before Council that requires a decision. In this context, section 5.65 of the Local Government Act requires a Councillor who has an interest in any matter to be discussed at a Council or committee meeting that will be attended by that Councillor to disclose the nature of that interest. The
30 disclosure must be made in a written notice given to the CEO before the meeting, or at the meeting immediately before the matter is discussed.

Under section 5.67 a Councillor who makes such a disclosure must not preside at that part of the meeting relating to the matter, or participate in or even be present
35 during any discussion or decision-making procedure relating to the matter. The disclosure is also to be recorded in the minutes of the meeting. Limited exceptions to this requirement are contained in sections 5.68 and 5.69 of the Act. A failure to comply with these requirements is an offence punishable by a maximum penalty of two years imprisonment.

40 Under section 5.60 of the Local Government Act a Councillor has an interest in a matter if he or she, or a person with whom the Councillor is closely associated, has either a direct or indirect financial interest in the matter. For these purposes, section 5.60A of the Act provides that:

45

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the Local Government, or an

employee or committee of the Local Government, or member of the Council of the Local Government in a particular way, result in a financial gain, loss, benefit or detriment for the person.

5 Section 5.61 of the Act states that:

An indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a Local Government decision in a matter.

10

One category of a person who is closely associated with a Councillor is a person who, since the member was last elected, has given the Councillor a gift which section 5.82 of the Act requires the Councillor to disclose.

15 The purpose of the above provisions is evident from their text and is directed to the objectives specified in section 1.3(2) of the Local Government to ensure:

Better decision-making by Local Governments and greater accountability of Local Governments to their communities.

20

As to the important legislative intention of these provisions, I will refer to the judgment of the Court of Appeal in its 2017 decision of *Scaffidi v. Chief Executive Officer, Department of Local Government and Communities* [2017] WASCA 222. I will now quote from those portions in paragraphs 47 and 48 that are directly relevant to the Inquiry's consideration of that matter:

25

[10.15 am]

In broad summary, the objective legislative intention is to prevent Council members from making decisions in matters in which they, or closely associated persons, have an interest which might, or might reasonably be apprehended to divert the member from deciding the matter on its merits. The regime is also designed to deter third parties who may be affected by decisions of Council from seeking to influence the decisions by the provision of gifts to Council members by ensuring disclosure of interests and relationships and preventing participation by an affected member.

30

35

By requiring disclosure in terms which are available for public inspection, the legislation provided a means for the identification of failures by members to disclose interests at meetings and recuse themselves from consideration of a matter in which they were interested. The disclosure mandated by section 5.82 also serves to designate persons "closely associated" with a Council member and to prevent the member's participation in decisions which may affect the financial interests of those associated persons.

40

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The judgment continues:

5 *The focus of the legislation is on interests and relationships which
might influence a Council member to decide a matter otherwise than on
its merits, or which a fair-minded observer might reasonably
10 apprehend to do so. The purpose of the regime is not to prevent
Council members from establishing interests which could improperly
influence their decisions. Rather, the Act requires that, where such an
interest exists, the Council member must disclose the interest and not
15 participate in a decision which could affect that interest. In that
respect, the Act's specific express provisions may be seen as an
expression of, or closely related to, that aspect of the rules of
procedural fairness otherwise implied in the Act, which is concerned
with bias and reasonable apprehension of bias arising from personal
interest.*

15 Conflicts of interest represent a significant threat to the impartiality of any
decision-making process and such conflict strikes at the heart of good governance.
Ratepayers expect that Councillors will always perform their duties in a fair and
impartial way, placing the public interest first. Whilst conflicts of interest are not
20 wrong in themselves, as identified by the Court of Appeal in the passage from
Scaffidi which I have just cited, public officials are also private individuals and
there will be occasions when their private interests come into conflict with their
duty to put public interest first at all times. Such conflicts must not only be
25 identified and disclosed, but also effectively managed.

25 As to the consequences of the two Public Sector Commission reports I have earlier
referred to, the Inquiry has evidence which establishes that as of late March 2016,
the then Lord Mayor, Ms Scaffidi, and her team of then six aligned Councillors,
were well aware of the ramifications of the findings in those reports and were also
30 well aware in what circumstances a Councillor would be forbidden to consider
sponsorship applications by entities that had previously offered, or were likely to
offer the Councillor with free tickets to their events.

35 For the balance of this week, the Inquiry will examine whether Councillors
identified and disclosed their financial interests to the City's CEO, or to the
Council with respect to matters in which they were required by law to do so, and
whether they then left the meeting whilst the matter in which they held an interest
was considered by the Council.

40 The Inquiry will also examine the content of Gift Declaration Forms that some
Councillors have completed, in order to determine whether the information
contained in those declarations was complete and accurate. These forms required
a signature from the Councillor completing the form. They also required the
Councillor to declare that the information contained in the form was accurate.

45 A further question that arises from all of this is whether the Council's decisions on
certain sponsorship applications from 2016 onwards involved the participation of

Councillors who ought to have excluded themselves from the decision-making process due to their interests in the matter being considered and if in fact that unlawful participation did occur, and if in fact Gift Declarations were not accurately made, whether there was a sufficient degree of of governance being exercised at the time by those who bore that responsibility.

Finally, and in conclusion I return now to something I have stressed before and that is the fact that not only Counsel Assisting is asking questions but it also now appears on occasions when questions are asked by other counsel who have had leave, there are witnesses who continue to provide non-responsive answers to questions. I can assure those witnesses who are to be called for the remainder of this week that they will be asked questions that, if they had a choice, they would rather not answer. Those questions are a given, as they have been for every week of these public hearings, but if questions are relevant to this Inquiry's investigation of matters falling within its Terms of Reference and are otherwise unobjectionable, then the witness has no choice but to answer them.

As I have done before, I will not hesitate to cut a witness off if their answer is either non-responsive or evasive to the question that has been asked of them. If I am then required by the witness to repeat the question again, then that just simply proves the answer the witness was giving was not one that was addressing the question.

Sir, that concludes my opening remarks. It might just now be appropriate to have a short adjournment whilst arrangements are made. Thank you, sir.

COMMISSIONER: Thank you, Mr Urquhart. Those submissions are most helpful. I will now adjourn the Inquiry for a short time to allow arrangements to be made for the first witness to be called.

30

(Short adjournment).

HEARING RECOMMENCED AT 10.31 AM

COMMISSIONER: Yes, Mr Urquhart.

MR URQUHART: Sir, the first witness for this block will be Mr Keith Yong. I've noticed Mr Yong's already in the back of the hearing room.

COMMISSIONER: Thank you. Mr Yong, would you please come forward to the witness box. Mr Yong, do you wish to take an oath or make an affirmation?

MR YONG: I will make an affirmation.

COMMISSIONER: Thank you. Madam Associate.

MR Yit Kee YONG, affirmed:

COMMISSIONER: Thank you. I will now take appearances. Mr Yin?

5 MR YIN: If it pleases you, Mr Commissioner, I seek your leave to represent Mr Yong during his evidence.

COMMISSIONER: I can't imagine there would be any objection to that. Mr Urquhart?

10 MR URQUHART: No, nor for the remaining applications either, sir.

COMMISSIONER: Thank you. Mr Yin, leave is granted.

15 MR YIN: Thank you.

COMMISSIONER: Thank you. Mr Yeldon.

20 MR YELDON: Thank you, Commissioner. Two applications were filed on behalf of Janet Davidson with supporting affidavits of Emily Jane Kathleen Chappelow, both dated 23 September 2019. On the basis of that evidence, I move that the applications be granted.

25 COMMISSIONER: I will grant you leave to appear and represent in interests of Ms Davidson at the evidence of Mr Yong.

MR YELDON: Thank you. Commissioner, the application went further and it was for the rest of the week.

30 COMMISSIONER: I know that.

MR YELDON: Thank you.

COMMISSIONER: We will do it on a witness by witness basis, Mr Yeldon.

35 MR YELDON: Jolly good, Commissioner. Thank you.

COMMISSIONER: Thank you. Yes, Mr Tuohy?

40 MR TUOHY: Commissioner, I seek leave to appear for Martin Mileham this week. I believe an application has been prepared and filed but if that's not the case, then it will be done today.

COMMISSIONER: Thank you, Mr Tuohy. I grant you leave to appear on the evidence of this witness. Mr Mariotto?

45 MR MARIOTTO: May it please, Commissioner, I seek leave to appear on behalf of Mr Limnios. I understand a formal application is being emailed through to the

Inquiry as we speak.

COMMISSIONER: Thank you, Mr Mariotto. I grant you leave on the same terms as other counsel. Mr Cornish?

5

MR CORNISH: Thank you, Commissioner. I seek leave to appear on behalf of Dr Jemma Green.

COMMISSIONER: Thank you, Mr Cornish. I grant you leave on the same terms. Mr van Hattem?

10

MR van HATTEM: May it please you, Commissioner, I seek your leave to appear for Mr Harley and if I say also seek your indulgence for my instructor to also sit at the Bar table. His name is Mr Fienberg.

15

COMMISSIONER: I'm sure there's no difficulty with that. That leave is granted on the same terms, Mr van Hattem. Thank you. Mr Urquhart, are you in a position to proceed?

20

MR URQUHART: Yes, I am, thank you, sir.

EXAMINATION-IN-CHIEF BY MR URQUHART

Mr Yong, it's been several weeks since you were last in the witness box. Just to clarify a couple of things: you were elected to the City of Perth Council in 2013?---Yes, that's correct.

25

And then you recontested in 2017 but you were defeated?---Yes.

30

So you served a total of one term of four years?---Yes.

From October 2013 to October of 2017?---Yes.

You will have to keep your voice up, Mr Yong, if you could, please?---Yes.

35

Following the City of Perth elections in October of 2015, were you nominated to sit on the Marketing, Sponsorship and International Engagement Committee?---I believe so, yes.

40

And you accepted that nomination?---Yes.

Was that the first time you had sat on that particular committee?---Yes.

45

From now on I will just refer to it as the Marketing Committee, Mr Yong, rather than the full title. Were the other two Councillors selected on that committee from October 2015 Councillors Chen and Limnios?---On recollection, yes.

Do you also recall if Councillor Davidson was the first deputy? Do you have a recollection of that or not?---I can't remember that part.

And you remained on that committee until October of 2017, is that correct?---Yes.

5

Amongst other things, did the Marketing Committee consider sponsorship applications?---Yes.

10 What did you understand your obligations were when disclosing gifts you had received in your role as a Councillor?---Disclosing gifts?

Gifts, yes?---My understanding is - - -

15 I know you haven't been on Council for a couple of years but have you got some recollection?---Threshold of receiving gift of amount of not more than \$300.

So do you recall a description of gifts as a notifiable gift, does that ring a bell?---Yes, sir.

20 Did you understand what had to be done if a Councillor received a notifiable gift?---When you say notifiable gift, notified by the Council or we give notify to notify the Council?

25 It's an expression used in the legislation. If I could ask it to you this way: did you understand the significance of a gift or gifts that came to an amount of \$300 or more?---Or less, \$300 or less.

So that \$300 threshold, what was the significance of that?---That we need to declare that gift within that amount.

30

So you had to declare a gift if it was less than or more than that amount, or for both?---Worth less than that amount.

Less than that amount?---Less than or equivalent to the other.

35

Can you recall an amount of \$50 as being relevant?---Between \$50 to \$300.

Yes. Is that your understanding now that we have gone through it a little bit more, what a notifiable gift was?---Yes.

40

Did you also understand that if you received two or more gifts from the same person or organisation within a six month period and it was worth more than \$300, do you know what the description was given to that gift?---Until recently, yes, I read that, yes.

45

So what did you understand that to mean?---My understanding is that within the same year, if he received twice of the gift, should not be more than \$300.

Yes. And what would you do if you had received a gift that was worth more than \$300 or if you had received a combination of gifts worth \$300 or more in a six month period, what would a Councillor do then?---If I'm on the Council?

5

Yes, if you were on the Council and you received a gift that was worth \$300 or more, or if you received gifts from the same person or organisation - - -?---I understand, yes.

10 - - - the combined total was \$300 or more, what was a Councillor supposed to do in those circumstances?---I suppose not to receive that gift.

Can you recall the description that was given to that type of gift in the legislation?---No.

15

A prohibited gift, does that ring a bell?---Yes.

It does?---Sounds familiar, that term.

20 Were you aware - sir, this is regulation 12 of the Local Government (Rules of Conduct) Regulations - - -.

COMMISSIONER: Thank you.

25 MR URQUHART: Regulation 12 specified that:

A Councillor must not accept a prohibited gift from a person who is undertaking or seeking to undertake or it is reasonable to believe is intending to undertake an activity involving a Local Government discretion.

30

Were you aware of that provision when you were a Councillor?---It would have been part of the rules of conduct.

35 Mr Yong, can I ask you in your time as a Councillor, what was your understanding of when an Elected Member had a financial interest in a matter?---I'm not really sure of the definition of "financial matter". I seek your explanation of the financial matter definition.

40 Financial interest?---Financial interest.

You're unclear now?---You're asking me what is my opinion?

Yes?---I can't - - -

45

What was your understanding of when a Councillor had a financial interest in a matter that was before Council?---I'm not really sure how to define that.

Did you receive any training or information regarding circumstances in which a Councillor would have such an interest in a matter?---Yes.

5 Can you recall when that training was?---I can't make the definition of what is financial interest right now, but if I go back and turn on - I mean, through the regulation, I can find a definition of financial interest.

10 Did you believe you had a sufficient understanding of what a financial interest was when you were a Councillor?---I really want to seek your explanation of what is the meaning of financial interest so I can justify whether I had a financial interest in that matter.

15 I'm just asking you now about whether you believed you had a sufficient understanding of what a financial interest was?---I would have, yes, I do.

You would have, back when you were a Councillor?---Based on looking at the records, yes.

20 When you say records, what do you mean by that?---Council meeting records.

Again I come back to the question I asked a little while ago: did you get an information session or were you provided with material as to what a financial interest was?---I believe so, yes, I did.

25 Do you have a recollection now of what a Councillor was supposed to do if they had a financial interest in a matter that was before Council, either at a Council meeting or a committee meeting?---My understanding financial interest matter is anything that relate to money, to funds.

30

[10.45 am]

Yes, money or funds?---Funds being used or being transacted.

35 Did you understand what it meant under the Local Government Act if someone was "a closely associated person" with a Councillor? Again, I'm referring to when you were a Councillor? Did you understand what that meant?---I really don't know what is closely associated. It would have been someone would be closely related to the Council.

40

Yes, in what way?---Which relates to Council's matter, so financial interest related to closely related person would mean that person has financial or anything that related to Council matter.

45 Were you in the back of the hearing room when I gave my opening address a little while ago?---I was not.

Okay. So I was going to ask then whether what I said there was going to have refreshed your memory or not but I won't ask that. Did you know the difference when you were a Councillor between a direct and indirect financial interest that a Councillor had?---I have heard of this too, interest, direct and indirect interest.

5

Did you understand what the difference was?---It would be on plain term, direct and indirect.

Sorry?---It will be on plain and definition, directly interest or indirectly you have interest in that matter.

10

Can you recall whether you knew the difference when you were a Councillor?---On certain item, when they make the decision on certain item, in Council making decision.

15

So if an Elected Member had a direct or indirect financial interest in a matter before Council, can you recall what that Elected Member was required to do?---Disclose.

And how would they disclose that?---Disclose that to the governance.

20

And after that disclosure, what was that Councillor to do when that matter was to be called at the meeting for discussion?---You mean if there's a direct interest?

Yes, if there was a direct or indirect financial interest and the Councillor's declared it or told the CEO or Governance of that fact?---Yes.

25

Then the item is called at the meeting in which the Councillor was present, can you recall what the Councillor was then required to do?---I can't recall what exactly would happen but Governance would usually say, you are allowed to stay or you're not allowed to stay in that meeting.

30

Do you know in what circumstances a Councillor would be allowed to stay? What was the difference between a Councillor having to leave the meeting and a Councillor staying?---If I'm not mistaken, it should be indirect, you can say; direct interest, you can't stay.

35

I see?---I'm not sure what definition is.

Can you remember how long after - let's call it a financial interest - how long after the financial interest arose that the Councillor had to make that disclosure to Governance?---Do mean how long period that we need to notify?

40

Yes, was there a time limit?---My recollection was when I was first in Council in 2013 there was no timeframe but some time in 2015 or 16 there was a requirement change that we required to notify within 10 days.

45

Yes. You're talking about declarations of gifts, aren't you?---That's my understanding of declaration, so I just stick to the 10 day rule after 2016.

5 All right, but I'm asking you about financial interests. If a Councillor had a financial interest in a matter and they were required to be outside of the meeting when the matter was considered, how long after the Councillor received a financial interest did they have to do that?---I'm not sure about that. In that case, I don't know about that.

10 Mr Yong, can I just ask you this: did you believe when you were a Councillor you had a sufficient understanding of what it meant if a Councillor had a financial interest?---At that time was not fully understand and that was the reason why I thought - yes, we should go for training and sign up for courses and get more understanding what is the running of the Council.

15 So you wanted that to happen, did you say?---Yes.

20 Did you get that training?---Sign up - yes, I sign up for the Diploma of Local Government in 16 - 15 or 16.

I see, this is something you've already given evidence about, isn't it, signing up for the diploma?---(No audible response).

25 But that was at your own instigation, was it?---I sign up on my own, yes.

And did that help you?---Throughout the time it helps a lot but there's a lot more to learn, more training.

30 Did you understand that financial interests concern conflicts of interest that a Councillor might have?---Most likely, yes, there will be issues.

In those circumstances, do you agree that it's important that Councillors have a full understanding - - ?---It is important.

35 - - - of when they might have a financial interest in a matter?---Yes, it's important, I believe.

40 Regarding the requirement of Councillors to complete Declaration of Gift Forms, how important was it that the Councillor specify an accurate value of the gift on those forms? How important did you think it was?---I think it's quite important in the sense that whether it falls into that statutory - we talk about earlier about the amount gap.

45 Yes, so when it becomes a prohibited gift or a notifiable gift?---Yes.

Is that what you meant?---Yes.

And did you always make sure that the value that you gave of a gift that you had received was accurate?---I would try my best to find the most - as close to the amount as possible to the gift that received.

5 If I could use an example, if you received a bottle of wine from someone, who would you go about finding that, what the value of that wine was?---It depends on, if there was a bottle of wine, then you had to go - whether it is a vintage or a collection or limited edition, then you can't find out the value, but normally a bottle of wine, you can find it online.

10

Were you able to find out, either the actual value or a close enough value to the gifts that you received?---For my case?

15 For your case, yes. I'm just talking generally?---I would found an amount as close to that amount as possible to the gift.

Mr Yong, do you recall voting on sponsorship applications with respect to the annual Perth Fashion Festival?---Yes, for a couple of years.

20 Yes. Am I right in saying you always voted in favour of sponsoring that particular festival?---I would say yes.

Why was that? Why did you vote in favour?---For Fashion Festival?

25 Yes?---In general, it benefits the City, benefits the people coming into the City, spending, spend time in the City.

Any other reason?---That was the main reason.

30 Do you recall that there were some Councillors who strongly supported the Perth Fashion Festival?---Some maybe - I'm not sure, some may be against, some may be voting for but I'm just voting for my - on how I vote.

35 Yes, but do you recall there were some Councillors who were clearly strong supporters of the festival?---No.

40 You don't have a recollection of someone who - some Councillors who were very interested?---I'm in the Marketing Committee so for those who approve in the Marketing Committee for that item, my recollection is for those three committee members has voted for that item.

Yes. So they supported it?---Supported it, not my recollection is they have go against that item.

45 It's not your recollection that there were some Elected Members who were clearly supporting the Fashion Festival over and above other members on Council?---No.

No?---No.

Did someone have a particular interest in the group that organised the Perth Fashion Festival?---The organiser?

5

Yes?---The organiser asked for sponsorship.

This is the people who organised it, were you aware of any Councillors who had a friendship with any of the organisers of the Fashion Festival?---My recollection is all Councillors have attended that event.

10

We will get to that in a moment but do you remember who was one of the main organisers of the event when you were on Council?---Is the Fashion Council of Australia.

15

Yes, and any individuals?---Who are - - -

Who was the main organiser of the event? Mr Yong, you knew that, didn't you?---Who are, for Fashion Festival?

20

Yes, the Perth Fashion Festival?---Who's the organiser?

Yes, who was the main organiser?---If you say member of the Council or member of Elected Members, that will be - - -

25

No, I'm just asking you. Do you recall who was one of the individuals, the main individuals who organised this event, what was her name?---My recollection is who on the Fashion Council of Australia related to Council is Lisa was the board member

30

[11.00 am]

So when you say Lisa, you mean Lisa Scaffidi?---Yes.

35

She was a board member of the Perth Fashion Festival?---I can't remember whether it's board member or anything that - she sit in that Council.

Was she a strong supporter of the Perth Fashion Festival?---I would say so. She's in the board, yes.

40

She was, okay?---She's in the board.

And who else was a strong supporter, from what you observed?---I said earlier, as the matter came to Council, for the committee, Marketing Committee, three of us supported the event so I would say three of us, three of the committee members.

45

So you describe the three committee members - - -?---Have supported that.

- - - being yourself and Councillor Limnios and Councillor Chen as strong supporters? I know you supported it?---Yes.

5 But I just want to know whether you have a recollection of those Councillors who were strong supporters?---No.

Of the event. You've named the Lord Mayor, were there any others?---Not that I'm aware of.

10

Okay. Do you recall how much sponsorship the Perth Fashion Festival received on an annual basis when you were a Councillor?---I can't recall how much but I know there's quite a fair bit of funds.

15 Was it one of the largest sponsorship arrangements that the City of Perth had?---One of the main events sponsored by the City of Perth.

So you agree with me, it was one of the - - -?---City of Perth is one of the main sponsors for this type of event.

20

Yes, I understand that the City of Perth was one of the main sponsors of the event, but is it your recollection that of all the sponsorships that the City of Perth was involved in, this was one of the largest in dollar terms?---It could have been, yes.

25 It could have been?---Could have been, yes.

You don't have a clear recollection of that?---There's other events sponsored by City of Perth.

30 Yes, I know that?---This is - I can recall that this is one of the really - City of Perth is sponsoring is one of the main events.

Let me put it this way, how many events do you recall in which the City of Perth would sponsor the event to the tune of a quarter of a million or \$300,000 every year, how many?---I can't recall with others but Fashion Festival is one and the others like the yearly - I'm not sure how much they spend on the Christmas, on the Langley Park event, on Hopman Cup, on other bigger events in the City.

35

But for two years, weren't you on the committee that considered these sponsorship applications? Yes?---I think the City has sponsored the Giants coming to the City, a big event.

40

So the Perth international arts festival, that was another major - - -?---Major event sponsored by the City.

45

So would the Perth Fashion Festival and the Perth International Arts Festival, to your recollection, be the two organisations that received the biggest sponsorship

deals with the City when you were a Councillor?---There may be others as well.

But were those two big ones, from your recollection?---Those are the two big ones that I can recall.

5

Am I right in saying that the Perth Fashion Festival was held over the course of five, six or seven days in September of every year? Does that accord with your recollection?---I know it's a few days but if you say five or six days, maybe that's correct.

10

In September?---Don't know the month.

In your time as a Councillor with the City of Perth, did you ever receive tickets to attend any events put on by the Perth Fashion Festival?---Yes, I do, I received tickets.

15

Can you remember what years they were when you were a Councillor?---15, 16.

15, 16?---I can't remember.

20

So assuming that the event was held every September, you were elected in 2013 so you wouldn't have been invited by the City because you weren't a Councillor in September of 2013, were you?---No.

25

But September 2014 you were, do you recall receiving tickets to attend any of the events in 2014?---I cannot recall but you maybe check the record.

Well, it's - - -?---Well 15, 16, either it's 15 or 16 that I can recall.

30

You said check the records. One way of checking would be to see if a Gift Declaration had been made?---Yes.

But if a Gift Declaration hadn't been made, then it would be harder to find a record of whether a Councillor had attended an event, would that be fair to say?---But the City would record.

35

You say the City would have a record?---The City would have a record.

But it would be easier, wouldn't it, to find if a Councillor had - - -?---Had declared it, yes.

40

Because you see, a Councillor could be given a ticket but not actually attend?---Possible, yes.

45

Or offered a ticket and not accepted it?---That's possible.

So you've told me that 2015 and 16, you received tickets. 2014, you haven't got a

memory?---I can't recall. Yes, I don't have memory.

But you remember going to Perth Fashion Festival events in 2015 and 2016?---15 or 16.

5

15 or 16, so can you remember how many times you went to an annual event? Did you go twice for an event, a Fashion Festival event one year and then another year, or did you just go on the one year?---You mean between 15 and 16?

10 Are you saying you went 15 and 16 or it was either 15 or 16?---15 or 16.

So it was only once? You only once ever went to the Perth Fashion Festival?---Yes.

15 And why did you go?---Why is, usually Councillor would receive tickets via a memorandum or by email from the City to the Councillors or to the officers saying that there is available tickets and then Councillors or staff would just reply saying that they are available and they will be offered a ticket.

20 Is that what happened for you?---That's my recollection.

Can you recall what event it was? I know it was at the Perth Fashion Festival, what actual event was it? Was it a runway parade, was it a lunch, was it a launch, can you remember?---Can't remember which event that I have replied "attending".

25

You've got no recollection of what sort of event it was?---It was a Fashion Festival.

Yes, I know that but there is - - -?---I can't recall, because you say it's five or six days, weekend, so I can't recall which day I have replied attending that event.

30

Where was it?---Usually, depending on the area of an organiser.

Mr Yong, we have got a message from the transcriber saying you need to speak up. They are not going to help that much. Just come in a bit closer and we will do our best to keep our voice up. If you are half a loud as I am, I'm sure they will be able to hear it clearly. Okay?---Okay.

35

Can you remember, was it at the Concert Hall, was it somewhere else? Was it at Gloucester Park?---A few venue - - -

40

Where did you go, what location? Was it Ascot Race Course, was it the Perth Concert Hall, was it an outdoor event or an indoor event? Didn't make much of an impression on you, did it?---Most likely it would be for the launch, if I can recall.

45 The launch, okay. The launch?---The launch of that festival.

Can you recall - I know you've explained how these tickets were offered to either

Council members or staff but can you recall if there was a time when the sponsorship arrangements with the Perth Fashion Festival allowed for the City to receive a number of free tickets, that is to say, it was actually written into the contract? Do you have a recollection of that?---My understanding was, yes, there was ticket offered through the Council to the Elected Members, to the Councillors.

5
Have you got a recollection of whether that was in the contract?---If I'm not mistaken, maybe it's not in the contract, it's in the sponsorship arrangement with the City.

10
Yes?---And the organiser.

You mentioned those tickets that you got which you thought might have been the launch, were they provided to you free of charge?---Provided by the City free of charge.

15
Yes, and did you get one or two or more?---If I can recall, that would be two.

20
Did you disclose those tickets on a Gift Declaration Form?---Yes, I did.

You did? Did you ever receive Perth Fashion Festival tickets from a group or an organisation that wasn't responsible for organising the festival?---Yes.

25
Who did you receive them from?---You mean not from the organiser?

Yes?---Sponsor to the festival, I think it's Singapore Airlines.

30
And how did it come about that you received those tickets or were offered those tickets?---Most likely be from the General Manager of Singapore Airlines is a friend.

And Singapore Airlines was a sponsor as well?---Sponsor to the festival.

35
And did you declare those tickets as a gift?---If I can recall, yes.

Do you recall an investigation by the Public Sector Commission into the supply of free tickets to government bodies for events that they had sponsored?---No, I don't.

40
You don't? You don't recall a report that was handed down in February of 2016?---I'm not aware of that report.

Do you have a recollection of members that were part of the WhatsApp team - - -?---Yes, I was shown.

45
And talking about this or messaging about what this report meant? Did you have a recollection?---About this.

Yes. You know the WhatsApp team?---Yes, I was shown during the Inquiry.

5 Yes, so you're aware of that. Were you shown the WhatsApp messages regarding the members of the Council that Ms Scaffidi had invited to be part of a team, that's the WhatsApp messages I'm talking about?---Yes

[11.15 am]

10 I don't want to be confused with the WhatsApp messages that you had with members of your family. This is the first group. You've been already asked about that?---Yes.

15 Do you recall some exchange of messages in March of 2016 regarding conflicts of interest the Councillors might now have if they'd accepted free tickets to events?---No, I don't recall that.

Madam Associate, this is number 14, if we could go to that, please, and specifically, 14.0179. TRIM number, sir, 13609.

20 COMMISSIONER: Thank you.

MR URQUHART: Just before we go and have a look at that, Mr Yong, did you receive some materials that the Inquiry forwarded on to your lawyers last week?---Some material, yes.

25 And did you have an opportunity of reading those?---I do.

30 You did? Do you remember reading a report regarding an investigation by the Public Sector Commission?---There was an attachment given by the Inquiry for that Public Sector Commission.

Did you have a read of that?---Yes, I have read, quite a fair bit of reading.

35 That report was handed down in February of 2016, and now I'm just going to show you some WhatsApp messages that were shared between the group that you belonged to in, or on 24 March 2016, so the following month and it appears there on the screen and the first one I want to refer you to is a message from Ms Scaffidi's phone which starts, about one-fifth of the way down, "Yes, Janet is right", do you see that?---Sorry, which one?

40 At the top?---The top is the Lily.

45 It says, "From" and then there's a phone number, @WhatsApp.netScaffidiLisa, do you see that?---Yes.

24 March 2016 at 12.11 pm and it starts, "Yes, Janet is right", do you see that?---Yes.

:

5 *Gifts equal hospitality and tickets and in case some of you still don't
get that, if you voted on events and attended them in the past, you well
could have voted with a financial conflict. This is no joke. A Cr who's
positioning on this is all about her own interest, not City or yours.*

10 Do you see that?---Yes.

10 Then further down the page, about three-quarters of the way down, there is another
message from Ms Scaffidi's telephone number which starts off, "Good example",
do you see that?---Yes.

15 Sent on 24 March 2016 at 12.29 pm. It reads:

20 *Good example. You all voted to support Christmas Pageant, then
attend party and Pageant with your family. You voted with a conflict.
Same with ballet, opera, PIAF - the list goes on and on...*

20 PIAF that stands for the Perth International Arts Festival, is that your
recollection?---I can't recall these messages.

25 But no doubt, would you agree, you would have read them?---I would have read
them or flick through.

30 So if you had read them, you would see there about conflicts that Councillors
might have in the future and indeed, conflicts that Councillors might have had in
the past, do you see that?---Yes.

30 There are a number of other members on that WhatsApp group responded to these
messages from Ms Scaffidi. You apparently did not, okay? However, you may -
in all likelihood you would have read them?---I would.

35 Yes?---I would say to have read it.

40 Having looked at them now, what did you understand the then Lord Mayor was
attempting to convey to you and the other members of this group?---Looking on
the surface of that first message, it says, "We could have voted with a financial
conflict."

 Yes?---So my understanding is, we have to declare that item.

45 Do you have a recollection now of you and other Councillors - let's stay with you.
Do you have a recollection now of you thinking about what you would now need
to declare as gifts from events you'd already attended?---My recollection during
that year, 2016, the Governance has handed down a disclosure form with a stack of

forms for us to complete, to declare all our interests or gifts.

From gifts that you had - gifts of tickets you'd received in the past that you might not have declared, is that fair to say?---Around that time in 2016.

5

Did that apply to you? Did you realise that you were required to declare some things regarding tickets you'd received?---Yes, I recall that I've been given forms to complete, to declare interests.

10 So as of March 2016, for which City sponsored events did you think you might not be able to participate in the decision-making process should that organisation make another application for sponsorship?---I recall that I have completed a whole stack of forms that I attended events, looking through my calendar what I've attended, submitted it to the Governance, but I can't recall now what are the exact
15 events that I have, or the disclosed gifts received.

Let's go through it, what City sponsored events did you go to free tickets? We established the Perth Fashion Festival, that was one?---Yes.

20 That was one?---Yes.

What were the others? Were there any others?---All have declared the Hopman Cup.

25 The Hopman Cup was another, yes. Anything else?---Can't recall all of them. It would have been submitted to the Governance, they would have the record of the whole stack.

I know. I'm just asking you what you remember. You've identified two?---I recall
30 one of them is the Cavalia, is below threshold but I disclosed that as well.

What was that, sorry?---Cavalia.

Cavalier?---Cavalia.

35

What was that?---It was a show, Cavalia, a horse show.

Yes?---Horse demonstrating.

40 Was that out at Ascot Race Course? If you don't remember, you don't remember?---I don't remember where is it.

What about WASO, West Australian Symphony Orchestra, did you go to any events of that organisation with free tickets?---Yes, some event.

45

Just staying with the Perth Fashion Festival, to your knowledge, were there other Councillors who had used free tickets to attend Perth Fashion Festival

events?---Sorry, come again with the question?

Yes. To your knowledge were there other Councillors who had used free tickets to attend the Perth Fashion Festival prior to March of 2016?---I'm not aware.

5

Not aware?---Because they might have disclosed or declared on their own.

Yes, but were you aware of any other Councillors who had been to the Perth Fashion Festival, whether they spoke to you about it or you'd seen them there?

10

Any others?---I remember that I saw, Lisa was at the launch.

So Ms Scaffidi was at the launch?---Yes.

Yes?---The rest, I can't recall who else was there.

15

Never saw Councillor Davidson at a Perth Fashion Festival event?---I can't recall that.

Councillor Chen? No?---Maybe, but I'm not sure.

20

Maybe. Any others?---I'm not sure, I can't recall that.

Do you recall declaring a financial interest with respect to any sponsorship applications that were before the Marketing Committee in 2016?---Can't recall that part. During committee meeting?

25

Yes, do you recall?---I can't recall.

You can't recall even after you've gone through the material that was provided to your lawyer, that hasn't jogged your memory?---16, 17, I can't recall which year.

30

The question was, having looked at the material that the Inquiry provided to your lawyer, did that jog your memory as to whether you have declared a financial interest with respect to a sponsorship application? If it hasn't, it hasn't,

35

Mr Yong?---I have been given from my lawyer, yes.

Yes?---But I can't jog my memory, no.

Madam Associate, can we have up 16.6514? TRIM number, sir, 21238.

40

COMMISSIONER: Thank you.

MR URQUHART: 16.6514, thank you. There we go, this is the Marketing Committee meeting on 26 July 2016. So this is four months after that message exchanges on WhatsApp, okay?---Yes.

45

That's just the cover page. Could we go down to the next page, please, Madam

Associate, 6515 and can we see there about halfway down that page, that one of the event sponsorship applications is in fact the Telstra Perth Fashion Festival, do you see that? It's about the sixth one down?---Yes.

5 Then if we go over to the next page, Madam Associate, 6516, we can see that you're in attendance, together with Councillor Chen and Councillor Davidson who's deputising for Councillor Limnios, do you see that?---I can see that.

10 Then we go to 6517 and there at the bottom of the page, "Disclosure of member's interest", we can see your name and that you've made a disclosure with respect to item, "Event sponsorship/partnership: Telstra Perth Fashion Festival 2016." You have cited there, "Direct financial interest. Nature: attended event. Extent: less than prescribed amount", do you see that?---Yes.

15 So does that help your jog your memory that you made a disclosure of a financial interest for that matter?---Yes, I do.

[11.30 am]

20

25

30

35

40

45

And were you disclosing a financial interest with respect to the ticket you had received from the Perth Fashion Festival organisers to attend the launch, or whether you were declaring with respect to the tickets you received from Singapore Airlines, or whether it was for both?---My understanding was both.

5

For both?---For both.

And then we go over the page, 6518, do you see that at 4.05 pm:

10

Councillor Yong disclosed a direct financial interest in item MKT 114/16.

?---Yes.

15

"And departed the meeting", do you see that?---Yes.

Then the committee dealt with the Perth Fashion Festival sponsorship application. So do you have a recollection there of departing the meeting?---Yes.

20

Did you do that on your own volition or were you advised by Governance to leave the meeting, do you remember?---My recollection is at that time I was advised by Governance team to leave the room.

25

That can come down now, thank you, Madam Associate. We will just now have a look at the disclosure of the interest that you had in this matter and that will be 16.6711. Do you see that there? Do you recognise that being your handwriting?---Yes.

30

And it's a Disclosure of Interest that you've made in relation to not just the committee meeting we have just looked at on 26 July 2016, but also the Council meeting that followed, do you see that, 9 August?---Yes.

35

2016. You put a cross about one-third of the way down for the "Direct financial interest"?---Yes.

Which reads:

40

A financial interest exists if it's reasonable to expect that a matter, if dealt with by the Local Government or its employee - in a particular way - will result in a financial gain, loss, benefit or detriment for the person.

45

Then you detail the nature of the interest and it was, "Attended event", and then the extent of the interest, you have said, "Less than the prescribed amount"?---Yes.

Do you see that?---I can see.

If we go now, Madam Associate, to 16 - the date of that is 26 July 2016, do you see that?---Yes.

5 Just bear that in mind then. We are now just going to have a look at 16.6395, thank you, Madam Associate. The TRIM number for that matter, sir, was 24351. The TRIM number for this next document is 21248.

COMMISSIONER: Thank you.

10 MR URQUHART: Now we are on to 6395. Do you see that there, it's regarding you attending the Perth Fashion Festival program launch in 2015?---Yes, I can see that.

15 You see there that the date the gift was offered, you've written 21 July 2015, do you see that?---Yes.

However, you didn't complete this Gift Declaration until 24 March of 2016, do you see that there?---Yes.

20 That was a delay of eight months, wasn't it?---Yes, I can see the date, yes, delay of eight months.

25 24 March 2016 was actually the same day that Ms Scaffidi was sending out those WhatsApp messages telling Councillors that - warning them about gifts equalling hospitality and tickets, can you see that?---Yes.

30 Do you remember I've shown you that? So therefore, is it the case that you made the declaration on this date because of what Ms Scaffidi had drawn everyone's attention to on that same day?---My recollection at that time was the Governance Manager has given us a whole stack of these empty forms for us to complete, to complete whatever event we have attended and gift received.

35 Am I right in saying that you should have made a Gift Declaration for this item a lot earlier than 24 March of 2016?---If you said the gift was given in 2015, my recollection, the gift was from the City, not from the organiser, so if this come to a gift that has to be declared, was given by Governance to complete, I completed that in 2016.

40 Yes, but you should have - no criticism of you because across the board, government agencies only became fully aware of this once some reports had been handed down, including that one that I provided you a copy of via your lawyer from February 2016?---2016.

45 So you mentioned there that the City provided you with these tickets but have a look at what you've written with respect to, "Organisation/person offering the gift", you've actually written, "PFF (Perth Fashion Festival)", do you see that?---Yes.

And also, just immediately above that, in the box which asks the question, "Is this the first gift you have been offered by this person or organisation", you've crossed, "No". So might that suggest that you had received other tickets for previous Perth Fashion Festival events?---My recollection for this item is, received the one from the Singapore Airlines.

5
10 But they weren't offering you the tickets? The Perth Fashion Festival weren't offering you those tickets, were they, Singapore Airlines was?---Yes. I would have put yes for this Perth Fashion Festival but my understanding at that time, I had received a ticket from another organiser, a sponsor, from Singapore Airlines.

Right. Alongside there, "Who will benefit from acceptance of the gift", you've written, "Me", do you see that?---Yes.

15 That's the correct answer, isn't it? I can assure you, Mr Yong, it's not a trick question. That's the correct answer, isn't it?---Because I've written that, yes.

So the only person who's benefitted the acceptance of the gift was the Councillor who received the gift, isn't it?---Who attend the event.

20 Yes. Would you agree or disagree with me if it would be accurate if that question was answered, "Who will benefit from the acceptance of the gift", if it was written, "Ratepayers of Perth"; would that be an accurate and correct answer?---I don't know what's the right answer.

25 That's not, is it? I'm asking you whether that would be a right answer? You haven't answered that. It's not a trick question, again. You've written, "Me", I agree with you, that's the person who's benefitted from the acceptance of the gift but do you agree or disagree it would be wrong to answer that question, "Ratepayers of Perth"?---I don't know what to answer about that question.

30 You wouldn't write that, would you?---Most likely not.

35 Because it's wrong, isn't it?---We didn't go through a training to complete this form, so we just fill out - each Councillor do their own work and just complete as much as we can and submit to the Governance.

40 Mr Yong, I'm going to stop you there. You haven't answered the question. It would be wrong, in your view, if that answer was written?---Maybe it's not appropriate.

Wrong? Wrong, do you agree with that description, it would be wrong?---I don't know about others but I have put down - - -

45 I'm not interested in others. You've worked out where I'm coming from but the question is, would you agree with me it would be incorrect to describe that the benefit of a gift of a free ticket to the Perth Fashion Festival would be

ratepayers?---I can't give you what is the right answer.

The right answer, as far as you're concerned, is you?---Yes.

5 You had the benefit?---Yes.

So therefore, the wrong answer would be if it was written there, "Ratepayers", as far as you're concerned?---The ratepayer?

10 Yes, the ratepayer isn't getting the free ticket, you are?---But if you look at it overall, if the ticket - you have to look at the whole form. If that person who received the tickets said that he received two or three tickets, if he's bringing a ratepayer, how would you define it?

15 Sure, but in this instance here, if a Councillor is using a ticket to go to a Perth Fashion Festival event and to use it exclusively for themselves, it would not be correct to say that the person who's benefiting from that Councillor accepting the gift are the ratepayers of the City?---I would say maybe not appropriate for that wording in this situation.

20 Definitely not, agree or disagree. Mr Yong, I can assure you, you have not given that answer in any Gift Declaration forms that the Inquiry has looked at, does that help?---I can't comment on that.

25 I know you can't comment on what other Councillors may or may not have written and I will question them about what they have written. I'm just asking you for your opinion?---I would say it's inappropriate for that wording to be put on that column.

30 Thank you. Just above that there, you have crossed, "Estimated value" for the value of the gift, do you see that?---Yes.

And the value that you've given is \$40, do you see that?---Yes.

35 And then you've handwritten, have you not, "NB. Did not have any drink and food at that occasion"?---Yes.

Why have you stated that?---Because I believe at that time filling out this form, I just attend and leave that event.

40 So why have you bothered stating that you didn't have any drink or food at the event?---To be more specific.

But why?---So that the amount is as close to the amount of the value of the gift.

45 So was it the case that the ticket's value was actually more than \$40?---I don't know the value of the ticket at that time.

Did you try and find out?---I don't know about the launch ticket price because it's part of sponsors.

5 How did you come to the figure of \$40?---My estimation.

Your estimation?---My own estimation, because I just attend and leave.

10 I know you filled out this form three and a half years ago but was it the case that you had a recollection that the actual value of the ticket was more than \$40?---If you attend and stay through the (indistinct) yes.

Yes?---Most likely, yes.

15 So you based the value of the ticket as being less - - -?---Because I just attend and leave.

- - - because you didn't eat or drink?---Didn't take any food.

20 Yes, but of course the price of the ticket, as I understand, is the same for a person attending whether they ate or drank as much as they could, or ate and drank nothing, isn't that right?---If you follow that ticket price, yes, it will be more than that price, the ticket price but my estimation of the value of the gift at that time is based on my own judgment, is the amount written

25

[11.45 am]

Is there any reason why you specified it at that amount, being less than \$50?---There's no specific reason, I just figured that that amount is a few - is appropriate amount.

30

But of course, you can see there underneath that heading, "Value of gift", can you see the first dot point, "Less than \$50, exempt. Between \$50 and \$300, notifiable. \$300 or more, prohibited", do you see that?---Yes.

35

Would I be right in saying that the ticket to go to this event, if you wanted to go to this event, that it was actually more than \$50?---If you want to go to that event, the value of the ticket, yes, but this on the form it says, "Value of the gift".

40 Yes, and so therefore you deducted an amount from that ticket price of, what, what someone might eat or drink at that event?---Yes.

That is right?---That's my estimation at that time.

45 And that brought it under \$50?---It could be \$50 or \$40, just mere attendance.

Did you check with Governance or anyone as to whether it was okay to do

that?---My previous experience is when we fill out this form, if there's an issue with the form they will come back with the form and ask us to complete.

5 The question was, did you check with Governance as to whether you could do that?---In this case, no.

10 Mr Yong, you started to answer the question in another way, so I will come back to that now. You just said if there was an issue with the price, Governance would get in touch with you?---Yes, I have experienced it a few times when we give them the form and it's not complete, they will come back and - - -

15 How would Governance know what the value of the ticket was or the price of the ticket was?---I believe they would know because City of Perth is the sponsor to this event, they would know each ticket, of how much.

20 Why couldn't you just put the value of the ticket, or the price of the ticket on the form? Why didn't you just put the price of the ticket on the form?---Yes, at that time it should be the ticket - the value of the ticket but here says, "Value of the gift" so my understanding is, I did not - I just attend without having - putting a, "Not" there so my personal estimation is that amount.

25 I see. Was that significant for you, was it? Why was that important for you to put on the form?---The whole form was given by the Governance, whole stack, what every event that you attended or received tickets, we have to complete at the same time, on or about the same time with a whole stack of forms, we need to - - -

30 I know, you've told us all that but why was it important for you to make this distinction between the actual price of the ticket and what you regarded as the value of the ticket? Why did that matter?---So that the Governance have a record of what event we attended and how much we received in the gift.

35 I'm just talking about the amount now, Mr Yong. Can I help you out here? Is it because you wanted it to be an amount underneath that threshold of \$50?---No, I don't - - -

That's my possible explanation. Are you able to offer another one?---It could be \$50, it could be - - -

40 Yes, I know all that but I want to know why it was that you specified a value amount that was less than the price of the ticket? Why was it that you needed to do that?---Because I put a note there, I just attended the event without having that.

45 Mr Yong, we have been through all of that. I just want to know why it was so important for you to specify a lower amount than the actual price of the ticket?---Because I wanted to tell the truth that I did not actually spend any food there.

You did not what?---I didn't spend any food, I just attended event and go home.

And that way it came under \$50?---No, I can put \$50.

5 Why didn't you?---That is just my own estimation.

Yes, and it was an estimation that was under \$50?---If the amount was given as \$50 and \$300 is still notifiable.

10 But less than \$50, it's exempt; is that why you did it?---No.

Sir, that might be an appropriate time to have the morning break.

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

WITNESS WITHDREW

(Short adjournment).

20 HEARING RECOMMENCED AT 12.05 PM

MR Yit Kee YONG, recalled on former affirmation:

25 COMMISSIONER: Yes, Mr Urquhart. When you're ready.

MR URQUHART: Thank you very much, Commissioner.

30 Mr Yong, with respect to the committee meeting on - I will just get the date for you - 26 July of 2016, and then at the Ordinary Council Meeting on 30 August of 2016, when the sponsorship application came up for the Perth Fashion Festival, you disclosed a financial interest and you left the meeting, both meetings when that matter was called upon?---Yes.

35 Do you have a recollection of doing that?---Yes.

I just want to take you to the minutes of the Ordinary Council Meeting on 30 August of 2016. Madam Associate - - -

40 MR YIN: I think my friend's got the date incorrect. I think it's 9 August, it's confirmed on 30 August.

45 MR URQUHART: I'm obliged, thank you. 9 August 2016. 6637, thank you, Madam Associate. Confirmation date was 30 August of the minutes but the meeting was on 9 August 2016. I'm always grateful to my learned friend Mr Yin. So 6637, do you see there that's the Council minutes?---Yes.

That's the covering page and then if we go to 6641, thank you, Madam Associate, TRIM number 23763, sir.

COMMISSIONER: Thank you.

5

MR URQUHART: We can see there, Mr Yong, at the bottom of the page that you have made the appropriate direct financial interest declaration regarding the Telstra Perth Fashion Festival for 2016 and the extent that you've stated was, "Less than prescribed amount"?---Yes.

10

Can you see that?---Yes, I can see that.

Then if we go over the page, just at 6642, because I just want to show you something else that you declared a financial interest for at that meeting and at the bottom of that page we can see there that:

15

The Chief Executive Officer advised that in accordance with section 5.65 of the Local Government Act, disclosures of interest have been received from Councillors Adamos, Davidson, McEvoy and Yong in relation to item 29116, arts and cultural sponsorship 2016/17. Major partnership, West Australian Symphony Orchestra.

20

Do you see where I'm reading from there?--- Yes.

25

Then on that page we can see that Councillor Adamos has made a direction financial interest, and we go to the next page, 6643, we can see that you too have also made a direct financial interest disclosure regarding the WASO sponsorship application that was going to be considered at that meeting, do you see that?---Yes.

30

And again you've declared that you've had a direct financial interest, you've accepted a gift in accordance with the Local Government Act 1995, and the extent, "Tickets to event to the value of \$1,406 within a 12 month period", do you see that?---Yes, I can see that.

35

And we can also see there, immediately above, that Councillor McEvoy has declared the same financial interest for tickets to the event to the value of \$280 within a 12 month period, can you see that?---I can see that.

40

And then above that, Councillor Davidson has disclosed the same direct financial interest with respect to tickets to an event to the value of \$750 within a 12 month period. So it is the case that you and the other Councillors who declared financial interests left the meeting room or the Chambers when those matters that were being considered were those in which the Councillors had financial interests, all right?---Yes.

45

That's 2016, so you declared financial interests with respect to those matters in

which the Perth Fashion Festival were being considered and also WASO but I just want to go now to 2017?---Okay.

5 And you were still on the Marketing Committee when it considered the Perth Fashion Festival's application for sponsorship regarding its 2017 event because the minutes that we have got up there, they considered the application for sponsorship or 2016?---Yes.

10 So I want to go now to the minutes of the Marketing Committee meeting on 23 May 2017. Madam Associate, that will be at 6800, TRIM number, sir, 24742.

COMMISSIONER: Thank you.

15 MR URQUHART: Mr Yong, that's just the cover page, just so we are talking about the right meeting. If we go now to 6801 and we can see that you're in attendance with Councillor Limnios?---Yes.

Do you see that there at the top?---Yes.

20 And there is a member on leave of absence and that was Councillor Chen, do you see there at the bottom of the page?---Yes.

And there's no deputising for her but there was still a quorum, wasn't there, because you only needed two, is that right?---That's right.

25 Thank you. Now we go over the page to 6802 at item number 6 there, "Disclosure of members' interests", there's, "Nil". Is that in fact a true record, that there was no declaration of any members' interests by either yourself or Councillor Limnios at that meeting?---I believe so, that's a true and correct record.

30 Can I ask you then why you did not declare a financial interest in the matter regarding the sponsorship application for the Perth Fashion Festival and just to show that that matter was considered, we will just go to 6804, thank you, Madam Associate. Do you see that item 8.2:

35 *Event sponsorship. Annual event sponsorship, Telstra Perth Fashion Festival. Moved: Councillor Limnios. Seconded: Councillor Yong that Council approves an annual event sponsorship of \$230,000 excluding GST to the Fashion Council of WA for the Telstra Perth Fashion Festival 2017.*

40

If we go to the bottom of the page, the motion was put and carried. Votes were recorded as follows: for, Councillors Limnios and Yong, against: nil." So you haven't disclosed the financial interest like you'd done the previous year, can you see that?---Yes.

45

Can I ask why?---My recollection is that, I have been advised by the Governance

at the meeting that the Governance Manager has seek legal advice and have obtained the Department of Local Government approval for Councillor to sit on committee and Council meeting.

5 Yes. Is that your recollection?---Yes, that's my recollection at that time of what happened

[12.15 pm]

10 So as I understand your evidence, you are saying that an exemption was sought from the Minister for Local Government by the City of Perth?---By City of Perth.

And are you aware of the provisions of the Local Government Act that enables that to happen?---I'm not particularly sure which provision but I was told by the

15 Governance Manager that I was allowed to sit on the meeting, to make decision.

How certain are you of that?---Quite certain.

20 Quite certain?---Because Governance Manager was in the meeting, was sitting in the meeting.

So when you're saying the Governance Manager, are you referring to Mr Ridgwell?---Yes.

25 Take us then through, please, how that came about? Did he raise it with you, did you raise it with him and where and when and how did this all take place?---If my recollection is correct, the situation happened in 2016.

30 Yes?---That when we were asked to declare our interest for that Fashion Festival, item, and we completed that - I completed that Disclosure of Interest form on the meeting day itself and subsequently we were told that we can sit on following Council meeting and making decision for the committee in Council meeting.

35 Who told you that?---It's either verbal or in an email memorandum. I can't recall which came through. Definitely it's - - -

By whom?---By Mark, by Governance Manager.

40 When you say Mark, you mean Mark Ridgwell?---Yes.

The reason why I'm asking you as to how certain you are of that, is that the Inquiry hasn't been able to find any record of such an exemption for any Councillor who had a financial interest with respect to the Perth Fashion Festival in 2017, okay? Another thing too is, the Act requires that the exemption be recorded in the minutes of the meeting and there is no record of such in the minutes of this meeting that we are looking at now. So that's why I'm just asking you how clear you are in your recollection of that?---My understanding was, since 2016 we have

to disclose our interest. 17, we were told we are allowed to sit in the meeting.

And you are saying that was from Mr Ridgwell?---If my recollection is correct, that will be - most likely it will be him.

5

Did you raise that with him or did he raise it with you, can you recall?---I can't recall who raised it first but we - my understanding is we were allowed to sit in the meeting for making decision in committee and Council.

10 But was it the case that you yourself discussed it with someone from Governance, or was it the case that this matter just didn't come up. I recall someone has told us. It would be most likely it would be the Governance Manager would tell us we can sit in.

15 Are you saying it was at or about the time of this committee meeting or when was it?---Can't remember the actual date, whether it is at or about the same time of the committee meeting. It most likely would be before that, closely before the meeting.

20 And you don't know whether it was - you can't now remember whether it was orally or by email?---I can't recall whether it's orally or by email but my understanding is in my mind that we were allowed to sit in that meeting to make decisions.

25 Because you had a received a Ministerial exemption, is that right?---I'm not sure what's the actual wording, whether it's Ministerial exemption or is approved by the Department of Local Government, but we were - - -

30 Your recollection is that you were told that the Department of Local Government had approved it?---Whether it is Department of Local Government or Minister's exemption, we are permitted to sit on the meeting. That's my recollection.

35 Was it your view that but for that exemption or that advice from the Department, if you hadn't received that, was it your understanding you would have to - -
-?---Disclose.

Disclose?---Yes.

40 Would you agree with me, Mr Yong, that if that was the case then, the minutes should reflect that somewhere?---Yes, they should have - it should be somewhere but I can't see it in the minutes. That causes the confusion.

I'm sorry?---That may have caused the confusion.

45 Yes. Because if we can go back to the Ordinary Council Meeting minutes of 9 August of 2016?---Yes.

And I will show you what the minutes recorded there. Madam Associate, if we can go back to 16.6643, TRIM number 23763, sir. So this was the WASO matter, okay, Mr Yong. Remember I showed you some of those items?---Yes.

5 So there we go. The minutes record you and three other Councillors declaring a direct financial interest and then if we go to the paragraph below your direct financial interest:

10 *In accordance with section 5.69 of the Local Government Act 1995 the Minister for Local Government and Communities granted approval dated 9 August 2016 for Councillor Judy McEvoy to participate in discussion and decision-making at this meeting relevant to item 291, arts and culture sponsorship, West Australian Symphony Orchestra. The conditions of the approval are recorded in item 291/16.*

15

Do you see that?---Yes.

20 So with respect to that particular meeting, you, Councillor Davidson and Councillor Adamos left the meeting when the matter was being considered but Councillor McEvoy was able to remain; is that your recollection of that meeting?---It could have been that way, yes.

25 So if we then go back to the minutes of the Marketing Committee meeting on 23 May, so again, Madam Associate, it starts at, or if we go to 6802, TRIM number, sir, 24742, we can see that there's been no disclosure of member interests and also immediately above that, do you see that, "5. Correspondence"?---Correspondence, yes.

30 It says, "Nil", do you see that?---Yes.

Do you agree with me that if there had been some correspondence with the City of Perth and the Department of Local Government - - -?---That would be recorded.

35 It should be recorded, yes. So again, going through all that, how certain are you that you had been advised by Governance that you were permitted to vote on the Perth Fashion Festival item at this particular committee meeting?---My understanding is I'm quite certain. If we were told that, then we would not have sit in for that meeting and disclosed and excused ourselves.

40 It wasn't a case of you believing that you only had to declare a financial interest for, say, 12 months after you had received the tickets or anything like that?---I'm not sure that the legislation is a 12 month period or - - -

45 Actually, the legislation doesn't say that so I'm just asking whether it was your belief that that was the case?---My belief at that time when I sit in the meeting, I am allowed to sit in that meeting to make decisions.

But the question I've asked you is whether you thought just yourself, that 12 months had passed since you received that ticket to the launch and those tickets that you received from Singapore Airlines so therefore you were entitled to vote and it was a mistake that you made. Is that a possibility or do you maintain that you recall being told by Governance that it was okay?---I recall that. I maintain that as being allowed to sit in the meeting.

Okay then, because once more, Mr Yong, and I can take you to it, the Ordinary Council Meeting on 6 June 2017, and we will go to the minutes now, there's nothing there recording either a declaration of the financial interest by yourself, or that there is noted in the minutes that there was an exemption or an allowance by the Department of Local Government permitting you to vote. Madam Associate, 6414, TRIM number, sir, 21227. That's just the front page to confirm this is the meeting we are talking about and we can see that you were present there at the meeting?---Yes, I can see that.

The bottom of the page there as to who was present. If we go now to 6416 for the disclosure of members' interests, we can see that you've made a proximity interest declaration with respect to a proposed wall sign on the Adelaide Terrace, do you see that?---I can see that.

And Councillor Limnios has made a direct financial interest regarding another matter, not Perth Fashion Festival and Councillor Adamos has made a proximity interest declaration. The Lord Mayor has made a direct financial interest and if we go to the next page, 6417, we can see that's in relation to the Perth Fashion Festival and the Lord Mayor has declared the nature and extent of that interest as being, stating she's on the board of the Telstra Perth Fashion Festival and received tickets to attend the event last year. Then we have Councillor Chen making an impartiality interest regarding the Perth Convention Bureau and then Councillor Green making an indirect financial interest. So there's no declaration from you?---No, not that I can see.

And then we can see there item 10 there, "Correspondence", there's nil. If we go now to 6419, at the bottom of the page we can see there that the event sponsorship for the Telstra Perth Fashion Festival was being considered and immediately above that, before that was considered, the Lord Mayor having declared an interest, departed the meeting, Councillor Limnios assumed the Chair and then if we go over the page, Council minutes at 6420, moved by Councillor Chen and seconded by yourself that, "Council approves the annual sponsorship of \$230,000." Then there's a motion to amend and that was voted upon and then for the sake of completeness, if we go to 6421, the amended motion was put and carried, but it's clear from the minutes, Mr Yong, that you not only seconded the original motion but also voted upon the alternate motion and then also - or the amended motion, you voted on that for, and then voted for the amended motion as well, okay?---Yes

45

[12.30 pm]

And there doesn't appear - anything appear in the minutes regarding any approval or exemption from the Department of Local Government?---That I can see on the record.

5 But nevertheless, do you still maintain that notwithstanding that, that you had approval from Governance to vote on this matter?---My recollection in my mind, yes.

You agree you still had a financial interest?---Even though, with the exemption.

10

Yes, you had an exemption. You still had a financial interest that you say exempted you from having to disqualify yourself, do you follow that?---My understanding, yes, I'm exempted, and allowed to sit on the committee.

15 Not just the committee but also the Council?---The Council, yes.

Notwithstanding the fact that you had a financial interest?---That would come to what you had discussed earlier, when would that duration of that financial interest accounting for.

20

This is what I come back to, I'm asking you whether in fact you just assumed you were allowed to vote because 12 months had passed since you received the tickets?---Yes, but my understanding - my recollection is in my mind, I was told and I was still allowed to sit on the committee to make decision from the Council.

25

And then you were also told that for the Council?---For that committee and the Council meeting.

30 And you maintain that was for consideration of the sponsorship application for the Perth Fashion Festival?---For marketing and Council matters.

Regarding the Perth Fashion Festival?---My recollection, it's not limited the Perth Fashion Festival, is that we are allowed to sit in Council meeting, committee and Council meeting.

35

I see, so for, what, any matters which you might have had a financial interest in?---That was my understanding.

40 So did you understand that you had a financial interest in any other matters involving sponsorship applications?---No, not that I can recall.

What about the Hopman Cup?---Yes, Hopman Cup, yes, I disclose interest, filling out the form.

45 So that was another event that the City of Perth sponsored when you were a Councillor?---Yes.

Prior to February 2016, I'm using that month and year because that's when the Public Sector Commission report was handed down regarding gifts being provided to government agencies in the way of tickets to events and corporate boxes from organisations that the government agency had sponsored?---What date was it?

5

February 2016. March 2016 the then Lord Mayor sent that WhatsApp message to you and six other members of the team advising you of what this all means and then you get all those forms, Gift Declaration Forms to complete. Okay? Can you recall what years of the Hopman Cup you attended with free tickets that had been provided due to the City of Perth sponsorship?---It would be either 2015 or 2016, either one.

10

Only the one?---Either one, I can't remember which one.

15

But it was one, was it, just the one Hopman Cup you went to?---One.

And did you obtain tickets to a corporate box?---Obtain tickets through the City, same as like the Telstra one, through the City by email to Councillors and officers.

20

How many tickets did you receive?---Five, six.

12?---12?

Does 12 sound right?---Looking at the disclosure document?

25

Yes. Can you remember who you took along to the Hopman Cup with the tickets that you received?---I can't recall who they are.

How many times did you go?---One.

30

Once, okay. I'm going to suggest you went to one Hopman Cup in January 2016 on two days, do you remember that?---Looking at the disclosure statement, yes.

35

We will show you that. Madam Associate, 16.0887, please, TRIM number, sir, 24749. There we go, is that your handwriting?---Yes, that is my handwriting.

So we have got there the "Date the gift was offered, 7 January 2016. Description of gift: Hopman Cup 2016. Value of gift: \$96 times six tickets", and you've crossed the box, "Estimated value", comes to \$576. Then in the box, "Is the first gift you've been offered by this person or organisation" and you've marked the box, "No." There is another form that you filled in on the same day in relation to the next day, 8 January 2016 but just staying with this cross of the box, "No", does that suggest you've been to the Hopman Cup with free tickets before January 2016?---Not that I can recall. My understanding when filling out this form was, it should be six tickets each, there were 12 tickets.

40

Yes?---So they were overlapping each other.

"Who will benefit from acceptance of the gift", you haven't filled that in?---It was not - - -

5 Do you see that?---Yes.

Is there a reason for that?---It was not completed.

Just an oversight, was it?---Oversight, not completed.

10

"Organisation/person offering the gift" you've written, "Hopman Cup organiser", and then you haven't filled in any contact person or contact details?---I think it's because we don't know who they are.

15

But what if Governance wanted to contact the person offering the gift to check on the details, how could they do that if you hadn't provided a contact person or contact details?---The reason why we complete this form, the tickets was coming from the City so the City would have the record and the person who received that ticket.

20

"Are they likely to be the subject of a future decision of the City", you've crossed, "Yes"?---Yes.

25

Is that because you believed that the organisers of the Hopman Cup would be most likely to make another application for sponsorship at their event the next year, is that right?---Yes, there's likelihood they will apply.

And again, you've dated that 24 March 2016 which again is the same date?---Same date.

30

As I gather you filled out a number of these Gift Declaration, is that right?---Yes, on the same day.

35

Over the page - hold on. You've crossed the box there, "Gift has been accepted", do you see that?---Yes.

You haven't then crossed or ticked the box in the next column:

40

I declare this information is accurate and acceptance of the gift is not in conflict with the Code of Conduct or Local Government Act 1995 and will not create a future conflict of interest for me in fulfilling my position responsibilities.

45

Is there any reason why you haven't crossed that box?---There's no reason, it should have been crossed and signed.

Yes. Would it have been accurate for you to declare that this information is

accurate and that acceptance of the gift is not in conflict with the Local Government Act 1995 and "will not create a future conflict of interest for me in fulfilling my position responsibilities"?---When I was completing this form, I was made to understand that the City received the tickets and had been accounted for by the City, the tickets received.

5 Yes, but you're saying that the person or organisation offering the gift is the Hopman Cup organiser?---Yes.

10 So the tickets were coming from the Hopman Cup organiser?---The tickets have to come from the organiser because they are the one organising and printing the tickets but the tickets have gone to the City. The City distributes the tickets.

15 And the significance of that is what?---Significant - my understanding is the City was given tickets by the organiser.

Yes?---And the tickets were accounted for by the City and the tickets were given to the Councillors. So my understanding is the tickets are from the City.

20 But I'm looking at the amount, \$576. That's more than \$300, isn't it?---Yes.

Is it your understanding then that this was a prohibited gift?---The form was completed in retrospective of the event.

25 Yes?---So when we received the tickets, my understanding is the tickets was given from the City. Subsequently, some time in March, we were given this form. We were told that whether it is for a gift or any gift that we received, we must disclose and complete that form.

30 Yes?---Either way.

So the answer to my question is, is it your understanding that this was a prohibited gift, that you realised that as of March 2016 but not in January of 2016, is that right?---Yes, that's my understanding.

35 Is that why you didn't cross the box which says, or tick the box, "I declare this information is accurate and that acceptance of the gift is not in conflict with the Code of Conduct or Local Government Act 1995 and will not create a future conflict of interest for me in performing my position responsibilities"?---I don't remember why that box has not been - usually we complete the full.

40 But Mr Yong, if you did cross or tick that box, then that would not be accurate, would it?---That would not be accurate to my understanding, yes.

45 So is that the reason why you didn't cross that box, because you didn't want to declare something that was false?---That may have been the reason.

Yes?---Yes

[12.45 pm]

5 Because regulation - sub-regulation (2) of the Local Government Rules of Conduct Regulations says that:

10 *A person who is a Council member must not accept a prohibited gift from a person who is either undertaking or seeking to undertake, or who it is reasonable to believe is intending to undertake an activity involving a Local Government discretion.*

15 Do you understand what that sub-regulation means?---That Code of Conduct, Local Government 1995, is that the one that you are reading from?

Yes. I'm not actually reading anything from the form that's in front of you there, I was actually reading out the regulations regarding rules of conduct?---Okay, yes.

20 So the regulations stipulate that, "A person who is a Council member must not accept a prohibited gift from a person" and a prohibited gift from a person is a gift worth \$300 or more?---Correct, yes.

25 And they must not accept a gift from a person who it is reasonable to believe is intending to undertake an activity involving a Local Government discretion. If you have a look at the form there, you've actually marked the box with a cross, "Yes" to the question, "Are they likely to be subject of a future decision of the City", do you see that?---I can see that.

30 And you do understand that it's a Local Government discretion as to whether to grant an organisation sponsorship or not?---Yes, I understand.

35 So it would appear the reason why you haven't marked that box is, if you did, you would be declaring something that was wrong?---I believe that reason should be but at that time when completing that form, I don't believe that I have breached because the tickets is coming from the City.

40 COMMISSIONER: So did you believe that the organisation giving you the tickets was not the organisation running the Hopman Cup but the City of Perth?---My understanding is the tickets was received by the City and it's been accounted for by the Administration and then we received the tickets - - -

45 I'm just trying to understand the answer to my question. Which organisation did you think was offering you the tickets, the City of Perth or the organisers of the Hopman Cup?---The City's giving us the ticket.

No, listen to me. Which organisation did you think was offering you the tickets, the City of Perth or the organisers of the Hopman Cup?---My understanding is the

City.

5 In that case, look at this form. If you go about one-third of the way down, you will see there's a row that says, "Organisation/person offering the gift", do you see that?---Yes.

And to the right of that you've written, "Hopman Cup organiser", not the City of Perth?---Yes.

10 Why have you done that if you believed the City of Perth was offering you the tickets?---Because at that time we were asked to retrospectively complete this form
- - -

15 No, no. Whether you were asked to retrospectively do it or not, as I understand it, you are telling me that you understood that the tickets were being offered to you by the City of Perth?---Yes.

That's what you just said to me, right?---Yes.

20 If that's what you believed, then why did you write "Hopman Cup organiser"?---When I was completing that form, the tickets was all printed and all organised by Hopman Cup, so that was the reason I put Hopman Cup.

25 So when you saw those tickets, then you must have realised that the tickets were being offered to you by the Hopman Cup organiser and never by the City of Perth?---Is - - -

Is that right?---To me is - - -

30 Just answer my question, please. When you saw the tickets, you must have realised the tickets were coming from the Hopman Cup organiser, never from the City of Perth, am I right or am I wrong? Don't look at the form, look at me?---My understanding is when - if I receive a ticket from a developer inviting me or giving me a bottle of wine or inviting me for dinner, then it would be directly from that
35 developer or from the organiser, but in this case, we received the tickets is true, an offer from the City.

40 What do you mean "from an offer from the City"?---I mean the tickets was offered to all the Councillors.

You saw the tickets, didn't you? You've just told me you saw the tickets?---Once -
- -

45 Stick with my questions, Mr Yong. Please don't start going off on a tangent. You said you saw the tickets?---It would be a pass or a ticket.

Whatever it is, a pass or a ticket, you saw something that gave you entry to the

Hopman Cup, right?---Yes.

5 And those tickets, you've told me, or pass or whatever it was, indicated to you that the tickets came from the Hopman Cup organiser, that's what you've just told me?---Yes, is printed on the pass.

I understand. Having seen those tickets, how could you ever think that they came from the City of Perth?---No, it's like - - -

10 Just answer my question. Having seen those tickets with the Hopman Cup organiser's name printed on it, how could you ever think they came from the City of Perth?---My understanding is, let's say if I buy a ticket from Hopman Cup and give it to a friend, if I give it to a friend, the organiser was still Hopman Cup but I bought this ticket and give it to that friend, the organiser was still the Hopman Cup but - - -

15 Did the City of Perth buy these tickets, did it?---I don't know how is the arrangement, but my understanding is, they have been accounted.

20 Do you know that the City of Perth bought these tickets?---I don't know how they arrange it, whether they bought it or - - -

25 So at the time you got these tickets, as far as you knew they came from the Hopman Cup organiser, didn't you?---If I received the ticket.

Yes. You told me you did?---Yes.

30 So all you knew is they came from the Hopman Cup organiser, so in those circumstances how could you ever think that they came on offer from the City of Perth?---The tickets was from Hopman Cup organiser. I don't know how many tickets was given to the City of Perth and the City of Perth distribute that.

35 Let's use your analogy. If someone came to me and they said, "Here are some tickets to the Hopman Cup, I want you to give them to Keith Yong" and I just pass them to you, that's all I did, I didn't pay for them, I just handed them to you, wouldn't you still think in that situation that the offer of the tickets came from the Hopman Cup organiser?---If you are putting it in the sense that someone is just asking you to pass it to me.

40 Yes?---Then the organiser will be still the Hopman Cup.

45 And all that happened here was that you got tickets to the Hopman Cup via the City of Perth without knowing whether the City of Perth had paid for them or not, isn't that right?---All my understanding is - - -

Isn't that right? Am I right or am I wrong?---You mean whether it's been accounted for?

No. You know that's not what I mean and I can only think now that you're deliberately trying to not answer my question?---No, I just want to make sure.

5 Listen to it carefully. If the tickets came to you and they were marked with the name of the Hopman Cup organiser, via the City of Perth and you didn't know whether the City of Perth had paid for those tickets or not, why wouldn't you think the tickets were being offered to you by the Hopman Cup organiser?---My understanding is the tickets have been accounted for by the City.

10 What's that based on? What is that accounting for based on?---That the City has - -
-

15 You said they are accounted for, tell me what it's based on?---I have not double-checked with the - - -

So you don't know if they have been accounted for by the City of Perth, do you?---Yes, I assumed they have been.

20 So you can't tell me that, can you?---I can't tell whether it's been accounted for but this - - -

25 So how did you know they were accounted for by the City of Perth?---At that point when I received the tickets, my understanding, been accounted for by the City.

But your understanding, you've just told me, was not based on anything so how did you have an understanding based on nothing?---I couldn't catch what you mean, can you repeat that again?

30 You've told me you thought they were accounted for by the City of Perth. I asked you why you thought that and you've told me you couldn't tell me?---Because it's coming through a City of Perth email.

35 But that doesn't mean it's been accounted for by the City of Perth, does it? Does it?---No.

Does it?---Doesn't mean that.

40 No. So as far as you knew these tickets were coming to you on offer from the Hopman Cup organiser. That's the truth, isn't it?---If I knew that the tickets coming from Hopman Cup, I would have completed this form as soon as I received the tickets, but this form was asked to sign, completed in March.

45 What have you written on the form? What have you written on the form?---The form says, "Hopman Cup organiser."

Opposite what?---Come again?

Opposite what? What is it written opposite?---Opposite, in next to it?

Yes?---"Organisation/person offering the gift."

5

You've written it there?---Yes.

Not the City of Perth?---Yes.

10 So at the time you completed this form, you didn't think the City of Perth was offering these tickets to you, did you?---At that time I was just rushing and completing the form in a rush and submitting it to the Governance.

Mr Urquhart.

15

MR URQUHART: Thank you, sir.

20 Mr Yong, if we can go now to 889, thank you, Madam Associate. This is the other Gift Declaration Form that you completed on 24 March and we can just see there that it's exactly the same details as the previous one but it was in relation to the following day, 8 January 2016, do you see that?---Yes.

25 Apart from that date, all the other details are the same except for, you've crossed the box, "Actual value" of being \$96, whereas on the previous application you just had, "Estimated value" but you've marked, "Actual value" because you got the price of the tickets from the website, did you not?---Yes.

30 Do you recall whether you were in a corporate box for these two days, that is an area of seating that has primary viewing right next to the court?---Yes, it was like being in a box.

It was a corporate box?---For six.

35 Who did you invite?---I can't recall now who are the persons.

When you got the value from the website, was that at the value of a corporate box ticket or just general admission ticket?---In that case I don't know how I get that. I get it from the website.

40 All right, but you don't know whether it was a corporate box ticket or just general admission?---Yes.

The corporate box that you were in, were you provided with food and drinks?---Yes, most likely, yes.

45

It was?---It was.

Was it just friends that you took or family that you took to the Hopman Cup?---As I said - - -

In these two days?---As I say, I can't recall who was the guests.

5

You can't recall anyone you took on either of the two days? No?---No

[1.00 pm]

10 That can come down now, thank you, Madam Associate. Do you accept that as a result of that gift, you had a financial interest that needed to be declared?---Looking at that, yes.

15 The organisers of the Hopman Cup did make a sponsorship application for the 2017 event later on in 2016. The Marketing Committee didn't consider the application and it went straight to an Ordinary Council Meeting on 11 October of 2016. The minutes reflect this and I don't need to show you, unless you want to see them, but you and three other Councillors declared a financial interest with respect to the Hopman Cup sponsorship application?---In 2016?

20

In 2016, that's right?---Yes.

25 And you and the other Councillors excluded yourselves from the meeting when Council made a decision on the Hopman Cup sponsorship application, okay?---Okay.

30 So that's 2016. There was another application for sponsorship made by the Hopman Cup organisers in 2017 for the event in 2018. So I'm just now going to show you the Marketing Committee meeting minutes?---For 2017?

30

For 2017. I'm mindful of the time, sir, but I would like to try and finish with Mr Yong.

35 COMMISSIONER: No, please continue. I interrupted you.

MR URQUHART: Madam Associate, that is 16.0911, TRIM number, sir, 24753.

COMMISSIONER: Thank you.

40 MR URQUHART: That's just the covering page, Mr Yong, to indicate that's the meeting we are talking about. If we can go now, please, to 913, Madam Associate. We can see that those in attendance was yourself and Councillor Linnios, do you see that?---Yes.

45 If we go over the page now to 914, can we see there there's no disclosure of members' interests made at that committee meeting?---No.

However, a triennial event sponsorship application from the Hopman Cup organisers was considered as item 8.1, if we can go now to 917, thank you Madam Associate. Do you see that there? So it was moved by Councillor Limnios, seconded by yourself that:

5

Council by absolute majority decision and subject to approval of the three financial year budgets approves triennial event sponsorship of \$125,000 per annum to Tennis Australia for the MasterCard Hopman Cup for the years 17/18, 18/19 and 19/20.

10

Then there were some other items there that are not relevant for the purposes of this exercise. If we go over to page 918, you see up the top of the page:

15

The motion was put and carried. The votes were recorded as follows: for, Councillors Limnios and Yong. Against, nil.

So the minutes there record, Mr Yong, that you did not make any disclosures of a financial interest regarding the sponsorship application made by the Hopman Cup organisers for this year, whereas you had done the previous year?---In 2016.

20

Yes, so this is now 2017. So why was that?---It would be the same reason from the Perth Fashion Festival, that we were advised that we can sit in to make decision in Marketing Committee and Council.

25

Again, I'm going to ask you once more, how certain are you of that fact?---My recollection in my mind, that was the fact, it had occurred in my mind.

Again, the discussions that you had with Governance, did you speak separately to someone from Governance regarding each separate sponsorship application in which you a financial interest or was this just a discussion that covered everything?---My understanding is, the discussion covered for marketing, sponsorship matters and Council meeting.

30

So again you're of the view that respect to the Hopman Cup matters, you were advised by Governance that either the Department of Local Government had approved it or had granted you some exemption which allowed you to participate?---Yes, my understanding is some kind of exemption to allow us to participate.

35

It's evident from the minutes that there's no record of that?---No, can't see in the minutes.

40

And for the Ordinary Council Meeting on 6 June of 2017, so that's two weeks after in which the matter was considered, again there's no such record in the minutes of that having taken place?---No, we can't see that in the minutes record.

45

Have you had a look at the minutes from 6 June, because these too were provided

to your lawyer?---It would be similar to that decision.

5 It's exactly the same as the other Ordinary Council Meeting minutes that I showed you regarding the Perth Fashion Festival that there is, firstly, no disclosure of your interest, financial interest with respect to the Hopman Cup, and then the minutes show that you voted on the Hopman Cup sponsorship application in the same way as you voted for the Perth Fashion Festival sponsorship application which was the very same meeting?---Same meeting.

10 Yes?---With the two items.

15 Would you at least agree with me that there ought to be, if there's not some record in the minutes, that there ought to be some record within the City of Perth database that refers to this application made by the City and then the response back from the Department of Local Government?---In the way of proper procedure?

Yes?---In policy, it should be recorded for better governance.

20 I can tell you the Inquiry was able to find out information regarding the exemption for the West Australian Symphony Orchestra sponsorship application?---There wasn't or there weren't.

25 There was, yes, there's correspondence for that but the Inquiry has not been able to find any correspondence with respect to exemptions or approvals that were granted by the Department for Councillors to participate in the decision-making, who had financial interests regarding the Hopman Cup and the Perth Fashion Festival, all right?---I can't - yes. It should be recorded anyway.

30 But you've still got that recollection that you were allowed to participate?---To participate.

And that information was conveyed to you from Governance?---Yes.

35 And it's your recollection, it was Mr Ridgwell?---Yes.

Is your recollection firm that it was Mr Ridgwell or somebody else from Governance?---Most likely the person will be Mr Ridgwell but in certain circumstances, Mr Ridgwell will pass on the information through Governance.

40 So are you aware of anybody else involved - can you recall anybody else involved in Governance with respect to this particular matter?---No, I don't. I can't recall anyone.

45 Do you recall if the CEO was involved at all?---Not in my recollection.

You do not have a recollection of him being involved?---Can't be sure.

One thing's for certain, you're sure in your recollection that this approval was given?---By the Governance or someone in the Council.

5 Someone in the Council or someone in the City?---Someone in the - yes, City and Council, it's the same to me.

But someone from the City who worked in governance?---In governance, thank you.

10 Just bear with me one moment, Mr Yong. Thank you, Mr Yong. That's all the questions I have for you.

COMMISSIONER: Yes, thank you. I will hear applications now. Mr van Hattem, do you have an application?

15 MR van HATTEM: No application, sir.

COMMISSIONER: Thank you. Mr Cornish, do you have an application?

20 MR CORNISH: No application, Commissioner.

COMMISSIONER: Mr Mariotto, do you have an application?

MR MARIOTTO: No application, thank you, Commissioner.

25 COMMISSIONER: Mr Tuohy, do you have one?

MR TUOHY: No application, Commissioner.

30 COMMISSIONER: Thank you. Mr Yeldon, do you have one?

MR YELDON: No, sir.

COMMISSIONER: Thank you. Mr Yin, do you have one?

35 MR YIN: I do and it probably should be dealt with in the absence of the witness.

COMMISSIONER: Of course, thank you. Mr Yong, I'm going to ask you to be excused from the hearing room.

40

WITNESS WITHDREW

(Short adjournment).

45 .

COMMISSIONER: Yes, Mr Yin.

MR YIN: The first area relates to the exchange that you just had with Mr Yong about accounting for the tickets that had been received and how he noted on the form it was the Hopman Cup organisers but his evidence was it was the City of
5 Perth organisers. I want to ask him about how he actually received the tickets, did it come from the City of Perth or did he collect them from the Hopman Cup
organiser. I would like to ask him whether, when he said "accounted for", he
meant paid for by the City of Perth, received by the City of Perth or in the sense of
whether or not they had received it and by distributing it to their members, that's
10 what he meant by accounted for, by the Administration and by Governance.

I want to ask him whether it was a common thing for Elected Members to be offered tickets from the City of Perth in that way. I want to ask him at the time of receiving the tickets, who did he think had provided him with the tickets and when
15 he discovered that wasn't the truth, with reference to what he said on the form. In my submission, that would advance the interests of the Inquiry, given the answers that Mr Yong gave to you and I suspect, there might have been some sort of a -
there might have been some cross-purposes in the answers he was giving you as to his belief as to where the tickets came from because I suspect that his view
20 changed at some point between receipt of the tickets and completing the form and I want to explore why he felt that way . So that's the first area and I don't know if my friend wants to respond to it now.

COMMISSIONER: Yes, I will just hear Mr Urquhart on that.
25

MR URQUHART: There's no objection from me for those questions to be pursued, sir.

COMMISSIONER: No, I wouldn't have thought so.
30

MR URQUHART: I am mindful of section 5.100A of the Local Government Act as well.

MR YIN: That's something I need to be aware of before I proceed.
35

COMMISSIONER: Madam Associate, would you give that to Mr Yin, please.

MR URQUHART: 5.100A and also my learned friend better have a look at the Local Government (Administration) Regulations that the instructing solicitor is just handing to him now.
40

MR YIN: I think I appreciate the issues. I think I still need to ask Mr Yong the questions because it goes to his - - -

MR URQUHART: I wasn't seeking to dissuade my learned friend from asking them at all.
45

MR YIN: I maintain the application in terms of Mr Yong's understanding as to the position.

5 COMMISSIONER: Just on that, Mr Yin, it is entirely appropriate that you ask questions of your client on that matter. When you do ask him questions, however, about what he means by the phrase "accounted for by the City", I can tell you now that I will give those answers much more weight if he's not led.

10 MR YIN: Yes, I understand that.

COMMISSIONER: And the second topic?

15 MR YIN: The second topic relates to whether the policy about free tickets received by the City of Perth and Elected Members changed some time after 24 March 2016. I want to ask him about whether that change occurred prior to him receiving advice from Mr Ridgwell about whether he was entitled to vote. I want to confirm that - ask him whether or not he spoke to anyone else about his permission to vote at those things and I want to ask him if he's aware if there is any link between the change of policy and the advice that he'd received from
20 Mr Ridgwell.

[1.15 pm]

25 COMMISSIONER: Mr Yin, those questions do seem appropriate to me. Is there any objection, Mr Urquhart?

MR URQUHART: And me, sir, for what it's worth.

30 COMMISSIONER: In that case, Mr Yin, I give you leave to ask questions of your client on both matters.

MR YIN: Thank you, sir.

35 COMMISSIONER: Madam Associate, would you please bring Mr Yong back into the hearing room.

40 MR URQUHART: There's one matter that Mr Parkinson's raised with me that Mr Yong's evidence wasn't definitive that it was actually Mr Ridgwell, it was to the effect it was most likely Mr Ridgwell.

COMMISSIONER: Mr Urquhart, I'm sure that Mr Yin is agile enough to deal with that.

45 MR URQUHART: I'm sure, yes.

MR YIN: While he's coming in, there was one other question that I don't think is going to cause any controversy. He agreed he had a financial interest in two

matters which he ultimately voted on. I want to ask if the financial interest affected his vote in any way.

5 COMMISSIONER: Mr Urquhart?

MR URQUHART: Nothing to say about that, sir.

COMMISSIONER: No, there isn't much to say about that. You have leave.

10 MR YIN: Thank you, sir.

COMMISSIONER: Mr Yong, please resume your seat in the witness box.

MR Yit Kee YONG, recalled on former affirmation:

15 COMMISSIONER: Mr Yong, in your absence I heard an application from your Council, Mr Yin, to ask you questions about three matters and I have given him leave to ask you questions about all three matters. Your exclusion from the hearing room is no reflection on you?---Thank you.

20 Mr Yin.

MR YIN: Thank you, Mr Commissioner.

25 EXAMINATION BY MR YIN

Mr Yong, I think you agreed that when you voted in 2017 for the Hopman Cup and the Perth Fashion Festival, that you had a financial interest of some kind, is that correct, that was your evidence?---I've given evidence that I have a financial
30 interest.

Did that affect your vote in any way?---No.

35 You gave some evidence that apart from the Singapore Airlines tickets which were put to one side, you thought that the tickets to both the Hopman Cup and the Perth Fashion Festival had come from the City of Perth?---Yes.

40 Firstly, let's talk about the Hopman Cup. How did you receive those tickets?---It would be an email offered from the City of Perth and attention to all Councillors and staff.

Do you then respond and say, "Yes, I'd like some tickets"?---That's right, yes, then we respond.

45 How do they then come to you, the tickets themselves, email or do you have to go pick them up or - - -?---The ticket will come, usually in an envelope and put in our pigeonhole letterbox.

So at your City of Perth offices?---At the City of Perth office.

5 Do you remember you had an exchange with Mr Commissioner about the tickets being accounted for?---Yes.

By the City of Perth. Can you clarify what you meant by that term? Firstly, did you mean that they had been paid for by the City of Perth?

10 COMMISSIONER: Mr Yin, I did warn you about this, didn't I?

MR YIN: Yes. I was going to give him some options but I understand where you're coming from, sir.

15 What did you mean by "accounted for"?---My understanding of "accounted for" means the Governance or the Finance would have sorted out with the organiser or the sponsors that the ticket is so-called as in cleaned and to be - as in clean, it can be received by Councillors.

20 That answer, I think what you're suggesting is that the City of Perth had cleared receiving those tickets?---Has cleared, yes. That's the word that should be used, has cleared those tickets to be received and to be accepted.

And they were then offered on?---Offered on, I agree.

25 At the time of receiving those tickets, who did you think had provided you with them? At the time of receipt, when you get them out of your pigeonhole?---Yes. Who should receive, is that the question?

30 Who was the person offering you the tickets?---The City of Perth.

Did you, some time after that, discover that it wasn't the City of Perth?---Yes. I was confused at that time of filling out the form, when the Governance gave me the form to complete. So I was confused that I received the ticket but in actual fact, my understanding is the tickets are from the City of Perth.

35 Do you remember filling out a form on 24 March 2016 where you say that the tickets were given to you by the Hopman Cup organiser?---Yes, that was written on that disclosure.

40 But you've given evidence that you believed that the tickets came from the City of Perth?---Yes, I truly believed that.

45 At would stage did your understanding change? Your understanding has changed at some point from believing it's the City of Perth - - -

COMMISSIONER: That's not necessarily right, is it, Mr Yin?

MR YIN: I thought that was his evidence?---It was from the beginning that it is from the City of Perth but subsequently I was asked to sign and complete the form retrospectively, that was the time that I put on a different person given the ticket.

5

Why did you put that down?---As I've given the evidence earlier, the tickets was printed by the organiser but it was accounted for by the City, so in actual fact, the City has cleared the tickets to be accepted by Councillors.

10 Are you aware of whether, after you completed this form, being 24 March 2016, whether a policy about tickets being provided to Elected Members changed?---Some time in 2016, yes, we were told.

15 Do you recall you gave some evidence that you received some advice from Governance that you were entitled to vote in 2017 for the Perth Fashion Festival?---Yes, that's my recollection.

20 Do you recall who that was that gave you that advice?---My recollection, the person who is to be most likely will be Mr Mark Ridgwell.

25 Do you recall speaking to - I will retract that question. Are you aware if there's any link in the change of policy in the City of Perth members receiving tickets and the advice you received from Governance from the person you believe was Mark Ridgwell?---I request you repeat the question, please.

25

You just gave some evidence that after 24 March 2016 there was a change in policy about receiving tickets?---Yes.

30 And you've given some evidence that prior to voting in 2017, you received some advice from Mr Ridgwell, or someone you believed to be Mr Ridgwell?---Yes.

That you were entitled to vote. Are you aware if there was any link between the two things?---Yes.

35 What was that link?---That would have given me the permission to sit in Council and committee meeting to vote and decide on the matters.

Being linked to the change in policy?---Change of policy.

40 Thank you. Those are my questions.

COMMISSIONER: Thank you, Mr Yin, that was helpful. Anything arising out of that, Mr Urquhart?

45 MR URQUHART: No, thank you, sir.

COMMISSIONER: Thank you. In that case, Mr Yong, thank you for your

assistance today. I excuse you from further attendance today. What time would you like to resume with the next witness, Mr Urquhart?

MR URQUHART: At 2.15, please, sir.

5

COMMISSIONER: Very well, I will adjourn the Inquiry until 2.15.

WITNESS WITHDREW

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(Luncheon Adjournment)

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HEARING RECOMMENCED AT 2.22 PM

COMMISSIONER: Mr Urquhart.

5 MR URQUHART: Thank you, sir. Firstly, I apologise for the delay of seven or
eight minutes in commencing. That responsibility lies entirely with myself. It was
due to a document that has been found over lunch and as a result, arrangements
have been made to recall Mr Yong and I'm grateful for Mr Yong and Mr Yin
making themselves available now. So Mr Yong is in the back of the hearing room
10 and if he could come forward to the witness box, please.

COMMISSIONER: Thank you. Mr Yong, would you please come to the witness
box. Mr Urquhart, there's no need to apologise.

15 **MR Yit Kee YONG, recalled on former affirmation:**

COMMISSIONER: Mr Yong, first of all, let me thank you for returning to the
hearing, even though you were excused from further attendance today. It is
appreciated. Mr Yin, I also wish to thank you for returning today, even though
20 your client was excused from further attendance. It's appreciated.

MR YIN: It's no difficulty, thank you.

COMMISSIONER: Mr Urquhart.

25

MR URQUHART: Thank you, sir.

Mr Yong, in light of the evidence that you gave before lunch regarding why it was
that you voted with respect to the Hopman Cup sponsorship application and the
Perth Fashion Festival sponsorship application in 2017, the Inquiry was able to
30 examine further documents to see whether there was some evidence that might
support what you were saying and I can advise you now that whilst there wasn't
any Ministerial or Local Government Department exemptions that we found, we
were able to find some email exchanges between yourself and Mr Ridgwell in
35 October of 2016. So what I'm going to do now is have those emails placed up on
the screen and I will ask you some questions about it. So Madam Associate, these
will be a train of emails commencing at 16.0947, thank you. Sir, just while that's
being done, I've provided a hard copy of this to Mr Yin just before you came in,
40 sir.

COMMISSIONER: Thank you very much.

MR URQUHART: I'm on 16.0947, TRIM 24889.

45 COMMISSIONER: Thank you.

MR URQUHART: Mr Yong. We will just go through these emails. We will start

at the bottom of that page?---Yes.

And it's from 10 October 2016 and it's been sent at 10.47 am to the Lord Mayor and Councillors, okay?---Yes.

5

So this is 2016. Mr Ridgwell's email reads:

10 *Dear Lord Mayor and Councillors, Please find attached a Disclosure of Interest form. Can I please ask that you review the agenda papers for the Council meeting and undertake the necessary disclosures you wish to make and return to Governance@CityofPerth.wa.gov.au at your earliest convenience. The responsibility to complete a declaration rests with each of us individually. However, please do not hesitate to contact me directly should you wish to discuss a particular matter.*

15

Just to put this in context, this is 10 October of 2016 and I suspect that would be in relation to the Ordinary Council Meeting that was coming up the next day, on 11 October that I've taken you through, okay?---Yes.

20

So we now just go to another email that he sent to you and Madam Associate, if we can go now to page 946 and this was sent 8 minutes later and it just starts about two-thirds of the way down the page, do you see that?---Yes.

And it says:

25

30 *Dear Councillors, it has been identified that you have a direct financial interest in item 13 of the Council agenda. Can you please complete the attached Disclosure of Interest form and return to myself. Nature: tickets as part of previous corporate sponsorship. Extent: Hopman Cup tickets. Enter number of tickets, corporate box, dollars, enter value.*

35 Do you see that? Then he has set out in a table those Councillors who were required to complete a Disclosure of Interest form and it's to do with the Hopman Cup tickets that I took you through before lunch?---Yes.

40 Do you see that, and we see your name first. For the sake of completeness, the next Councillor's name, if we can go to 947, thank you, Madam Associate, we see that's Mr Adamos and then there's Councillor Chen and Councillor Davidson, all of whom received tickets to the Hopman Cup for the same Hopman Cup event that you attended?---Yes.

45 You might recall when I read out the first email that Mr Ridgwell sent you, which is at the bottom of that page 947 which says:

Please do not hesitate to contact me directly should you wish to discuss a particular matter.

5 It would appear, Mr Yong, that you took up that offer of Mr Ridgwell's. So if we can go now to - we'd better start at the commencement of that email that you sent and Madam Associate, if we could just go to 945 briefly, and just go to the bottom of the page. I can assure you we will deal with the email above that but at the bottom of the page there, Mr Yong, can I just draw your attention to the fact that you've sent an email to Mr Ridgwell, do you see that?---Yes.

10 10 October 2016 at 11.04 am?---Would you turn the document?

Yes, if we go over the page, thank you, Madam Associate, to 946, we can see that you also CCed in Mr Adamos, Ms Chen, Mrs Davidson and also Cathryn Clayton. Was she another City of Perth Governance Officer?---I understand so, yes.

15 In any event, you've also sent CCed into those Councillors who also had to disclose their interest with respect to the Hopman Cup. The question that you've asked appears on that page:

20 *Hi Mark, for clarification purposes, please advise if all EMs - short for Elected Members - previously attended City's sponsored event must declare interest for the rest of their term as Councillors. Interested to know the reason. Much appreciated, kind regards, Councillor Keith Yong.*

25 Do you see that?---Yes

[2.30 pm]

30 Do you have a recollection now of forwarding an email like that to Mr Ridgwell?---I can't recall previously but now shown, I can see that it is from my email.

35 And you're seeking clarification from him as to whether, as I understand it, Councillors who have previously attended a City's sponsored event for which they have got free tickets, whether they have to declare an interest for the remainder of their term as Councillors, is that right?---Yes.

40 Bearing in mind at this stage, you still had a year to run for your term as a Councillor?---Yes.

45 So now we go back, Madam Associate, to 945 and we can see the response from Mr Ridgwell sent on Monday, 10 October 2016 at 11.35, "Hello Councillor Yong", it reads, "On those Elected Members" though I think that might be a typographical error and it should read "only":

Only those Elected Members who have received a gift over \$200 in value in the past 12 month period, Mark Ridgwell, Manager,

Governance.

Do you see that?---Yes.

5 I was not aware of these emails until I was shown to me over the lunch break but I did actually ask you, Mr Yong, when you were a Councillor whether you may have still voted on those 2017 matters because you thought there might have only just been a one year period that you had to declare a financial interest?---I remember you asked that question.

10

And I asked you that because of the fact that you had disclosed a financial interest - - -?---In 2016.

- - - in 2016 but not 2017, you see?---Yes.

15

But you said no, that wasn't the reason; you believed you'd been advised by - - -?---Governance.

20

Yes, Governance, who you thought was Mr Ridgwell that an exemption or approval had been obtained from the Department of Local Government?---Yes.

25 So now having a look at these emails, now that you've had your memory refreshed with respect to that, are you now able to say what was the reason why you proceeded to vote in 2017 for the sponsorship applications for events which you had received free tickets for?---Yes, by looking at this email, advice from the Governance Manager says, to be disclosed for those amount, for the period of 12 months.

30

Only 12 months?---The 12 months.

So I gather then you just simply took his word that that was in fact correct?---From the word of the Manager of Governance.

35

Yes. You can see there that he's also CCed in the same Councillors that you had CCed in, in your email when you sought your clarification?---Yes, I can see that in the email.

40

Just bear with me for one moment, Mr Yong. Thank you, Commissioner. That's all the questions I have now for you, Mr Yong. Thank you.

45

COMMISSIONER: Thank you, Mr Urquhart. In light of the way in which this has developed, I'm going to invite counsel at the Bar table to make a further application if they wish to examine Mr Yong, but only in relation to the subject matter of the evidence that has emerged following the lunch adjournment.

Mr Malone, do you have an application?

MR MALONE: No, I don't, Commissioner.

COMMISSIONER: Thank you. Mr Cornish, do you have an application?

MR CORNISH: No application, sir.

5

COMMISSIONER: Thank you. Mr Skinner, you've replaced Mr Mariotto, do you have an application?

MR SKINNER: Only to appear, sir.

10

COMMISSIONER: Thank you.

MR SKINNER: Thank you very much, sir.

15

COMMISSIONER: Mr Tuohy, do you have an application?

MR TUOHY: No application, sir.

COMMISSIONER: Thank you. Mr Yeldon, do you have an application?

20

MR YELDON: No, sir.

COMMISSIONER: Thank you. Mr Thomas, do you have an application?

25

MR THOMAS: No, sir, only to appear for Ms Chen when the time arrives.

COMMISSIONER: Yes, thank you. Mr Yin, do you have an application?

MR YIN: I think I do and it might need to be heard in the absence of Mr Yong.

30

COMMISSIONER: Yes, of course. I understand, of course. Mr Yong, I'm going to ask you to be excused from the hearing room while I hear your counsel's application

35

WITNESS WITHDREW.

COMMISSIONER: Yes, Mr Yin.

40

MR YIN: It may well be that this issue has been dealt with implicitly but I would like to ask Mr Yong whether or not this was the only basis for his decision or whether there was that conversation that he gave evidence about, because it's a bit unclear as to whether this supplants that conversation or whether both happened.

45

COMMISSIONER: Mr Yin, you will appreciate, I'm sure, that the reason why your client was recalled was because this document, in fairness, should have been put to him and he should have had an opportunity to give some evidence about it. By the same token, I accept your submission that it is only fair that there be no

lack of clarity about the subject on which you wish to ask him further questions. I don't imagine there will be any objection to it either. Am I right, Mr Urquhart?

5 MR URQUHART: That's right, sir, but I do advise, my recollection of the evidence before lunch was that he either had a conversation or received an email, or emails.

COMMISSIONER: Yes. Let's put the matter to bed.

10 MR YIN: I will put it in that way then.

COMMISSIONER: You can put it in whichever way you think is convenient, Mr Yin, I'm not going to stop you doing that.

15 MR YIN: Thank you, sir.

COMMISSIONER: Madam Associate, would you please have Mr Yong brought back into the hearing room. Mr Yong, please resume your seat in the witness box.

20 **MR Yit Kee YONG, recalled on former affirmation:**

COMMISSIONER: Mr Yong, in your absence I heard an application from your counsel to examine you on the topic on which Mr Urquhart has just asked you some questions and I have granted him leave to do that?---Okay.

25 Your exclusion from the hearing room is no reflection on you?---Thank you.

Mr Yin.

30 MR YIN: Do you recall before lunch that you gave some evidence that you voted in 2017 in respect of the Perth Fashion Festival and the Hopman Cup after receiving advice from Governance?---Yes, I do recall.

35 Do you recall telling the Inquiry that you recall having a conversation with someone you thought to be Mr Ridgwell?---Yes, I did say that.

And you weren't sure if you received email correspondence as well, do you recall giving that evidence?---Yes.

40 Now having seen the email that's just been put to you, was the email the only correspondence you had about voting in 2017, or were there conversations as well?---My recollection, there were verbal conversation as well.

So there were verbal conversations as well as this email?---Yes.

45 Thank you. Those are my questions.

COMMISSIONER: Thank you, Mr Yin. Is there anything arising Mr Urquhart?

MR URQUHART: There just might be one matter, sir.

5 COMMISSIONER: Yes.

MR URQUHART: Sorry, Mr Yong, but with respect to those verbal
conversations and in light of this information that appears in these emails, is it still
your firm recollection that in those conversations that phrases such as, you've been
10 exempted or that the Department of Local Government has approved you being
allowed to vote on these matters? I say that because there's no reference to that in
these emails?---My recollection is, relate to this email that allow me to think I'm
allowed to sit on this meeting, for committee and Council meeting and make
decision.

15

So it might not have been the case that anyone said to you that the Department of
Local Government has approved or exempted - - -?---It might not, yes. Maybe I
related to other matters.

20 Can you recall whether that matter was actually the exemption to do with the West
Australian Symphony Orchestra?---Can't recall which exemption was received.

Thank you, sir. They are the matters.

25 COMMISSIONER: Thank you, Mr Urquhart. Once again, Mr Yong, thank you
for returning to the hearing room this afternoon to deal with this additional
matter?---Thank you, Commissioner.

30 It's very much appreciated. Mr Urquhart, may I excuse Mr Yong from further
attendance today.

MR URQUHART: Yes, you may. I can say that with some certainty.

35 COMMISSIONER: In that case, I excuse you from further attendance today,
Mr Yong. Mr Yin, once again, thank you for returning to the hearing room this
afternoon.

MR YIN: Thank you, sir. I take it that I'm excused as well?

40 COMMISSIONER: You are.

MR YIN: Thank you.

WITNESS WITHDREW.

45

COMMISSIONER: Mr Urquhart, are you ready to commence with your next
witness?

MR URQUHART: I am, thank you, sir and I will call that witness now. That's Lily Chen.

5 MR THOMAS: Ms Chen is outside the hearing room.

COMMISSIONER: Thank you, we will have her brought in. Ms Chen, please come forward and take a seat in the witness box. Thank you. Ms Chen, would you like to take an oath or make an affirmation?

10

MS CHEN: Affirmation, please.

COMMISSIONER: Thank you, Madam Associate.

15 **MS Lily CHEN, affirmed:**

COMMISSIONER: Thank you. I will now hear applications. Mr Thomas.

20 MR THOMAS: Sir, I don't think it's an application as such but I seek a continuation of my leave to appear for Ms Chen, with Ms Oreo.

COMMISSIONER: Yes, very well. Is there any objection to that?

25 MR URQUHART: No, there won't be, sir, and nor with the balance of any applications that may now be made.

COMMISSIONER: Thank you. Mr Thomas, you have leave.

30 MR THOMAS: Thank you, sir.

COMMISSIONER: Mr Yeldon?

MR YELDON: I seek leave to appear on behalf of Janet Davidson.

35 COMMISSIONER: You have it.

MR YELDON: Thank you very much, Mr Commissioner.

40 COMMISSIONER: Mr Tuohy?

MR TUOHY: Sir, seeking leave to continue to appear for Mr Mileham.

COMMISSIONER: Thank you, leave granted. Mr Skinner?

45 MR SKINNER: May it please you, sir, I seek leave to appear on behalf of Mr Linnios.

COMMISSIONER: Thank you, leave is granted.

MR SKINNER: Thank you, sir.

5 COMMISSIONER: Mr Cornish.

MR CORNISH: Thank you, Commissioner, I seek leave to appear on behalf of Dr Jemma Green.

10 COMMISSIONER: Thank you, leave is granted. Mr Malone?

MR MALONE: Thank you, Commissioner. I seek leave to represent Councillor Harley.

15 COMMISSIONER: Leave is granted, Mr Malone, thank you. Mr Urquhart.

MR URQUHART: Thank you very much, sir.

20 Ms Chen, just to recap very briefly, you were elected as a City of Perth Councillor in 2011?---Yes.

And you were re-elected in 2015?---Correct.

25 And you were part of the Council that was then suspended in March of 2018?---Correct.

Ms Chen, do you recall nominating yourself to be on the Marketing, Sponsorship and International Engagement Committee in October of 2015?---Yes.

30 Had you been on that committee prior to October 2015?---Yes.

Can you recall what years they were?---Cannot remember.

35 2011-2013 or 2013-2015?---Probably second half.

So October 2013. Do you recall nominating yourself again to be on the same committee in October of 2017?---Correct.

40 Did you nominate yourself to be on the committee in October 2013 or did somebody else nominate you, or you can't recall?---Cannot recall

[2.45 pm]

45 Am I right in saying though that a Councillor can either nominate themselves to be on a committee or they can be nominated by somebody else?---That's correct.

And that Councillor can either accept or reject that nomination?---(No audible

response).

Ms Chen, I've got no doubt at all that very shortly we are going to get a message through from the transcribers interstate that they can't hear you?---Okay.

5

I'm going to ask you if you could keep your voice up nice and loud, please. Those microphones in front of you won't actually amplify your voice?---Okay.

That's still too soft. Try again, say okay again?---Okay.

10

Much better. Thank you. When you nominated yourself in 15 and 17 to be on that particular committee, can I ask you why you did, why was it that you wanted to be on this particular committee?---Yes, I was happy with that committee, the committee's job and duties.

15

What particular job and duties of that committee were you interested in?---Sponsor different functions, events, and activate the City.

So you were interested in those areas, were you?---Correct, and supporting small businesses in the City.

20

Any other reason why you would want to be involved at the committee level for sponsorship applications?---Each of us, we should entail certain responsibilities on different committees.

25

I'm asking you about this particular committee?---Yes.

What was your particular interest in this? I know you've mentioned helping small businesses?---Yes.

30

And just sponsorship in general?---Yes.

And promoting the City no doubt?---Yes.

35

Can I ask you this way: were you a member of any associations that made applications for sponsorship to the City?---Chung Wah Association.

So you were a member of the Chung Wah Association?---Correct.

40

And what did that do? I think you might have given this evidence previously but just remind us now what that association did?---Is working for the people in the community, in the Chinese community.

Yes?---Serve the ageing people.

45

Serve aged people?---Serve the ageing people, activities promoting the City and helping the small businesses in Northbridge and in the City generally.

Are you saying small businesses that were run by - - -?---No.

5 - - - people in the Chinese community or just more generally?---No, more generally.

So you were a member of the association. When did you become a member?---Very long time, cannot remember.

10 About how long ago?---Probably more than 15 years.

What role did you serve with the association in that 15 years?---Ordinary member generally and two years was honorary legal advisor, free, pro bono volunteer work.

15 So you provided legal advice on a pro bono basis?---Yes, correct.

Also, did you say, did you do volunteer work?---Yes, volunteer work. If they have functions, I could offer my time to help.

20 Did you have to consider sponsorship application as a committee member and then on the Council with respect to those applications made by Chung Wah Association?---Correct.

25 I will come back to that a bit later on. Could I ask you this now: what did you understand your obligations were when disclosing gifts you had received in your role as a Councillor?---My obligation is disclose the gift.

How would you do that?---By completing a form.

30 On that form, did you have to disclose the actual or estimated value of the gift?---Yes.

Was there something significant about ensuring those details were accurate?---Yes.

35 Why was that?---Above \$300 is prohibited gift, below \$300 is disclosable.

I think yes, a prohibited gift was a gift worth \$300 or more, that's your recollection?---Mm hmm.

40 Or if it was more than one gift from the same person or group, if the combined total of those gifts were worth \$300 or more within a six month period, is that your recollection of it?---Correct.

45 Then the one you described as a disclosable gift, was another name for that a notifiable gift?---Yes.

Can you recall what those amounts were, what was the range?---\$50.

\$50 to \$300?---Yes.

5 And again did that same rule apply, that if you got two or more gifts of a combined total of \$300 or more, that became a notifiable gift if it was received within a six month period?---Yes.

Is that right?---Correct.

10

With respect to a prohibited gift, what did you understand that meant?---Someone give me gift to me as an Elected Member individually.

15 And if it was worth \$300 or more, could the Councillor still accept the gift?---Normally I don't. If give me personally, I would give back to the City.

20 In what circumstances would you give it back to the City?---For example, international guests from Sister Cities, so if they give us the gifts at meetings or after meeting and I would give back the gifts to the City.

20

Did you ever accept prohibited gifts?---Is not in my view because those tickets and things are systematic arrangement between the Administration with the sponsored organisers.

25 Ms Chen, I will get to that. I'm just asking you generally now whether you ever accepted gifts that were classified as prohibited?---Apart from tickets, no.

30 I just want to cite to you a section of regulation (2) of the Local Government (Rules of Conduct) Regulations, because this regulation deals with gifts. Sir, this is subparagraph (2), so regulation 12(2). That reads:

35 *A person who is a council member must not accept a prohibited gift from a person who is undertaking or seeking to undertake or who it is reasonable to believe is intending to undertake an activity involving a Local Government discretion.*

Were you aware of that part of the regulation when you were a Councillor?---Yes.

40 Did you understand what "an activity involving a Local Government discretion" meant?---Yes.

What did that mean to you?---For example, sponsorship.

45 A decision whereby the Council could either refuse or grant whatever's being sought?---That's correct.

In the exercise of its discretion?---Yes.

What would you do in the situation where someone has, say, offered you a gift worth, say, \$150; that's a notifiable gift which you're allowed to accept?---Yes.

5 But then within a six month period that person then offered you another gift that was worth, say, \$200?---M'mm.

10 So it's still in that notifiable gift range, however, the two gifts combined give an amount of over \$300. In those circumstances, what would you do with the second gift? Would you accept it or not accept it?---I would seek advice from Governance and then if I was advised it's a prohibited gift, I would refuse to take it or give back to the City.

15 In your time as a Councillor, what was your understanding of when a Councillor had a financial interest in a matter? What did you understand that meant?---Direct financial benefit, that's my understanding.

Direct or indirect did you say?---Direct.

20 Direct financial benefit?---Mm hmm.

So what examples would there be of that?---Shareholder, director of that organisation.

25 In any other situations?---Financial member, maybe.

Right, yes. Any others?---(No audible response).

30 What was your understanding of the acceptance of gifts and whether that gave rise to a financial interest?---I thought that was indirect, financial interest.

You regard that as an indirect financial interest?---Between, not 100 per cent sure.

35 So what sort of training did you receive from the City with respect to financial interests?---Not specifically to financial interest, but there's induction and the manual.

40 Did you believe from that induction and the manual that you had a good understanding of when a Councillor had a financial interest?---Not 100 per cent. You have to through the practice and then you do it under the direction and the governance.

45 If a Councillor did have a financial interest in a matter and that matter was before Council or a committee in which the Councillor was present, did you know what the Councillor had to do in those circumstances?---Before the Council meeting, we are talking about the general Ordinary Council Meeting, you need to declare your financial interest or impartiality interest before the meeting.

5 What was the difference to your understanding between a financial interest and an impartiality interest?---Impartiality interest, it's sort of connected. So if you have a financial interest and then you still stay and vote, but you haven't declared your impartiality.

10 I see. So someone who had a financial interest, were they allowed to participate in the decision-making process for the matter in which they had that financial interest?---My understanding is, below \$300 is still okay to stay and vote.

Is that for a financial interest?---For the gift, if an amount is below \$300.

That was your understanding?---Yes. I was allowed to stay.

15 What about an impartiality interest?---Impartiality looks like always okay.

Always okay?---Yes.

20 So you're saying that the legislation allowed for the Councillor to remain if they have declared an impartiality interest?---I didn't say legislation, I said the City directed us in such a way.

I can assure you it's in the legislation?---Yes.

25 Did you understand that there was a regulation covering that?---Yes

[3.00 pm]

30 I just want your views on circumstances in which a Councillor declares an impartiality interest?---Yes.

Okay?---M'mm.

35 In fairness to you, I will just cite to you what the legislation says an impartiality interest is. Sir, I'm taking the witness now to regulation 11 sub-regulation (1) of the Local Government (Rules of Conduct) Regulations 2007?---Thank you.

That regulation's titled, "Disclosure of Interest" and sub-regulation (1) reads:

40 *In this regulation, interest means an interest that could, or could reasonably be perceived to adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*

45 Okay?---M'mm.

Then sub-regulation (2) says that:

A person who has such an interest must disclose the nature of the interest in written notice given to the CEO before the meeting, or at the meeting immediately before the matter is discussed.

5

Is that what your understanding was of what was required?---Yes.

Sub-regulation (3) though says that it does not apply "an interest referred to in section 5.60 of the Act" which is in relation to a financial interest, okay?---M'mm.

10

So the legislation draws a distinction between what a member, an Elected Member is allowed to do if they have an impartiality interest on one hand, or a financial interest on the other. A member who has an impartiality interest can remain and participate in the matter in which they have that interest, but if they have a financial interest, then they cannot; was that your understanding?---Yes.

15

I just want to ask you some questions regarding the impartiality interest. There were occasions when you had to declare an impartiality interest, is that right?---Yes.

20

But did you ever voluntarily leave the meeting when the matter regarding that impartiality interest came up for discussion?---No, I was not required.

25

Yes, I know you weren't required but did you ever hold a view that, "Well, because my interest in this matter is a strong one, then I ought to exclude myself?---No.

That never crossed your mind?---No.

30

How did you find then voting on matters in which you did have an impartiality interest? Did you feel conflicted at all?---No.

No, and why was that?---Because I'm not for myself.

35

No, but were you able to put aside whatever association or connection you had with the matter and still judge it on its merits?---Correct.

And you had no difficulty at all - - -?---No.

40

- - - with the impartiality interest that you had?---No.

So with respect to the Chung Wah Association though, you were heavily involved in that association, weren't you?---Not really.

45

Not really?---Yes.

When you say not really, what do you mean by that?---Very occasionally attending functions and in two years, I was honorary legal advisor. I think they only asked

me once for legal advice and not heavily involved.

But you were very passionate about promoting the interests of those within the Chinese community, weren't you?---Correct.

5

And this was a major Chinese association?---Longest in Australia.

Sorry?---The longest association in Australia.

10 The longest running association in Australia?---Correct.

And one of the largest Chinese associations in this State?---Correct.

And in Australia?---Yes.

15

When were you - you said you were a honorary legal advisor for two years, when was that?---Cannot remember because they only ask me once, question.

It was whilst you were a Councillor?---Not even remember.

20

Some time between 2011 and 2018?---Maybe before.

But maybe during those times?---Maybe, yes.

25 So again, Ms Chen, I emphasise this is no criticism of the fact that you remained at committees and Council meetings that considered the sponsorship applications that were made by Chung Wah, no criticism at all because you were perfectly entitled to be there, but were you able to separate yourself from that association and still be able to consider the matter objectively?---Yes.

30

Do you know what you mean when I say "objectively"?---Yes.

So you still believe you were able to do that?---Correct.

35 Would I be right in saying that with respect to the sponsorship applications that were made by the Chung Wah Association, you also voted for them?---Correct.

Ms Chen, did you understand what it meant under the Local Government Act if someone was a "closely associated person" with an Elected

40

Member?---Membership, I'm not sure is closely related association.

So is that the extent of your understanding of what that phrase meant?---Because I don't have any other association.

45 No, I'm just - - -?---A link.

- - - asking generally now. I'm not talking about you specifically or what

association you had with any organisation or person, I just wanted to know what your understanding was when someone under the Local Government Act was described as a closely associated person with a Councillor?---Not sure.

5 You're not sure?---Mm hmm.

Did you have a knowledge of what that meant when you were actually a Councillor?---Not specifically studied that phrase.

10 Did any part of your induction or materials that you received when you became a Councillor address this particular matter?---No.

No?---No.

15 Could I ask you this then: if an organisation gave you free tickets to an event of theirs in which the City had sponsored that event, did it ever cross your mind that in those circumstances a Councillor, or that organisation may have or may be a closely associated person with that Councillor?---No.

20 You weren't aware of that?---No, because we never given tickets by individual organisation or applicants organisations, never.

What do you mean by that?---Because never directly give us the tickets, all through City of Perth.

25

Always through City of Perth?---M'mm.

30 So you made that distinction, did you?---Yes. No-one give me free tickets when I was Elected Member and who were seeking sponsorship from the City, no-one. So apart from the tickets organised between the sponsored organisations and City of Perth Administration, so we normally receive emails, asked Councillor, "Do you want the tickets?" We never told how much the tickets worth for. That's why we didn't know the tickets, how much and also, no-one give me privately or personally give me tickets.

35

But Ms Chen, if an organisation is giving tickets to the City of Perth free of charge because the City of Perth was sponsoring their event, then those tickets were used by Councillors, those tickets came from the organiser of the event, did it not?---Yes, correct.

40

So it did not matter that it came via somebody else at the City of Perth or someone in Administration, the free ticket, as I understand it - disagree with me if you want - the free ticket actually came from the organisers of the event?---Correct. Before I was elected to City of Perth the tickets arrangement already there.

45

I'm just staying with the time at which you were a Councillor with the City of Perth?---Yes.

And when you received free tickets to events that the City of Perth had sponsored?---Yes.

5 Okay?---M'mm.

We have spoken about financial interests and this can be a direct or an indirect financial interest, but did you have an understanding of how long from when the financial interest arose, must a Councillor make the disclosure that they had a financial interest?---10 days.

That's the time in which you have to complete the Gift Declaration Form?---Yes.

I'm talking about when a Councillor is disclosing that they have a financial interest, okay? Did you know whether there was a time limit from when the Councillor received the financial interest - - -?---Cannot remember.

- - - to when they had to keep disclosing that financial interest, if it was one?---Cannot remember. We just ask for form and then just complete and then give to them.

Do you recall voting on sponsorship applications with respect to the annual Perth Fashion Festival?---Yes.

25 Am I right in saying that when you were permitted to vote, that you always voted in favour of sponsoring the Perth Fashion Festival?---Yes, correct.

Why was that?---Majority of sponsorships I voted for.

30 Why the Perth Fashion Festival in particular?---Not in particular, all.

Are you saying then without ever making any changes or voting for any changes, you always voted for the officer recommendation?---No, not always. Most of the time, majority of the time.

35 So I'm just staying then with the Perth Fashion Festival, why was it that you always voted in favour of that particular event?---Because there's only one Fashion Festival, that is number one. Secondly, we believed the organisers made a great effort to promote the capital city of Perth as one of the fashion destinations. So I like the concept, that's why I voted for.

40 [3.15 pm]

45

You recall that there were some Councillors who supported the Perth Fashion Festival more strongly than others?---Each item the same. Some of the Councillors more favourable and other Councillors less favourable.

5 So with respect to the Perth Fashion Festival, who were the Councillors that regarded the Perth Fashion Festival sponsorship more favourably?---Myself.

Yourself, yes. Who else?---Councillor Yong.

10 Councillor?---Keith Yong.

Yes?---Janet Davidson.

Yes?---In the early stage, Councillor Limnios.

15

Yes?---Who else? Before was Butler.

Butler, okay, and was there one other?---Lord Mayor.

20 Yes, Ms Scaffidi?---Yes.

She was a strong supporter of the Perth Fashion Festival?---Yes.

25 And of that six that you mentioned, including yourself, who was the strongest supporter of the festival?---Maybe Councillor Davidson.

Maybe, and maybe somebody else?---Because generally speaking, the City Council pro sponsorship, pro development, just as a general approach.

30 Just stay with Perth Fashion Festival. You said most probably Mrs Davidson, anybody else who was a very strong supporter of it, of those six you identified?---Another one forgot? Another Councillor?

35 How would you describe the level of support that the Lord Mayor gave to the Perth Fashion Festival?---Similar like Janet Davidson.

Similar to Janet Davidson, okay. Mariella Harvey Hanrahan, you know who that lady is, don't you?---Yes, the organiser.

40 Yes, the organiser of the Perth Fashion Festival?---Yes.

As of 2016, what was your relationship with her? How would you describe?---Facebook friends.

45 Sorry?---Facebook friend.

Facebook friends?---M'mm.

I didn't think there were people who have Facebook friends that they are not really friends with, but how would you describe her apart from a Facebook friend?---That's it.

5 Facebook friend, nothing else?---She's also applicant who was seeking sponsorship from the City.

10 Yes. Would it be right to describe her relationship with you in 2016 as a very good friend of yours?---No.

No?---Yes.

15 You wouldn't agree with that description?---I disagree.

Why is that?---Just ordinary.

What, just an ordinary friend?---Yes.

20 If in fact you and her were very good friends, would that mean you would have to declare an interest?---No.

In any matters involving a sponsorship application by Perth Fashion Festival?---I was never asked about friendship.

25 What if you were though? What if it was described that you were both very good friends?---Well, we were not.

I'm just saying, if that description was given?---This is assumption.

30 I'm just saying if, if that description was given, would you required to do anything with respect to sponsorship applications being made by the Perth Fashion Festival?---Well, asked me, very hard for me to say. I cannot.

35 Very hard?---M'mm.

Why?---If very close like next door neighbour, every day eat together, then I could, I could disclose.

40 Yes. You're talking about an impartiality disclosure?---Maybe.

Let me put it this way then, Ms Chen: if a Councillor describes themselves as being a very good friend of someone who is responsible for organising an event that a sponsorship application is being made to the City of Perth for, if those

45 circumstances existed, would you agree with me that the Councillor would have to, at the very least, declare an impartiality interest?---Correct.

In your time as a Councillor with the City of Perth, did you ever receive tickets to attend any events put on by the Perth Fashion Festival?---Yes.

5 When I'm talking about tickets, I'm talking about tickets that were given to you free of charge?---From City of Perth.

10 When you say from the City of Perth, you are talking about, are you, tickets that the organisers of the Perth Fashion Festival provided to the City of Perth?---Because is through very official channel, yes.

Is that right?---Correct.

Can you recall what years it was that you received such tickets?---2016 maybe.

15 What about 2014?---Cannot remember.

Or 2015?---Not always I accept the tickets.

20 Not always?---Yes, because even if free of charge, I didn't have time.

How many different Perth Fashion Festivals did you attend? Not events, but how many different Perth Fashion Festivals did you attend with a free ticket?---Only one Telstra Perth Fashion Festival.

25 Are you sure there weren't two, 2014 and 2015?---This is from the same organisation?

Yes?---Yes.

30 Yes, there was?---Cannot remember.

Cannot remember?---M'mm.

35 Did you ever disclose on a Gift Declaration Form that you had received free tickets to the Perth Fashion Festival?---I think before the Healthway reported, before Lord Mayor was in trouble and we were not requested to complete a declaration form for the tickets as gift, never.

40 The Healthway's report is a good signpost, you understand what I mean by that?---Yes.

Just go back before the Healthway report was handed down?---Yes.

45 Was it your belief that if you had to declare a gift that you received by way of a free ticket, it was up to not you, but somebody else within the City of Perth to tell you you needed to make a declaration?---Because those arrangements were not considered as gifts, therefore I never thought about to complete a form.

So is the answer to my question, yes?---Could you please repeat your question?

5 Okay. Was it your understanding before the Healthway report that if you needed to disclose a free ticket as a gift, that is declare it, it was up to somebody else from Administration to tell you that?---I didn't think about it.

You didn't think about it?---Yes.

10 Is that because no-one from Administration told you that you needed to declare it?---That's correct.

15 Don't you have your own personal obligations to make sure?---If the tickets were not considered as gifts, how can I know I needed to declare?

If they weren't gifts, then what were they?---No idea.

You didn't pay for them?---When I consider a sponsorship - - -

20 You didn't pay for them, did you?---I didn't pay, yes.

And as far as you were aware, the City of Perth hadn't paid for them?---Is part and parcel of the sponsorship.

25 So you're saying because it was part and parcel of the sponsorship arrangement or agreement?---Yes.

30 That the organisers and, say, of the Perth Fashion Festival had to provide a certain number tickets to the City, they weren't regarded as gifts?---That is not a compulsory to provide free tickets as part of the sponsorship so as far as I concerned, I only see the sponsorship application and the comments made by the City. I never, ever thought the tickets is free and then should be requested by myself or any of my colleagues, Councillors. We never asked for it.

35 So when you say you didn't regard them as free?---No, we didn't request the tickets to be included in the sponsorship. I don't know whose idea, and now I have to face.

40 As I understand it, things changed after the Healthway report was handed down?---Correct.

Is that right?---Yes.

45 I just want to take you then to something that existed for the 2014 Perth Fashion Festival, which was before the Healthway report?---Yes.

I just need to find, in this large lever arch file, the page I want to refer you to. It

seems I have every single page tagged except that one I'm after. We will not worry about that for the moment. So once the Public Sector Commission handed down - in fact, it handed down two reports, one in relation to Healthway and then another with respect to all government agencies whose employees had accepted free tickets - did you become aware that the City of Perth had to re-evaluate the acceptance of free tickets to events it sponsored?---That's correct.

Do you recall then that once those reports were handed down, did you form a view that you might not be able to participate in the decision-making process by some organisations to further renew their sponsorship from the City of Perth?---No, no idea.

Maybe I should just show you something that was posted on the WhatsApp Team - you know the one I'm referring to there, you've been asked questions by other Counsel Assisting regarding the WhatsApp messages?---Yes.

So Madam Associate, if we can go to 14.0179, please, TRIM number, sir, 13609, and, Ms Chen, while that's being done I can advise you that the second report conducted by the Public Sector Commission into free tickets was handed down in February of 2016 and now this is some messages from Ms Scaffidi to her, what's been call the team, on 24 March 2016.

[3.30 pm]

The first one I want to take you to is towards the top of the page. It's got a time stamp of 24/3/2016, 12.11.23 pm, do you see that?---Yes.

It's from the phone of Ms Scaffidi and it says:

Yes, Janet is right. Gifts equal hospitality and tickets and in case some of you still don't get that, if you've voted on events and attended them in the past, you well could have voted with a financial conflict. This is no joke. A Cr who is positioning on this is all about her own interest, not the City or yours.

Then further down that page, on the second last message that's been posted, it's again from Ms Scaffidi at 23/3/2016 at 12.29 pm which starts off, "Good example", do you see that?---M'mm.

Thank you:

Good example, you all voted to support Christmas Pageant and then attend party and Pageant with your family. You voted with a conflict. Same with ballet, opera, PIAF, the list goes on and on.

Does that jog your memory as to whether you recall receiving these sorts of

messages from Ms Scaffidi and then being advised by Governance that Councillors who have accepted free tickets in the past now have to complete Gift Declarations?---Correct.

5 And did you understand that this meant you could have a conflict of a financial interest with respect to those organisations which had given you free tickets, should they make further sponsorship applications?---Correct.

10 Is that your understanding, okay. Thank you. Thank you, Madam Associate, that can come down. As of March 2016, for which City sponsored events did you think you might not be able to participate in the decision-making process?---Hopman Cup and Perth Fashion Festival.

15 Do you recall declaring financial interests with respect to any sponsorship applications that were before the Marketing Committee that you were on in 2016 and 17?---Yes.

20 Did you also declare financial interests for certain sponsorship applications that were before Council?---Yes.

Sorry?---Yes.

25 I just want to show you then some of those Gift Declarations that you completed in March of 2016. Madam Associate, if we could go to the page that I have tagged in my file, 16.6367, and this is TRIM number, sir, 21260.

COMMISSIONER: Thank you.

30 MR URQUHART: Do you recall making some Gift Declarations with respect to the Perth Fashion Festival?---Yes.

This first one now, is that your handwriting?---Yes.

35 Do you agree with me that it's important that these sorts of Gift Declarations get the value of the gift accurate?---M'mm.

Yes?---Yes.

40 Why is that?---Because for the prohibited gift and notifiable gift.

Yes, and if we have a look at that Gift Declaration, for example, we can see under the heading on the left-hand side, about one quarter of the way down, "Value of gift", did you see some dot points there?---M'mm.

45 "Less than \$50, exempt; between \$50 and \$300, notifiable; \$300 or more, prohibited", do you see that?---I saw.

So this is a Gift Declaration that you made with respect to the Perth Fashion Festival 2015 program launch, do you see that?---Yes.

5 For that area you're supposed to complete for the value of gift, you've indicated there first, "Under \$50" or, "Under 50", do you see that?---Yes.

And then you've put a cross next to, "Estimated value" and, "Actual value", do you see that?---Yes.

10 Which one - then you've written "\$49", do you see that?---\$49 is not my writing.

That's not your writing?---Yes.

Whose writing is that?---No idea.

15

Is it your writing that appears under "50"?---Yes.

Have you crossed the boxes for, "Estimated value, actual value"?---I put it down as estimated value.

20

Estimated value?---Yes, but I didn't put down the \$49.

But you've signed the form, haven't you?---Yes.

25 Can you recall signing the form with that \$49 amount written in or not?---No.

So you can't recall?---I didn't write \$49.

No, but when you signed the form?---I signed the form, that was empty.

30

That was empty?---M'mm.

Why weren't you able to find out what the actual value was?---So probably is the Resource Officer put it down.

35

Why did you put, "Under 50", why weren't you able to put a more accurate value?---No-one told me how much.

40 So then how could you say it was under 50?---I did ask. I didn't ask how much, I only ask, this is more than 50 or below 50.

You've written there, "Under 50"?---Yes.

So why did you think it was under \$50?---Because I was told under 50.

45

Who told you that?---I think I asked the Resource Officer.

The Resource Officer?---M'mm.

Who was that?---This is who serve - who provide services to all the Elected Members at level 10.

5

Who was it?---Cecilia Firth.

Why couldn't you find out the value?---I don't know from where I can ask.

10 What about your Facebook friend Mariella?---No, this is an internal City of Perth matter, I wouldn't go to ask her.

But she would know, wouldn't she?---She must know because she offered it to the City of Perth.

15

So why didn't you contact her?---As I said to you, I'm not close to her. She wouldn't bother to answer me.

20 So you thought you would just say, "Under 50" even though you didn't know what the value of the ticket was?---Because I ask the Resource Officer, "Is this under 50 or above 50" and she said, "It is under 50."

"Organise/person offering the gift", do you see that?---Yes.

25 It's been typed in, "Telstra Fashion Festival"?---This is my writing.

Sorry?---This is my writing.

30 I'm just dealing with what's been typed up, do you see that, "Telstra Fashion Festival"?---That is not my writing - not my typing. The type is all not mine.

But nevertheless, you've signed the form?---I signed and I dated.

35 I gather you signed the form, accepting that the contents when you signed it at least, were true and accurate?---Yes.

"Contact person: TFF", that your handwriting?---That's correct.

40 And then, "Contact details" is left blank?---Yes, because I don't know who I should contact.

"Relationship with City: one of the sponsored organisation", do you agree with that?---Yes.

45 "Are they likely to be subject of a future decision of the City" and the box, "Yes" is crossed; did you do that?---No.

Did you agree that that would be the case?---Yes.

Then you've put - there's a cross that appears where it says, "Gift has been accepted", do you see that?---Yes.

5

And a declaration there that the information is accurate, do you see that?---Yes.

Did you put the cross there?---Not me.

10 Not you?---No.

Was that cross there when you signed it?---Is already there.

It was already there?---M'mm.

15

But by signing, I gather then you agreed that that was accurate?---Yes.

And then it's dated 27/3/2016?---Correct.

20 That was a day after those WhatsApp messages that Ms Scaffidi posted that I drew your attention to?---Probably City already prepared those for us and then we just sign.

25 If we go then now to the next document which is 6369, thank you, Madam Associate, TRIM number 21259, sir. Another Gift Declaration with respect to the 2015 Perth Fashion Festival, do you see that?---Yes.

This was Telstra Perth Fashion Festival opening night?---M'mm.

30 Is that your handwriting that appears with respect to the value of the gift, "Less than 50"?---Yes, correct.

Where did you get that idea from, that this ticket was less than \$50?---Because we all told, so - - -

35

You were all told?---Yes.

So you're saying that with respect to people who went to the same events that you went to in 2015 should all have that written down, "Less than \$50"?---Yes.

40

The amount, \$49?---Not my writing.

Ms Chen, do you remember going to the Telstra Perth Fashion Festival opening night in 2015?---Yes.

45

Where were you sitting?---Sit next to Councillor Limnios.

And where was this event?---Cannot remember where.

Perth Concert Hall?---Oh yes.

5 Am I right in saying that you had very good seats?---Which seat?

You had very, very good seats?---Yes.

Front row?---Maybe.

10

Maybe, yes. Did you get drinks and food served to you beforehand?---Yes.

Did you also get what's described colloquially as a show bag, like a little bag with gives and ornaments and programs and that sort of thing?---Promotion materials.

15

Yes, did you get that too?---Yes, was nothing.

Did you get that too?---Yes.

20 You got that as well?---Yes.

Ms Chen, that ticket that you received was worth a lot more than, "Less than \$50", wasn't it?---I have no idea.

25 You think about it now, this is the opening night of the Telstra Perth Fashion Festival and you've got front row seats and all the trimmings that come with, what sounds like to me as a VIP ticket. It was a VIP ticket, wasn't it?---No idea.

30 It was, wasn't, because you were in the front row, you get your show bag, you get your drinks and food served to you beforehand, didn't you?---Yes.

35 Enquiries made by the Inquiry reveal that the ticket that you received was worth \$200. Now casting your mind back to the night, where you were sitting, all the free goodies that you got that would be a more accurate value of the ticket you received than "less than \$50", am I right there?---Possible.

Possible or definitely?---The show bag is promotional material so was nothing, nothing. It's only the ticket.

40 Not everybody who attended got a show bag, did they?---Not sure.

You see that pre-event drinks and food that you went to, that was by invite only, wasn't it?---Yes.

45 Where was that?---Don't know where it is. It is the same venue.

Same venue, yes, but it was cordoned off. Those who were seating in what's

commonly colloquially called as a bleachers, like at the very back of the Concert Hall, am I right in saying that they weren't invited, were they?---Cannot remember.

Was it a full house that night? Were there lots of people there?---Indeed, yes

5

[3.45 pm]

At the actual event but there were far more people watching the opening night than were allowed into that area where you got your free drinks and food?---I don't drink.

10

That doesn't matter, the question was, there was far fewer people in that area where drinks were offered and food was offered to you, yes?---Correct.

15

You had a VIP ticket, did you not, Ms Chen?---Maybe.

Sorry?---Maybe.

A ticket that was worth a lot more than \$49?---I didn't know how much.

20

You didn't ask, did you?---I didn't ask.

Sorry?---I didn't ask until I asked them and they said less than 50.

25

You didn't bother to find out when you completed this form, did you?---When I fill in the form and I was told is less than 50, so I put it down less than 50 and someone else put the 49.

Ms Yong, let me suggest - - -?---I'm not Ms Yong.

30

Sorry, Ms Chen, my apologies. Let me suggest to you the way this went, and you can either agree or disagree?---M'mm.

You submitted this form, completed it and signed it with all the details except that amount of \$49?---M'mm.

35

Okay?---Yes.

Ms Firth has then contacted you and said, "Ms Chen, we need to put a more exact amount than the amount that you've put, less than 50" and then it was just agreed between the two of you or you said to her, "Just put \$49"?---I never said that.

40

Isn't that how it went?---I never said that.

45

No?---If I knew, I would put it down myself, \$49.

You see, this ticket was worth \$200, wasn't it?---I didn't know.

But you didn't make any enquiries about that, did you?---Because we were offered free.

5 I know that, but now that you had to declare the gift, you had to put an amount of the value of the gift, didn't you?---Yes.

And you've put an amount of less than \$50 so that it fell within that first dot point that we see under, "Value of gift, less than \$50, exempt", didn't you?---(No audible response).

10 COMMISSIONER: Is that yes?---Yes.

MR URQUHART: So that was a guesstimate by you?---Yes.

15 As to the value?---Yes.

Then with respect to the question, "Is this the first gift you have been offered by this person or organisation", the box marked, "Yes" has been crossed but then the box marked, "No" has been a the crossing, "Yes", has been crossed out, do you see that?---Yes, initialled.

20 Yes, and you initialled it because in fact this was not the first gift you had received from the Perth Fashion Festival, was it?--- Yes.

25 Then you've got, "Who will benefit from acceptance of the gift" and it's been typed in, "The fashion industry of WA"; is that correct?---Yes.

It is?---Yes, because they also train the young designers, fashion designers.

30 But, "Who will benefit from acceptance of the gift", surely that's you?---Yes, I'm the Chair of the Marketing and Sponsorship, I have to value the event, whether worth to sponsor further.

35 So "who will benefit from acceptance of the gift", isn't the more correct answer, you?---No.

You didn't get any benefit?---No.

40 From the acceptance of this gift?---This is my job, to go and have a look.

You didn't have to go, did you?---I have to, as the Chairperson and there's so much money spent on this sponsorship, I must make sure it's worth it.

45 But you were a strong supporter, were you not, of this event?---But it needed to be fair, not always closed - blind eyes and say, "Okay, this event is not good" and my personal view is good, so I have to see it myself.

So you'd rather not have gone, is that what you're saying?---No, not every one, they got too many functions. You have to select - be selective.

5 And you very much wanted to go to this one, didn't you?---Not really.

We will go now to the next declaration you made. Madam Associate, 16.6371. So this is two days later and it's now the Telstra Perth Fashion Festival Myer Fashion Lunch. Is that your handwriting that appears there?---Yes.

10

"Value of gift", you've written \$100, do you see that?---Yes.

Was that accurate?---Estimate.

15 So it may not be right?---May not be.

Can I ask you then why you have put a cross or why a cross appears in, "Estimated value" and, "Actual value" as well?---Because is not sure.

20 Which one was it?---Maybe it's estimated value, maybe actual value.

Again, the Inquiry has conducted an investigation into this and the ticket to the Perth Fashion Festival Myer Fashion Lunch on 17 September 2015 was priced at \$170?---Okay.

25

Okay?---M'mm.

Given the fact that your note of \$100 was just an estimate, I gather then you couldn't disagree if I was to say to you that the actual price of a ticket, if you wanted to pay for it, you would have to fork out \$170?---Correct.

30

Then we go to the final declaration that you made for the Perth Fashion Festival on 27 March. Madam Associate, 6373 now. Sir, the last TRIM number for that document was 21258, this one is 21257.

35

COMMISSIONER: Thank you.

MR URQUHART: Now again Ms Chen, this is for the closing night of the Telstra Perth Fashion Festival on Sunday, 20 September 2015. Again, the value of the gift you've written is \$100, do you see that?---Yes.

40

Once more, the boxes are crossed for both, "Estimated value" and, "Actual value"; once more, why is that?---Not sure.

45 Which one is it supposed to be, estimated value or actual value?---Because I notified so must be below \$300.

So is that estimated value or actual value, this \$100 that you've written?---Not sure.

Not sure?---M'mm.

5

How can someone checking the form know then if you're not sure?---City must know.

But you didn't?---I was not told.

10

And you didn't bother to find out?---This is afterwards.

Yes, I know but still, you still needed to find out, did you not, to make sure the details that you were declaring here were accurate, didn't you?---No.

15

You needed to make sure the details were accurate, didn't you?---Yes.

Because look, you've crossed the box or the box is crossed which says, "Gift has been accepted. I declare this information is accurate and that acceptance of the gift is not in conflict with the Code of Conduct or Local Government Act 1995 and will not create a future conflict of interest for me in fulfilling my position responsibilities." Should that box have been crossed as correct?---Correct.

20

Yes?---Yes.

25

Ms Chen, again, investigation by the Inquiry says that the actual value of a ticket for closing night is between \$180 and \$200, okay?---Yes.

So again, your estimate wasn't much of an estimate, was it?---No.

30

You see, Ms Chen, I've also undertaken the task of adding up all the amounts of these four applications or four declarations that you made for the Perth Fashion Festival. So the amount of \$49 for the first one, \$49 for the second one, \$100 for the third one and \$100 for the fourth one and that comes to a total of \$298?---Yes.

35

Which is just \$2 under that maximum amount or rather \$2 less than the minimum amount before gifts become prohibited?---Yes.

Is that just a coincidence or did you fill out these forms to make sure that the total amount fell under \$300?---Just estimate.

40

Yes, but the question is, those estimates, did you make sure that those estimates came under that \$300 limit?---I didn't know how much.

45

But if you added up the estimates, it comes to \$298?---Because I offer for free, that's why I took it, so I don't know.

You see, I've been telling you what the amounts of the value of your tickets actually were and they come to an amount between \$599 and \$619, so well above that prohibited gift amount?---M'mm.

5 Okay?---M'mm.

And your amount comes to \$298, just \$2 less than that prohibited amount of \$300?---M'mm.

10 I'm saying to you that you wrote down those amounts and gave those values to make sure that the total amount came under \$300?---Not intentionally.

Not intentionally?---Yes. I didn't know how much and also if - - -

15 I know that. You keep on saying you didn't know how much and that's why, when you - because you had to make these declarations, didn't you?---We asked for.

The City said you have to make these declarations now in light of the Public Sector Commission reports, didn't they?---Yes.

20

So you had to make them?---Yes.

25 And you will see, what you have done is, you've given - you didn't know how much the tickets were so you've provided estimates that come to a total of just under that \$300 threshold. That was either intentional or a somewhat remarkable coincidence, so which one is it?---Not intentionally.

So therefore it's a remarkable coincidence, is it?---If they were prohibited gifts, the City would not allow us to accept.

30

You had already accepted them?---Yes, City offered. City asked us, sent an email, make a phone call, "Councillor Chen, do you want a ticket?"

35 Yes, I know all that and this is all before the Healthway report and the other report?---That's correct.

Yes. So the City at the time had made an error, like so many other government agencies had made, or at least other Local Governments had made, that they didn't regard these gifts as having to be declared?---Yes.

40

Once the Healthway report and the other report came down, the City of Perth and no doubt other local Councils realised, "Hold on, our Elected Members were supposed to make Gift Declarations", so they asked you to complete these Gift Declarations?---Correct.

45

[4.00 pm]

And you felt obliged to do that, didn't you?---Yes.

You didn't find out what the actual value was of these tickets that you received, so you provided estimates?---Yes.

5

And those estimates came to just under \$300?---Yes.

Do you agree with me that if in fact you made Gift Declarations that came to a combined amount of over \$300, then that would cause you to have a conflict with respect to voting in the future with respect to Perth Fashion Festival sponsorship applications?---I didn't think about that.

10

So then it is a coincidence?---Yes.

That the amounts that you calculated came to just under \$300?---Without me, the sponsorship would go through as well.

15

Sorry?---Without me, without my vote and the Perth Fashion Festival sponsorship still could go through.

20

What do you mean by that?---By that it means that if I, this was estimated above \$300 and then prohibited me from voting for the Perth Fashion Festival future sponsorship, they still could get it without me.

Yes, but you wanted to vote for it, didn't you?---Not really care.

25

You didn't really care?---Yes.

You didn't really care about determining the accurate value of these tickets?---No, no, no. This one, I made a mistake. I should ask how much actual value.

30

You made a mistake with respect to all four, didn't you?---That's correct, then I just thought that they ask me to put an estimated value, then put an estimated value.

35

It would have been quite easy for you to find out what the actual value of those tickets was, is that fair to say?---Yes. I ask the Resource Officer.

You could have found out through someone at Perth Fashion Festival?---I told you, I don't have contact with them.

40

But you could have found out though, couldn't have you?---Through Governance, maybe.

No, yourself. You're the one filling out these forms. No-one from Governance?---No, no, I just say that, because they complete all the forms for us.

45

Ms Chen, how can you say then for that last form, how can you cross the box that says, "I declare this information is accurate", if in fact you were just simply giving a guesstimate as to value of the gift?---The price labelled by the organiser but in my personal view that is only worth that much.

5

So your personal view was that the closing night event was only worth \$100?---Yes.

And so that's why you didn't have to declare the actual price of a ticket if the ordinary Joe Blow wanted to go to the event, is what you're saying?---I don't know.

10

Ms Chen, if you're an ordinary member of the public who wanted to go to the Telstra Perth Fashion Festival closing night event, they would have to pay between \$180 and \$200 for a ticket, okay?---I have no idea.

15

I know you have no idea and that is why I'm saying to you, you were supposed to find out because you declared that this information is accurate and you've declared that the closing night ticket was \$100?---That's why I put two across, estimated value or actual value, have no idea, so in terms of what I completed, I believe this is my personal view, is correct.

20

So you had a personal view that this ticket was worth \$100 and so that's what you put down as the value of the gift?---Yes.

So if you get a bottle of Grange as a gift - do you know what Grange is?---I don't drink.

25

So, a bottle of wine, Grange, it's made by Penfolds, they are worth many, many, many hundreds of dollars. So you get a bottle of Grange and you open it up and you take a sip and because you don't drink, you think, "This is disgusting, I wouldn't pay \$1", if you then made a Gift Declaration for that bottle of Grange that was worth, say, \$4,000, but you thought was only worth \$1, that's what you would put down, would you, as the value of the gift, \$1?---That's assumption.

30

Exactly, but I'm just using how you valued the price of the closing night of Perth Fashion Festival?---I really don't think it's worth this much.

35

That's what I'm saying, so the bottle of wine that's worth \$5,000 and you didn't like it, you would be entitled to put down the value of that gift as \$1, is that right?---We did, we did with very expensive wine through it.

40

I'm asking you about that hypothetical example, you would have put down \$1 as the value of the difference?---I wouldn't with so much difference.

But you would put down a value that you thought the gift was worth, is that right?---Possible, estimated value.

45

So someone gives you a Picasso painting and if you didn't particularly like Picasso paintings - - -?---Even worse. I don't think it wasn't anything.

5 I want to ask you this: so you maintain that the value, the total value of these tickets that you received was \$298 because that's the value you put on them?---Yes.

10 And if in fact those tickets cost somewhere in the region of \$600 if you were to buy them, you nevertheless were still entitled to give a value of half that amount, is that right?---Maybe not right.

Sorry?---Maybe not right.

15 No, it's not right, is it?---Yes.

COMMISSIONER: Mr Urquhart, I'm inclined to try and complete Ms Chen's evidence today. Are you able to give me an indication of how much longer you might be?

20 MR URQUHART: For me?

COMMISSIONER: If it's going to be a little while, then what I might do is take a short adjournment now and resume.

25 MR URQUHART: That's an excellent idea, sir.

COMMISSIONER: I will adjourn for 15 minutes.

WITNESS WITHDREW

30

(Short adjournment)

35

40

45

HEARING RECOMMENCED AT 4.21 PM.

MS Lily CHEN, recalled on former affirmation:

5

COMMISSIONER: Yes, Mr Urquhart.

MR URQUHART: Thank you very much, sir.

10 Ms Chen, the Inquiry provided, by email, a number of documents to your legal representatives last week. Have you had an opportunity of looking at that material?---Yes.

15 I'm just going to refer to some of that material now with you and the first is the Marketing Committee meeting on 26 July of 2016. So just to put this into context, that's about four months after you, and as I understand, other Councillors had to fill out those Gift Declaration Forms at the request of the administrative staff, okay? Madam Associate, and this is a document that was provided to your lawyers, so hopefully you would have had an opportunity of looking at it: 16.6514, please,
20 Madam Associate, TRIM number 21238.

COMMISSIONER: Thank you.

25 MR URQUHART: So 6514. So this is the Marketing Committee meeting from 26 July 2016. If we can go now to 6515, thank you, Madam Associate, the next page, we can see that a number of items are going to be considered regarding event sponsorship or corporate sponsorship and the like and one of the items, just before halfway down, concerns the Telstra Perth Fashion Festival sponsorship application for 2016, okay?---M'mm.

30

You see that?---Yes.

35 If we go over the page now to 6516, you can see the members in attendance was yourself as Presiding Member, Councillor Yong and Councillor Davidson who was deputising for Councillor Limnios who was on leave of absence, okay? I want to go to 6517 now, thank you, Madam Associate, and in particular the, "Disclosure of member interests", and we can see there some boxes which deals with disclosure of members' interests and they are the only two items that appear in the minutes. There was a disclosure by Councillor Davidson, having a direct financial interest
40 regarding attending an awards ceremony, and then Councillor Yong has made a direct financial interest regarding the event sponsorship of the Telstra Perth Fashion Festival, okay?---M'mm.

45 You did not, according to the minutes, make a declaration of a financial interest with respect to the Perth Fashion Festival sponsorship application, is that in fact the correct position?---Yes.

Yes?---Yes.

You've got to speak louder than that?---Yes.

5 May I ask why you did not?---Well, we are not required at a committee level.

I can assure you - where did you get that information from?---Because when I'm chairing the committee meeting, I got all the Directors and all from the Governance and also from the CEO, they all surrounding me.

10

Yes?---And then no-one told me I should make a disclosure as to financial or impartiality interest for declaration.

I'm just on the Perth Fashion Festival though?---Yes.

15

Isn't it your responsibility to disclose whether you have a financial interest or not in a matter?---We never did before.

I know that, but you had to do it now?---Yes. On this occasion, no, I didn't.

20

Did you not get a big clue that you had to when you saw what Councillor Yong had done?---I didn't see it. They probably put it in writing rather than verbally. If verbally, I should have been aware.

25 So when you saw Councillor Yong leave the room, as he did when the Fashion Festival matter was on the agenda or came up for discussion - - -?---At a committee level?

30 Yes, he's left. Go over the page, 6518 now, thank you Madam Associate. Whether you have a financial interest at a committee meeting or a Council meeting, the obligations are still the same and you see there, halfway down the page:

4.05 pm. Councillor Yong disclosed a direct financial interest in item MKT114/16 and departed the meeting.

35

MKT114/16 is the event sponsorship application being made by the Perth Fashion Festival?---Yes, I saw that.

40 Yes, and would have been at the meeting when Councillor Yong has excused himself?---Yes.

And it would have been clearly evident to you that he's leaving because of the fact he's got a financial interest in the matter, yes?---Yes, correct.

45 And you would have, if you'd read the material, would have seen it was because he had attended the Perth Fashion Festival event?---No, I didn't see anything and his disclosure, I didn't see it.

But do you at least agree with me that Councillor Davidson and Councillor Yong - go back, please, Madam Associate, to 6517 - have declared financial interests?---If I were to leave like Councillor Yong, this committee meeting would be closed.

5

That's right, it wouldn't go ahead?---No, couldn't.

That's right, but that doesn't mean that you were entitled to remain?---No, by law not.

10

So I'm going to ask you why it was that you remained?---I was not advised.

It gets back to my question, isn't it up to you to know when you've got a declaration of a financial interest to make or not?---Yes, I have obligation but I concerned if the Chairperson was to leave, then the meeting should be closed.

15

You mean closed, meaning stopped?---No, I have to say, "Sorry, I got a financial interest and the meeting is closed."

20

That's right, or the meeting has to stop or at least, "We can't consider this particular agenda item because we haven't got a quorum "?---Yes.

So that's what should have happened?---That's correct.

25

And I want to know why it didn't?---I didn't master well.

You didn't what, sorry?---I didn't master this committee well, the meeting well.

And you weren't mastering your obligations well either, were you?---Correct, yes.

30

Did you just simply wait for somebody else to tell you whether you had an interest or not before you did anything?---No.

Ms Chen, four months earlier you had disclosed in Gift Declaration Forms that you had attended no less than four events that the Perth Fashion Festival held the previous year in September of 2015?---Yes.

35

You were aware that therefore caused to have a financial interest, did it not?---Yes

40

[4.30 pm]

Four months later there is a committee meeting and you have not disclosed that financial interest?---No, I didn't.

45

And is your explanation for that, you weren't told that you had to disclose a financial interest?---Not only that, is because I thought the meeting must be chaired and to finish.

5 Did you think to yourself, "Well, I have got a financial interest but I'd better not disclose that, otherwise this item could not be considered"?---Not that particular item, I considered the whole others because this is only one item. There's many items that needed to be discussed.

10 Of course, but with respect to this particular item, if you declared that had you a financial interest, as I think you agreed you should have done - do you agree you should have done that?---Yes, correct.

There would not have been a quorum?---No.

So therefore, the item couldn't be considered?---Yes, correct.

15 That's not the end of the world though, is it?---No. If I knew, I would do it.

But you knew you had a financial interest?---That is correct, but I didn't know I couldn't do that.

20 Did you ask anyone?---No.

So let me get this right: at this meeting, you knew you had a financial interest that you should have declared?---Yes, I didn't know at a committee level I should disclose.

25 But you knew that your other two committee members had disclosed financial interests?---Yes - no, no, sorry. They disclosed the interest, probably before the committee meeting, in writing, I guess, because now I come back to read the minutes, then I saw this is included, but at the time of the meeting, and then there was no disclosure verbally declared, like we do normally before the Ordinary Council Meeting.

30 Why do you think Councillor Yong walked out before the item regarding the Perth Fashion Festival sponsorship application was considered?---I didn't question him.

35 Why didn't you?---Because I feel it's normal if you disclose the financial interest, you should leave.

40 Yes, and then you realised at that point, "Well, I too have got a financial interest but I won't declare it because otherwise there won't be a quorum"?---Not intentionally did it. I said to you, if I knew I should go for that particular item, yes.

But you knew you had a financial interest in the matter?---Yes, but I didn't know I must disclose at the committee level. I never did it before.

45 But you see, Mr Yong has disclosed an interest?---Yes.

That requires him to leave the meeting?---That's correct.

5 It being the Perth Fashion Festival sponsorship application. The only interest that that could be that required him to leave would be a financial one, would it not?---Yes.

You seeing him leave, it would have been obvious that he has left because he's got a financial interest?---Yes.

10 No-one from Governance is telling him, "No, Mr Yong, you don't have to leave"; he left?---Yes.

15 So therefore you would have realised then that if a committee member has a financial interest in a matter, they need to excuse themselves?---Yes. For me is first time, at that time. Also, it is the first time he left the committee meeting.

20 Yes, that's right, because this is the first time the Perth Fashion Festival sponsorship application had been considered after the Healthway report and the other one, so people are now on notice as to what they had to do?---Yes.

So Councillor Yong did the right thing?---Yes, correct.

By leaving the meeting?---Yes.

25 You would have seen him leave?---Yes.

30 You would have realised it was only because he had a financial interest in the matter. You knew you had a financial interest in the matter, yet you remained?---I didn't realise as Chair I also should declare and leave.

Why didn't you confer with Governance regarding this before the matter proceeded any further?---I probably more concentrate on the job to be done.

35 It's a rather serious error you've made, isn't it?---Yes.

So did you at least realise that after this committee meeting, you had to declare a financial interest with anything to do with the Perth Fashion Festival?---Yes, should be.

40 Can you remember declaring a financial interest at the Ordinary Council Meeting?---Cannot recall, probably did impartiality.

45 We will have a look because the matter was then considered - just before we go there, Madam Associate, could we just go to 6521. This is the officer's report into the sponsorship application by the Perth Fashion Festival, okay? I just want to take you to the middle of that page, "Myer Fashion Lunch", do you see that?---Yes.

:

5 *Ladies will be invited to purchase tickets to a parade and dining experience showcasing leading Australian designers. The event is targeted at professional women aged 25 and over and the venue is still being finalised. This event sells out annually and in 2015 the ticket price was \$170 per head.*

10 So you declared in your Gift Declaration Form, \$100. Remember we went through that before the break?---Yes.

So there we go, there's further evidence that in fact you grossly under-estimated the price of that ticket, do you agree?---Yes.

15

Thank you Madam Associate. Just very quickly, could we just go to 6524 and whilst that's being done, did you ever consider for a sponsorship application what the return on investment will be - don't look at that just yet, just look at me?---Yes.

20 The return on investment for the City, do you ever consider that as an important factor?---Part of.

But an important factor nevertheless?---Yes.

25 So we just had a look at a table that's been prepared by the officer, can you see that? It's title, "Comparison to other City sponsored events", see? There's a reference to Fringe World 2016 and the sponsorship that was applied and the return on investment. Did you understand that when it says 1: 801, that that means for every \$1 invested by the City through sponsorship, there's a return to the City of \$801?---I don't know how they calculate it.

30

Did you bother to ask?---I did ask, very complicated.

But was that essentially the answer that you got?---What do you mean?

35

Would you agree with me the higher the amount on the right-hand side, the better it is for the City?---Yes.

40 So for Fringe World it was 1: 801, for the Perth Chinese New Year Fair, 1: 181, same for the Pride Festival, the same for PIAF, do you see that, 1: 156, so a three figure sum, and for the Perth Fashion Festival, do you see there the return on investment is 1: 20?---Yes.

45

That is for the amount that the Perth Fashion Festival was requested?---M'mm.

Do you agree with me, at least for return on investment, it's not very good compared to those other four?---Yes, correct.

Thank you, that can come down now, Madam Associate. If we could just now have a look at the Ordinary Council Meeting minutes for 9 August 2016. This is found at 16.6637, TRIM number, sir, 23763.

5

COMMISSIONER: Thank you.

MR URQUHART: That's just the covering page. Again, this is another document that was provided to your lawyers, Ms Chen, so hopefully you've had an opportunity of having a quick look at it at least. There we go, we go over the page now to 6638 and we can see that one of the items was going to be the event sponsorship partnership for Telstra Perth Fashion Festival 2016, just past halfway down, do you see that?---Yes.

15 Thank you. We now go to 6640, thank you, Madam Associate and we can see that you're in attendance?---M'mm.

In fact, all Councillors are in attendance with the exception of Councillor Green, okay?---M'mm.

20

We go now to 6641 and there's the disclosure of members' interest at the bottom of the page, do you see that?---M'mm.

25 Councillor Yong again makes the same declaration of financial interest regarding the Perth Fashion Festival sponsorship, do you see that?---Yes.

The Lord Mayor makes an impartiality interest with respect to the same matter, because she's a board member for the Telstra Perth Fashion Festival?---M'mm.

30 Do you see that?---Yes.

Now your name should appear here as well, shouldn't it?---Yes.

35 We go over the page, Councillor Davidson's made a financial interest declaration, so has Councillor Adamos, so has Councillor Harley, Councillor Adamos has done it again with a financial interest, the Lord Mayor has done one for a proximity interest, Councillor Adamos, another proximity interest and then we go to a matter regarding the sponsorship application for the WA Symphony Orchestra, do you see that?---Yes.

40

And again, Councillor Adamos has made a direct financial interest there because he's received tickets, do you see that?---Yes.

45 And we go on to the next page, 6643, Councillors Davidson, McEvoy and Yong again have call declared direct financial interests with respect to tickets that they received for WASO, okay?---M'mm.

Your name's not there?---I think I made a mistake. 2016 - I'm thinking, 2016, I probably didn't attend anything. Then I thought I did not have to declare but I forgot about the year before, 2015. That's a possibility I just guess.

5 But Ms Chen, you have been reminded?---Yes, did.

You've been reminded by all these people making their declarations?---I should have.

10 Yes, I know you should have. You see, I would like to know why you did not? Is the answer, you forgot?---Not intentionally, not forgot.

You knew you had a financial interest that you should have declared but you didn't?---Yes, I didn't.

15

So again, I don't know how if you knew something, then you then forget it?---This one, should be.

Yes, I know you should have, but you did not?---No, I didn't.

20

All the alarm bells should have been ringing for you?---Yes, correct.

With all these other members walking out?---They have done better than me.

25 For items - yes?---Most of the time I did, I don't know this one I didn't do it.

Might it be because the organiser of the Perth Fashion Festival was a very good friend of yours?---No.

30 Ms Harvey Hanrahan, might that be the reason?---No.

If we go now to the consideration of the matter and that would be at 6656, please, Madam Associate. So the recommendation was that there be total sponsorship of \$269,315.91 and that in fact is what you agreed with at the committee meeting, all right?---Yes.

35

But then an alternate motion is made by Councillor Davidson and seconded by Councillor Adamos that there be a \$30,000 increase, do you see that:

40

Approves total sponsorship of \$299,315.91.

?---Yes.

[4.45 pm]

45

And if we go to when that alternative motion was put, that's at 6657. The votes were recorded as four for and three against and you actually voted against that, do

you see that?---Yes.

The reason given though - it was passed:

5 *Council determined an increased amount for sponsorship was appropriate for this request due to the belief that the original level of funding proposed would be insufficient at this late juncture to not put some risk on the event.*

10 Do you see that?---Yes.

So it was passed, do you see there, and Councillor Yong returned to the meeting?---Yes.

15 So you voted against the alternative motion but as I understand it though, you would have voted for the original motion and that is that the amount of \$269,000 be the sponsorship amount?---That's correct.

20 Ms Chen, I was asking you as to your relationship with Ms Harvey Hanrahan, as of 2016?---Yes.

Do you remember I put to you that she was a very good friend of yours?---I cannot tell she's my very good friend.

25 You see, when I said that to you, I was quoting something that you said during debate on this very matter, okay? It comes up in the audio but not in the minutes. During the debate you described Ms Harvey Hanrahan as, "She's a very good friend of mine"; do you recall saying that?---Cannot recall.

30 Was that, however, an accurate description of how you viewed your relationship with Ms Harvey Hanrahan at the time?---Not sure, just an ordinary friend, not very good friend. Maybe good friend.

35 If she was a good friend of yours, ought you not have disclosed an impartiality interest as well?---Yes.

And you didn't even do that, did you?---No.

40 You see, Ms Chen, you hadn't forgotten that she was a good friend of yours at the time because that's what you stated during debate?---Probably is my feeling at that time but afterwards, is not.

45 I want to know then why you didn't give an impartiality declaration for the Perth Fashion Festival, either at this meeting or at the committee meeting two weeks earlier?---Committee meeting I made a mistake, this one as well.

They are quite serious mistakes, aren't they?---Yes.

Because you ought not have been there?---Yes, wouldn't able to against.

Sorry?---Wouldn't be able to vote against the increase.

5

So do you think that excused you for not disclosing the interests that you had?---Because you disclose the interest, is my mistake, I already admit it, but as a matter of fact I didn't believe or didn't make the increase in favour of my good friend.

10

So did that make it okay then?---No, a mistake is a mistake but the fact I didn't vote for is another matter.

Ms Chen, I can't help thinking now, in light of all these circumstances, this was a deliberate mistake you made - - -?---Didn't.

15

- - - not to disclose the interests that you had?---Not deliberate, is careless.

Because you didn't disclose your financial interest and you did not disclose your impartiality interest?---Is careless.

20

In fairness to you, when you mentioned that Ms Harvey Hanrahan was a very good friend of yours, the Lord Mayor said words to the effect of, that she thought you meant you had a work association with Ms Harvey Hanrahan and then you responded with words to the effect of:

25

Normally, I would have a conflict of interest if I supported the alternate motion, but because I'm not supporting the alternate motion, there's no conflict of interest.

30

?---Conflict of interest doesn't mean I should not - I should not disclose my financial interest. Those are two separate issues.

Then you went on to say, "Yes, correct, I have a work relationship with Ms Harvey Hanrahan", so you were distancing yourself from your description that you had given a little earlier that she was a very good friend of yours?---We always assume when people smiling to you that she or he is your friend; actually is not.

35

Might I suggest to you that you were distancing yourself from that explanation you had earlier given of the relationship between you and her - - -?---That description is wrong.

40

Let me finish - is because, if that was the case, you were required to make an impartiality disclosure which you hadn't done?---I didn't think about that.

45

For the Marketing Committee meeting the next year - this is now 23 May of 2017?---Yes.

You were on a leave of absence so you weren't there at the committee meeting when it considered the sponsorship application for the Perth Fashion Festival?---M'mm.

5

But you then did attend the 6 June 2017 Ordinary Council Meeting?---Yes.

I just want to take you to that - in fact, I probably should say to you this - I think we will proceed on this basis - have you had an opportunity of having a look at those minutes of that meeting?---I did.

10

And was it the case that you didn't make a declaration of interest with respect to the Perth Fashion Festival?---Made the same mistake as 2016.

I just want to see whether your explanation for that is because of an email that you might have received. Do you recall getting any information from Mr Ridgwell?---He send me emails from time to time, I cannot remember each of the emails.

15

No, but this would be after that 2016 Ordinary Council Meeting that's up there on the screen. This is something I want to show you, an email he sent to Councillor Yong?---No idea.

20

And CCed you in?---No idea.

25

In fairness to you, I need to show you to see if this will jog your memory. Madam Associate, if we could have a look please, at 16.0947, please. I want to start at the bottom. You haven't seen this email, Ms Chen, because it's something that's only just come to light today. So at the bottom of that first page there, 947, TRIM number, sir, 24889.

30

COMMISSIONER: Thank you.

MR URQUHART: Mr Ridgwell is advising Councillors that they might have to make disclosures, do you see that? Have you finished reading this?---Yes.

35

That was sent at 10.47 am on 10 October 2016. He then sent another one eight minutes later to several Councillors including yourself, it would seem and if we could just go now, please, to 946, thank you, Madam Associate:

40

Dear Councillors, it's been identified that you have a direct financial interest in item 13 of the Council agenda.

This is for the Council meeting that was happening on 11 October. He's advised Councillors that they would have a financial interest with respect to the Hopman Cup sponsorship application, do you see that? So he's identified Councillor Yong. If you go over to the next page, please, Madam Associate, 947, Councillor

45

Adamos, yourself and Councillor Davidson, do you see that?---Yes.

5 I can advise you that the four of you all made a disclosure of gifts regarding the 2016 Hopman Cup at the Council meeting the next day and that you excused yourselves when the Hopman Cup sponsorship application came up for determination?---Okay.

10 However, I just want to take you now to something that Councillor Yong then sent to Mr Ridgwell on this day, 10 October, and it appears, going back to 946, thank you, Madam Associate, and this is his email that he's CCed into you and Councillors Adamos and Davidson as well:

15 *Hi Mark, for clarification purposes please advise if all EMs previously attended City's sponsored event must declare interest for the rest of their term as Councillors. Interested to know the reason, much appreciated.*

20 I know this is about three years ago, or nearly three years ago, Ms Chen; any recollection of these emails?---No.

25 Never mind. I will just show you what Mr Ridgwell's response was to Mr Yong at 945, thank you, Madam Associate. Do you see at the top of the page there he sent a response to Mr Yong and also included yourself and Councillors Davidson and Adamos, as well as Ms Clayton:

Hello, Councillor Yong, on those Elected Members - I think that should read "only" - those Elected Members who have received a gift over \$200 in value in the past 12 month period.

30 Do you see that?---Yes, I saw now. I didn't see before.

Are you saying that you don't recall seeing it before or you've never seen that before?---Yes, I didn't see this before.

35 Because what Mr Ridgwell is saying to Councillors, at least those that are copied in on that email to Mr Yong, that if you had received a gift over \$200 in the past 12 month period, it's only then that you need to disclose a financial interest if there is a subsequent sponsorship application by the organisation. So the reason why I've brought that to your attention, Ms Chen, is because although you then 40 disclosed the direct financial interest for the Hopman Cup sponsorship application the next day, and I don't need to take you to the minutes because I gather you don't dispute that?---Yes.

45 But the following year there was another application by the organisers of the Hopman Cup for sponsorship and that was at an Ordinary Council Meeting on 6 June 2017. So this is the last document I'm going to take you to, you'll be pleased to know but I do need to take you to it. Madam Associate, 16.0922

[5.00 pm]

5 So we can see there, Ms Chen, that's just the cover page to make sure we are talking about the same committee meeting. If we go now, please, Madam Associate, to 922, we can see that you're in attendance. If we go now - - -

COMMISSIONER: You said it's a committee meeting, it's a Council meeting.

10 MR URQUHART: Sorry, sir?

COMMISSIONER: You referred to it as a committee meeting.

MR URQUHART: I shouldn't have.

15

COMMISSIONER: It's a Council meeting.

MR URQUHART: It's a Council meeting. As I'm obliged sir. As you can probably notice, I'm fading rather quickly.

20

COMMISSIONER: Yes, you are, I can see.

MR URQUHART: So 922 we have done. If we go now, please, to 927 which is the disclosure of members' interests and we can see there it's the disclosure of members' interests, Councillor Yong, Councillor Linnios, Councillor Adamos and the Lord Mayor have all made either proximity interests or direct financial interests. If we go over the page, which I haven't got but, Ms Chen, we will do it this way, we will go down to 928 which is the page that deals with the event sponsorship application made by the Perth Fashion Festival, okay?---M'mm.

30

We can see there - my apologies. This is the Hopman Cup application - I'm almost thinking, sir, I could tag team with Mr Parkinson. I'm nearly done. Sorry, Councillor Chen, Hopman Cup sponsorship application?---M'mm.

35 Neither you or Councillor Yong or Councillor Davidson, or Councillor Adamos made a direct financial interest declaration with respect to this matter - - -

COMMISSIONER: Do you have an objection, Mr Thomas?

40 MR THOMAS: I thought my friend had finished.

MR URQUHART: Are you objecting, or not?

MR THOMAS: Yes, I am. I object.

45

COMMISSIONER: Should I hear it in the absence of the witness?

MR THOMAS: Well - - -

COMMISSIONER: Is this something that can be perhaps resolved by a quick conferral?

5

MR URQUHART: I'm sure it could.

MR THOMAS: I will go over.

10 MR URQUHART: Can you see there on the page that all Council members who were at this meeting voted on the Hopman Cup sponsorship application?---Yes.

Do you see that?---Yes.

15 There was only one person who voted against and that was Councillor Limnios and eight Councillors voted for, nine Councillors at the committee, eight plus one equals nine, so all of who were in attendance all voted on that matter. Therefore, we can assume that no-one excused themselves from considering this item because they all voted on the matter. So, Ms Chen, you declared a financial interest when
20 the Hopman Cup sponsorship application was considered in 2016?---Yes.

It is apparent here from the minutes that you did not for 2017?---This is beyond the 12 months?

25 Well, it would be, yes, and that's why I drew your attention to those emails between Mr Yong and Mr Ridgwell. However, you told us that you didn't look at those emails?---Often not really careful read.

30 So at the risk of constructing things now do you think that, yes, you did receive and look at that email and then relied on that by voting on the Hopman Cup sponsorship application?---That's not correct. I didn't pay attention to that email.

So in that case, the question I have for you then is why did you vote for this Hopman Cup sponsorship application - - -?---It was a mistake.

35

It was another mistake?---Yes.

But even though you had not made that mistake the previous year, is that right?---Yes.

40

Thank you. Just bear with me for one moment?

COMMISSIONER: Yes, of course.

45 MR URQUHART: Thankfully, Mr Parkinson hasn't got any suggestions for further questions from me, sir, so that completes my examination.

COMMISSIONER: Thank you, Mr Urquhart. I will hear applications now.
Mr Malone, do you have any application?

5 MR MALONE: No application, Commissioner.

COMMISSIONER: Thank you. Mr Cornish, do you have any application?

MR CORNISH: No application, thank you, Commissioner.

10 COMMISSIONER: Mr Skinner, do you have an application?

MR SKINNER: Not at all, may it please you, sir.

COMMISSIONER: Thank you. Mr Tuohy, do you have one?

15

MR TUOHY: No application, sir.

COMMISSIONER: Thank you. Mr Yeldon, do you have one?

20 MR YELDON: None, sir.

COMMISSIONER: Thank you. Mr Thomas, do you have one?

MR THOMAS: No, sir.

25

COMMISSIONER: Thank you. In that case, Ms Chen, it looks like no-one else has got any more questions for you, which will be a relief to you, no doubt. Ms Chen, I'm going to shortly adjourn the Inquiry for the day but before I do that, I want to thank you for your assistance today?---Thank you.

30

And you will be excused from further attendance today. Mr Urquhart, I turn to you.

MR URQUHART: Yes, sir.

35

COMMISSIONER: What time would you like to resume tomorrow?

MR URQUHART: We are running a little bit behind schedule now so I'm going to ask for everybody's indulgence that we start at 9.30.

40

COMMISSIONER: That's not a problem at all. I will adjourn the Inquiry to 9.30 am tomorrow morning.

MR URQUHART: Thank you, sir.

45

**AT 5.07 PM THE MATTER WAS ADJOURNED
UNTIL WEDNESDAY, 25 SEPTEMBER 2019**