

EPIQ AUSTRALIA PTY LTD

Level 1, 533 Hay Street, Perth 6000
Ph: 08 9323 1200

INQUIRY INTO THE CITY OF PERTH

PUBLIC HEARING - DAY 81

TUESDAY, 6 AUGUST 2019

INQUIRY PANEL:

COMMISSIONER ANTHONY (TONY) POWER

COUNSEL ASSISTING:

MR PHILIP URQUHART

COUNSEL APPEARING:

MS FIONA STANTON and MS JENNY McKENZIE (Mr Yit Kee YONG)

**MR ALAN SKINNER with MR PETER MARIOTTO & MR PURDY (Mr
Dimitrios LIMNIOS)**

.06/08/2019

HEARING COMMENCED AT 9.31 AM:

COMMISSIONER: Mr Skinner.

5 MR SKINNER: Sir, just very quickly, I was just speaking with my learned friend
Mr Parkinson. Leave was granted yesterday for Mr Mariotto and myself to
represent Councillor Limnios whilst Mr Yong was giving evidence. Mr Parkinson
did suggest that I just bring to the Inquiry's attention that Mr Purdy of my office, a
10 law clerk, is here. He's not representing Mr Limnios but with leave of the Inquiry,
will be seated next to me for the next couple of hours.

COMMISSIONER: Yes, of course. Thank you.

15 MR SKINNER: Thank you very much, sir.

COMMISSIONER: Mr Urquhart.

MR URQUHART: Thank you, Commissioner.

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

Mr Yong, just before you concluded your evidence yesterday, I was asking you
some questions regarding nomination forms that companies would fill out in order
to apply for two nominees to vote on their behalf at City of Perth elections, okay?
25 So I'm just continuing on from there. Do you remember your mother and yourself
completing an application to register a corporate nominee for Lex Legal
Management Pty Ltd back in 2012?---Yes.

30 You do remember doing that?---Yes.

Why was it that you wanted to become a nominee for Lex Legal Management Pty
Ltd back in 2012?---Filling out the nomination form for Lex Legal Management to
myself.

35 And why was it that you wanted to become a nominee?---In order to vote, in order
to be nominated as a candidate.

40 Yes. So as of 2012 you were certainly interested in nominating as a candidate for
the 2013 elections, weren't you?---Yes.

I'm just going to put up on the screen now, Madam Associate, 8.0430, please. Do
you recognise that as the document we are talking about?---Yes.

45 So Lex Legal Management Pty Ltd is the full name of the corporate body. The
rateable body on which the claim is based: suite 9, 231 Adelaide Terrace, Perth,
WA, 6000. Suite 9, at this stage that was where your law firm was?---Yes.

"Postal address of the corporate body", we see that East Perth post office box address, 6116 and "The person authorised by the corporate body nominate persons to vote on its behalf" was your mother, Lilly Yong, do you see that?---Yes.

5 Then towards the bottom of the page, "I authorise an officer of the corporate body to nominate the following persons to vote on behalf of the corporate body", yourself, Yit Kee Yong, do you see that?---Yes.

10 And then your mother's name is written, Lilly Yong and then she has signed it there at the bottom of the page, is that right?---Yes.

Whose handwriting is that?---It would have been my mother's handwriting.

15 If we go now to the second page of that document, 0431, thank you, Madam Associate we see the first nominee is indeed yourself. It gives your date of birth and your postal address is 6116, East Perth, 6892. Why did you use that post office box address as your postal address?---To collect mails.

20 But why did you use it in this instance?---To be a registered - no, sorry, to be an address for the postal vote or nomination form, all correspondence from the City of Perth.

25 I know that, but why was it that you used your post office box address and not your residential address?---To collect mail easier, closer to the office.

30 It was easier for you to collect mail at the post office box than it would be for you to collect mail at the house where you lived, is that your evidence?---Maybe, like saying it's easier to collect mail than to the house, maybe loss of the mail in the mailbox so my understanding, more secured in a mailbox.

Is that the reason why you put the post office box address and not your residential address?---Yes.

35 As of 2012 when this application was completed, was it your understanding that just simply being a nominee, if you were a nominee for a company, that would make you eligible to be a candidate?---No, not eligible to vote - not eligible to be a candidate.

40 No, but what about as of 2012 when this form was completed, did you mistakenly believe that being a nominee of a company entitled you to run as a candidate?---At that point in time I'm not aware what are the exact eligibility to nominate. My understanding, this is eligible to vote.

45 Yes?---At that point in time I'm not aware whether I'm eligible to be nominated.

But did you think that this would entitle you to nominate as a candidate as well?---I would think that, yes.

You subsequently found out that that wasn't the case, didn't you?---Subsequently, yes.

5 Wasn't the main reason for you wanting to become a nominee for Lex Legal Management Pty Ltd as of 2012, was so that you could run as a candidate rather than just simply be a voter?---Once I need this form - just intended to be a voter because 2012, there's no election. It's not an election year.

10 Mr Yong, your evidence five minutes ago was that you nominated yourself as a nominee, or you got your mother to nominate yourself as a nominee?---Yes.

So that you could vote at the elections and also be a candidate?---Yes.

15 That was your evidence five minutes ago?---Yes.

Is that the correct or truthful evidence or not, because you've now given inconsistent evidence, because now you're saying you only nominated on this form so that you could vote; which is the correct version? Again, the answer won't be on the screen. I keep telling you that, the answer's not on the screen. Which is the correct version of your evidence? I'm not going to ask you anything about the form now, I'm asking about your evidence that you've given in the last five minutes, which is inconsistent?---Yes.

20
25 I want to know which one is the truth?---Upon signing this form I'm not aware whether I'm eligible - I'm eligible to vote but I'm not 100 per cent sure whether I can nominate.

I'm just asking you about your intentions when you completed the nomination form. When I first asked you about this, you said it was so that you could vote and also be a candidate?---Yes.

30
35 You then said the only reason why you completed this nomination form was so you could vote. I just want to know which one is the truth?---Yes. My understanding is at that point in time is eligible to vote and nominate, yes.

And is that the reason why you completed or got your mother to name you as a nominee?---Yes.

40 You can see there on the nomination form that the City of Perth requests not just the postal address for the nominees, but also information regarding contact numbers, do you see that in the top right-hand corner?---Yes.

And you've provided a work number, do you see that?---Yes.

45 And you've also provided an email address?---Yes.

Do you understand why the City of Perth would want the contact details of the nominees?---So that the City of Perth can contact - in case they want to contact any person on the phone.

5 Yes, exactly. That makes sense, doesn't it?---Yes.

So it would be very helpful for the City of Perth then if nominees completed those personal details, would you agree with that?---Yes.

10 Because that way, they can make contact with them, correct?---Correct.

More instant contact rather than just using the postal address, correct?---Yes.

15 Is that why you completed the details there? Is that why you completed those details, so the City of Perth could contact you via a phone number or email if they needed to, yes?---Yes.

20 If we go further down the page, we can see that your mum has done the same thing. She's given a home contact number, a work contact number, mobile number and also an email address, do you see that?---Yes.

Then your mother's also used the PO Box address as the postal address, do you see that?---Yes.

25 Is that your signature that appears in the middle of the page?---Yes.

Apart from your signature, is there any other handwriting of yours on that page?---The date.

30 The date in the middle of the page?---Yes.

That's your handwriting?---That's right.

35 What about your personal details up at the top of the page, is that your handwriting or your mother's?---It's not my handwriting.

Not your handwriting, so your mother's?---It would have been her, it looks like her signature - her handwriting.

40 Was it the case that just six months later you were no longer the nominee for Lex Legal Management Pty Ltd?---No longer?

[9.45 am]

45 Yes?---Why do you say that?

Did you find out six months later that you had been replaced as a nominee for Lex

Legal Management Pty Ltd?---I can't remember when, or six months later, I don't know who has replaced me.

5 But did you become aware that you had been replaced?---Usually you will be notified by a letter.

Let's see if we can have a look at this document, it might refresh your memory. Madam Associate, can we have a look at 8.0436, please and, sir, incidentally the TRIM number for the last document was 12501.

10 COMMISSIONER: Thank you.

MR URQUHART: The TRIM number for this document is 12502.

15 COMMISSIONER: Thank you.

MR URQUHART: If you have a look there, you will see again it's another application to register a corporate nominee for Lex Legal Management Pty Ltd and the date on that page at the bottom right-hand corner is 19 September 2012, so three days short of six months after the other form had been completed, okay?---Yes.

Same company, isn't it?---Same.

25 Whose handwriting is that on the first page?---It's not my handwriting.

Can you identify it as somebody else's?---Somebody else's.

Is it your mother's?---Most likely would be my mother's.

30 Most likely? Is that because you recognise it?---It looks similar handwriting.

Then we go down towards the bottom of the page there, the nominees are your sister and your mum, do you see that?---Yes.

35 Then we go to the next page, 0437, thank you, Madam Associate, we can see the first nominee is clearly filled out as your sister, Angie, do you see that?---Yes.

40 Do you recognise her signature that appears in the middle of that page?---Yes.

Then in the second half of that page, the second nominee is again your mother?---Yes.

45 So when did you become aware, if at all, about these changes?---It would be about the same time.

And why? Why was the change made?---So Lex Legal Management would be

signing a lease agreement with - - -

Sorry?---Lex Legal Management would be signing a lease with me directly.

5 Lex Legal Management would be signing a lease directly with you?---Yes.

So?---In order for me to be eligible to vote, subsequent to this form being signed.

10 Subsequent to this form being signed?---Your question is asking what is - am I aware of this letter? Yes, I understand, and I've been replaced.

You've been replaced?---By my sister.

15 Yes, I understand that, and then subsequent to that, a lease is drawn up?---Okay, sorry, time lapse. I should be - when I move to Adelaide Terrace, not at this stage, in 2012.

You're already at Adelaide Terrace at this stage?---Yes.

20 You moved in in March of 2012?---Yes.

At about the same time as the previous nomination form had been completed, which was 22 March 2012?---Yes.

25 So there would have been a lease agreement in place between Lex Legal Pty Ltd and Lex Legal Management Pty Ltd as of March, or certainly by March of 2012, yes?---Sounds all right, yes.

30 So that lease has already been signed. So that can't have been the reason, can it?---Yes.

What's the subsequent lease you're talking about?---Subsequent lease is between Lex Legal Management and myself.

35 And yourself? For what premises?---For the same premises but a separate room.

Same premises but a separate room, of suite 9?---Of suite 9.

40 But didn't the lease that was signed by Lex Legal with Lex Legal Management Pty Ltd earlier in 2012 incorporate all the premises in suite 9?---Yes.

It did?---Yes.

45 So what room then are you talking about?---The whole suite and part of that suite 9, a separate room. There's a different room in suite 9.

Yes, I understand that?---There's a room, there was a lease or sublease - a lease

between Lex Legal Management and myself was prepared, I can recall.

What, to lease out a room that was already part of a lease between Lex Legal Management and Lex Legal?---Yes.

5

So a sham lease? A sham lease?---No.

No? It was. Do you know what a sham is?---Not real.

10 Yes, something that purports to be what it's not?---M'mm.

Okay?---Okay.

15 You're saying that another lease was drawn up to lease out a room that was already the subject of a lease in existence at the time?---Yes.

So a sham lease?---I don't put the word as sham lease but I actually use that room for myself for personal use.

20 Obviously?---Yes.

Because you're a solicitor with Lex Legal. You were using that office before September of 2012, weren't you?---As an employee of Lex Legal, yes.

25 So I've just defined for you what a sham means, something that purports to be what it is not. So this lease that you're talking about that was prepared subsequent to September 2012 is a sham, isn't it?---Yes. The choice of words.

30 Sorry? It's not a very favourable choice of word for you but it's accurate, isn't it?---Yes.

Another word is dodgy; would you prefer sham or dodgy?---To me, I have intended to use that room for my personal use.

35 The question is, would you prefer the word sham or dodgy to describe this lease? I would go with sham, Mr Yong, but I want your answer though, sham or dodgy?---For me I would not choose either one.

40 What would you choose then? It's not a legitimate lease, is it?---It's a lease signed by - - -

It's not a legitimate lease, is it?---What is defined as legitimate is, both parties agreed on the same terms, sign and witness.

45 It's not a legitimate lease, is it?---Yes.

Did you actually email that particular form that we have got up on the screen,

8.0430 and 431, did you actually email that to the City?---Most likely not.

Most probably not?---Most probably not me.

5 You don't know for sure though?---I don't know for sure, most likely my mother or myself, by email.

Madam Associate, could we have a look, please, at 8.1004. Sir, is this is TRIM number 2116.

10

COMMISSIONER: Thank you.

MR URQUHART: My apologies, it is actually 14507 is the TRIM number.

15 COMMISSIONER: It's close.

MR URQUHART: Yes.

20 Mr Yong, this is an email that's been sent to you from a Cathryn Clayton, C-a-t-h-r-y-n, who is an Administrative Officer at the City of Perth at the relevant time and this email has been sent on the same day as that previous document that we looked at has been signed. She says in the bottom half of that page:

25 *Good afternoon, Keith. Thank you for the forms that you've sent through to be processed. The last form is missing the second page with the two nominee details on. Please can you fax it through if possible, or email it to me and I will ensure it is attached to the front page. Also, is it possible to forward a copy of the lease agreement, tenancy agreement or legal instrument for the two individual occupiers, Mr Yit Kee Yong and Mr Yit Joon Yong? As occupiers they are requested to provide a copy to support your application. If you can please mark the lease agreement, tenancy or legal instrument for my attention, I will be processing the applications. Thank you. Kind regards, Cathryn Clayton.*

35

Can you recall now how many applications you sent through to the City of Perth?---Nomination forms?

40 Yes, how many nomination forms on that day?---On that day I can't recall, maybe this one.

Maybe this one? Do you know why Ms Clayton was seeking the lease agreement or tenancy for the two individual occupiers, yourself and your brother?---Yes.

45 Was that another nomination form?---Can't recall whether there's another one.

Then at the top of the page there, two and a half hours later or thereabouts, do you

see that:

5 *Dear Cathryn, we refer to the above and your email yesterday -my apologies, it's the following day - We trust you received the requested document yesterday, 19 September 2012.*

Do you see that? If we just go now to 1003, we can see that email is actually from you?---Yes.

10 Do you see that at the bottom of the page?---Yes.

Can you recall what the document is that you were referring to? If we go now to 1004:

15 *We trust that you received the requested document yesterday, 19 September 2012.*

Was that page 2 of the nominee form or was it a copy of the lease agreement, do you know, or was it both?---I can't recall actually what was being sent.

20

If we go back now to 1003, thank you, Madam Associate. This is an email that's now sent on 21 September 2012 from Ms Clayton to yourself:

25 *Good afternoon, following our telephone conversation I am correct in my understanding that it may be your intention to stand for Council at the next Local Government election? The lease agreement you sent to support the claim of occupier is a lease for Lex Legal Pty Ltd from Lex Legal Management Pty Ltd.*

30 Do you see that?---Yes.

[10.00 am]

35 So you actually did send through a lease agreement?---Yes.

This is the lease agreement that's the genuine one, would you agree with that, rather than the sham one we have just been through?---Yes.

Then you are advised:

40

To be eligible as an individual occupier you would need to show your individual right of occupancy at the property, Suite 9, 231 Adelaide Terrace, Perth, WA. A lease, tenancy agreement or legal instrument would therefore need to be in your name.

45

Do you see that?---Yes.

Down now to the fifth paragraph:

5 *As you may be aware, it is not possible to stand for Council as a nominee of a company. The two individual applications you sent on behalf of Yit Joon Long - Long, she's misspelt your name, it should be Yong - and Yit Kee Long - again it should be Yong - and supporting lease agreement indicates that these applications are occupier nominees for Lex Legal Pty Ltd.*

10 Is that your recollection, that you sent off a nomination form, not just for Lex Legal Management Pty Ltd, but also Lex Legal Pty Ltd, that is, the company that ran your law firm?---Yes.

15 And you were seeking for the nominees there to be yourself and your brother?---Yes.

Then it goes on:

20 *An example of being an individual occupier could be a lawyer who leases an office space from a law firm who owns or occupies the rateable property.*

As of 21 September 2012 you didn't have such a lease, did you?---No.

25 Madam Associate, if we could now go, please, to 8.0438. Do you recognise that? That's the front page of a lease agreement from 2012 between Lex Legal Management Pty Ltd and Lex Legal Pty Ltd and it's titled, "Lease, Suite 9, level 3, Ingress House, 231 Adelaide Terrace, Perth", do you see that?---Yes.

30 So that's the lease agreement for your law firm, isn't it?---Yes.

35 Was that lease agreement prepared by your brother, Jonas? I ask that, if your eyesight's good, you can just see a reference number about three-quarters of the way down the page?---Yes.

Do you recognise that as being a reference number for a document that's been prepared by your brother?---Yes.

40 Because of the initials JY?---Yes.

You recall this lease was actually prepared by your brother?---Yes.

45 Given your experience at drafting leases as well as a lawyer, the critical part in the drafting of a lease would be correctly identifying what premises are being leased, isn't that right?---Yes.

Madam Associate, if we can go to 0479, please. This is the first schedule of this

lease agreement, page 42. So a comprehensive document. The first schedule of particulars, you see item 5, "The premises":

5 *All that land and buildings situated at Suite 9, level 3, Ingress House, 231 Adelaide Terrace, Perth, in the State of Western Australia, having an area of approximately 160 square metres (subject to survey). For identification purposes only the premises are outlined in yellow on the plan. Commencement date, 1 January 2012.*

10 Do you see that?---Yes.

The commencing rate, AUD\$42,300 plus GST, do you see that?---Yes.

And it's for a term of five years, item 7; is that all correct, yes?---Yes.

15

Then if we go to page 486, thank you, Madam Associate. Incidentally, sir, the TRIM number for this document is 12502.

COMMISSIONER: Thank you.

20

MR URQUHART: That's the final page of the document and it's been executed as a deed between your mother and your brother, can you see that?---Yes.

So that lease was for every square centimetre in suite 9, wasn't it?---Yes.

25

But because of what Ms Clayton had said to you, that because Lex Legal was the tenant and not you as an individual, you did not qualify to run as a candidate based on that lease, isn't that right?---Yes, based on advice from the email.

30 Yes?---Yes.

I'm going to suggest to you, you didn't respond to that email from Ms Clayton that we have looked at. There doesn't appear to be any record with the City of Perth that you responded to that email in which she advised you that as an example for you to nominate as a candidate, you would need to be named as an individual on a lease. Do you accept you didn't respond to that email?---I can't be quite sure whether I respond, but most likely not.

35

Madam Associate, we can take that down now, thank you. I want to fast forward to August 2013. Do you remember discussing your intention then to run as a candidate with the City of Perth officers? So this is two months out from the election?---Yes.

40

And you asked what the City required for you to be deemed eligible?---Yes.

45

Were you reminded that you needed to be an individual occupier?---By Cathryn's email, yes.

Yes, but also again in August 2013?---Most likely, yes, but don't know from which party.

5 For you to qualify as an individual occupier, you needed to personally lease office space within the City of Perth, isn't that right?---That's right.

And the only leased premises you were still working in as of August 2013 in the City of Perth was Lex Legal's office at 231 Adelaide Terrace?---Yes.

10

The problem with you contesting the City of Perth elections as a candidate was the tenant of those offices was the company, Lex Legal, not you?---Yes.

15 So how did you end up qualifying as a candidate for the 2013 elections?---To have a lease agreement with my name.

In your name, yes. Is this the sham lease that we have spoken about earlier?---Yes.

Madam Associate, if we could go to 8.0496, please. TRIM number, sir, 12813.

20

COMMISSIONER: Thank you.

25 MR URQUHART: If we just go down to the bottom of the page, because we need to go in reverse order with these emails, there's two of them. The bottom of the page, 24 August 2013, there is from the Lex Legal info@LexLegal.com.au email address to a Mr Evans from the City of Perth and Ms Clayton from the City of Perth and you're CCed in, can you see that?---Yes.

30 That's your email address at work, isn't it, Keith@LexLegal.com.au?---Yes.

30

And the title is, "City of Perth, Yit Kee Yong lease agreement scanned":

35 *Dear Dr Ken Evans and Cathryn, further to your earlier telephone conversation on 23 August 2013, please find attached lease agreement of Mr Yit Kee Yong as requested.*

If we go now to 0497, thank you, Madam Associate:

40 *Kindly confirm that Mr Yong is now eligible to stand for election as a Councillor. Please urgently contact this office should you require further documents or information, Yours sincerely, secretary, Lex Legal.*

45 Did you ask your secretary to forward that email on to Mr Evans and Ms Clayton at the City of Perth?---Yes.

If we go now back to 0496, thank you, Madam Associate, and this is an email from

Ms Clayton, addressed to info@LexLegal, with CCs to Mr Evans and also yourself, do you see that, on 26 August?---Yes.

:

5

Good morning, thank you for your prompt response to the request for lease agreement for Mr Yit Kee (Keith)Yong.

10 Then she provides you further details as to when the nominations close for Council, do you see that?---Yes.

15 She's also mailed out a copy of the, "Candidate information kit", which has all the information for candidates about standing for Council in Local Government. So you were able to run as a candidate for the City of Perth based on a sham lease, isn't that right?---Yes.

How ethical was that?---Yes.

20 Yes?---As you put it, I have requested permission to have a separate room in order to run for that - to use that room for the purpose for Council but if you want to put it as sham, that's your choice of word but - - -

25 Can you just give me a description then of that lease? I've suggested sham, dodgy and another one, false?---The intention of that lease is - - -

No, what is the description that you would give for that lease? You've agreed it's not a genuine lease, so what is it? What is the adjective you would place in front of that word "lease" if you don't want to use dodgy, sham, false?---A sublease.

30 A sublease, but it wasn't a sublease, was it? Do you want to have a look at it? Let me ask you, it wasn't a sublease, was it?---It was a signed lease agreement.

The question is, it wasn't a sublease, was it?---No.

35 So "sub" in front of the word "lease" is not going to work, is it? Like to try again? Mr Yong?---Overlapping.

Sorry?---Overlapping.

40 An overlapping lease? An overlapping lease?---Because there's already an existing lease and the second one, there will be overlapping.

Is that a legal term, overlapping lease?---Not a legal term.

45 No. So it's a lease covering the same area that's already been leased under a current lease?---Yes.

So it's a lease purporting to be what it is not?---Yes

[10.15 am]

5 And that is the definition of sham?---Yes.

It's a sham lease, isn't it?---Yes.

10 Let's have a look at this sham lease then. Madam Associate, 0370, thank you. Do you recognise that?---Yes.

2012, its title:

15 *Lex Legal Management Pty Ltd as trustee for the Lex Legal Management Trust, landlord, and Yit Kee Yong, tenant.*

20 "Lease", and now we have got, "Suite 9 (part) level 3, 231 Adelaide Terrace, Perth." What you've done is that you've just got up the previous lease, hadn't you, and just changed some words around? When I say the previous lease, the lease between Lex Legal Management and Lex Legal Pty Ltd?---Yes.

25 And we know that you did that, don't we, because we can go down and see the reference and we see your initials now, JY and it continues "Lex Legal Management (Keith)". JY though, that's your brother's reference?---Yes.

So who prepared this lease? You and him or just you or just him?---My brother, him.

30 Your brother prepared this particular lease?---It was not me.

Not you?---No.

If it wasn't you, who then was it?---In this case it's my brother.

35 So you got your brother to do this?---Yes, he did it.

You got your brother to be involved in drafting a sham lease, yes?---Yes, he drafted that lease.

40 A fellow lawyer, is that right?---Yes.

Can we go now, Madam Associate, to 0376. This is page 7 of this lease. Sir, TRIM number 12445 is the TRIM number for this entire document.

45 COMMISSIONER: Thank you.

MR URQUHART: :

This lease is made the 1 day of January 2012.

5 Do you see that?---Yes.

That's a lie, isn't it?---Yes.

10 So why? Why lie about that?---This lease was created in order for me to be eligible, that's for the purpose.

I know all that. Why did you lie about the date of the lease, because it should have been a date in August 2012?---Yes, it should be.

15 So why the lie about the date? The answer is not on the screen?---I don't know the answer.

I want you to try, because you signed this lease. Why the lie about the date?---To be consistent with the earlier lease.

20 To be consistent with the earlier lease that was also signed on 1 January 2012, is that right?---Yes.

To make it look like it was signed on the same day?---Yes.

25 Why were you trying to do that?---As I said earlier, the intention is for me - for the sole purpose for me to be eligibility to - - -

30 Yes, but you could have written the correct date on this sham lease. Why did you use the 1 January date to coincide with the previous lease?---Wrongly date.

Yes, it's the wrong date, I want to know why. The answer is obvious, Mr Yong?---To be consistent with the earlier.

35 Yes, you wanted to make it look legitimate?---Yes.

But it wasn't a legitimate lease, was it?---Yes.

40 So you were trying to fool the City of Perth into thinking that this lease had actually been signed on 1 January 2012, and not on the same day or thereabouts, of your email exchanges with Ms Clayton and Mr Evans, isn't that right?---To me it doesn't matter which day you put, but just want it consistent, so we put the date. It can be August, September, any date.

45 That is the explanation I've given as to why you didn't put the correct date?---Yes.

Is it correct or not?---Yes.

It is correct. You wanted to make this look like a legitimate lease, didn't you?---Yes.

When it wasn't a legitimate lease?

5

COMMISSIONER: Is that yes? You nodded your head, is that yes?---Yes.

MR URQUHART: Madam Associate, if we could go now to 418, please. This is the final page of this lease, Mr Yong. Is that your mother's signature that appears as the sole director and sole secretary of Lex Legal Management Pty Ltd?---It appears so.

10

Is that your signature that appears on the right-hand side about halfway down the page?---Yes.

15

So you've got your mum involved in this fraud as well, did you?---Yes, I got her involved.

She fully understood the reason why this lease needed to be drawn up, didn't she?---Yes.

20

So you've got your mother involved in this scam and your brother as well?---I got them involved.

25

It's a scam, isn't it?---Yes.

And the witness, Pin Pin Lu , who's that?---She's the bookkeeper at the time for the law firm.

30

So you got her involved as well?---As a witness.

Yes.

COMMISSIONER: Mr Yong, when your brother drew up this document, did you tell him what it was going to be used for?---Yes, for me to be eligible to run for Council.

35

But we know from your evidence that he also drew up the previous lease between Lex Legal Management and Lex Legal, don't we?---Yes.

40

Did he not say to you, "I cannot prepare this lease", the one that's on the screen at the moment, "because there is already a lease for the same land"?---He did not say it but our intention - - -

45

Don't worry about your intention, he didn't say it, is that the answer to my question?---No.

He didn't say it?---He didn't say that words, he didn't say that.

Mr Urquhart.

5 MR URQUHART: Thank you, sir.

If you just have a look now at another page of this lease, 0411, thank you, Madam Associate. We can see there item 5 has been changed from the previous lease, has it not, to now include a room, "Office situated at Suite 9, level 3, 231 Adelaide Terrace", do you see that?---Yes.

Then it reads further on:

15 *For identification purposes, only the premises is outlined in yellow on the plan.*

Was there anything indicated on the plan to your memory?---It would have.

20 There would have?---There would have.

There should have been, shouldn't there?---Yes.

25 Madam Associate, 0413, if we can just go to there briefly. Show me where it appears on that page?---Sorry?

Can you show me where the plan appears on that page, which has got, "Second schedule - plan", as the heading? It's a blank page, isn't it?---Subsequent to that page, did you say 45?

30 We could go to the next page if you'd like, page 45. So Madam Associate, that is 0414. No plan there. Shall we keep going? We can have a look at the fourth and fifth schedule to see if it's there, do you want do that, or are you going to take my word for it, it's not there?---I'll take your word.

35 Madam Associate, if we can go back to 0411, please. I drew your attention to the fact that the premises were already being leased for, from memory, \$42,000 per annum. See item 8, "Commencing rent: AUD\$9,600 plus GST per annum", do you see that?---Yes.

40 No rent was paid under this lease agreement?---No.

So that's another lie in this lease agreement, isn't it?---No rent was paid, yes.

45 But you put an amount there to make it look like it was a legitimate valid lease, didn't you?---Yes.

Who came up with the idea that it should be \$9,600, you, your brother or your

mother, or all three of you?---I don't know exactly at that time. I think it should be proportionate based on the full lease, on the square metres.

5 So who came up with that amount?---It would have been myself.

It would have been yourself?---Yes.

10 Thank you, Madam Associate, you can take that document down. Mr Yong, how ethical was it for you to present this lease to the City?---Not appropriate.

Sorry?---Not appropriate.

Entirely unethical, would you agree with that?---Yes.

15 Have you engaged in conduct as a Councillor, because of course this unethical behaviour by you was before you became a Councillor, so now I'm asking you this question: have you engaged in conduct as a Councillor that has not been ethical with respect to anything to do with the City of Perth elections?---By signing up forms.

20 [10.30 am]

25 By signing up forms? What sort of forms?---After thought carefully, by signing up enrolment forms on the understanding, by just filling out the form without thinking carefully of the nature and the intent, purpose of that enrolment form. So I have signed other people for companies and by putting two nominees on it in order to complete the nomination forms.

30 Right, and how many of these such forms did you fill out in that manner?---There were around 20.

Around 20?---20 companies.

35 20 companies?---M'mm.

And the reason for your unethical conduct with respect to that was what?---In order for them to sign up as a voter, to vote in the - to be eligible to vote in the Council election.

40 Yes, and what was unethical about that?---By just looking at the surface of filling out the form and completing and submitting to the City of Perth, I should have understood the whole picture and nature of the intent and purpose of the electoral process.

45 What is the intent and purpose of the electoral process?---To have a true representation in the process of election.

And why did you do this?---First, my intention was to encourage numbers of voters and second, to encourage their support for my election.

5 You can do that ethically, can you not?---As I said earlier, the form, I'm just simply looking at the surface without understanding the true nature, by just completing and asking directors, signing and nominating two nominees in each company.

10 Which companies are we talking about?---I can recall that I spoke to the director of Osaka Gas.

Mr Takemori?---Yes.

15 For the transcript that's T-a-k-e-m-o-r-i?---T-a-k-e-m-o-r-i.

So he was one in respect of his companies, and what other companies did you engage in unethical behaviour with respect to the completion of nomination forms for nominees of those companies?---I did not do anything unethical on signing on behalf of any person but it's - - -

20 Are you sure about that?---I did not sign anything on behalf of the company.

25 Are you sure you didn't do anything unethical with respect to the signing up of nominees?---Not as per signature per se, but I instead put a PO Box address which I shouldn't. Subsequently I was involved so I immediately inform the City of Perth Governance to change all the PO Box addresses to all the residents' address directly.

30 And the PO Box addresses that you were using were the PO Box addresses that belong to your family, isn't that right?---Yes. At the beginning, my intention was to encourage them to vote but after that, I think it's not right. Immediately inform the Governance and advice, I followed their instruction and I think that is appropriate to do so.

35 It was up to the City of Perth to bring that to your attention, wasn't it?---Yes.

You were trying to get away with dozens of ballot papers being sent to post office boxes that only you or your family members had access to?---Which is not right.

40 No?---Not right.

What was your intention there?---The intention to collect and make sure they vote.

45 To collect the ballot papers?---Yes.

And then do what?---And make sure they vote.

Really?---Yes.

5 Make sure that they vote?---I have no intention at all to touch the ballot paper. That is the reason why immediately I advise the City of Perth to change it to the voters directly rather than - - -

No, Mr Yong, you didn't advise the City of Perth to do that. The City of Perth decided to do that when they noticed - - -?---Yes, because - - -

10 Let me finish - when they noticed the same post office box addresses being used for voters on the owner/occupiers electoral roll, isn't that right?---Yes.

15 You didn't volunteer. You didn't say, "Oh no, I've made a mistake here." You had no say in the changes that the City of Perth made, did you?---I did not make aware but luckily Governance informed me that that's right, immediately I say, that's not right, I don't want to get involved with this and it's against the rules and I don't want to - - -

20 Of course it's against the rules, so why did you do it?---At that point in time maybe it's - - -

Sorry? Why did you do it?---Too naive and want to get votes from - get the ballot paper and ask them to come and vote.

25 You wanted to get the ballot papers yourself, didn't you?---Yes.

And you weren't going to send those ballot papers off to all these people, were you?---No, I will pass it to them. I never touch - I never intended to.

30 What's the point then? Why didn't you complete on the nomination forms their own residential addresses, so they would get the ballot papers directly?---Yes, that's a mistake.

35 Why didn't you do that?---It should have been - - -

I know it should be but why didn't you do it?---For my own benefit.

40 Yes and for your own benefit, and how was that going to be achieved, once you'd received the ballot papers? It's uncomfortable, these questions, Mr Yong, but you've got to give honest and truthful answers?---I will swear that I never would intend to touch the ballot paper. It just - - -

45 Why then did you have, by my calculations, no less than 45 ballot papers being addressed to post office boxes that you had access to?---It doesn't look good and it's not right.

No, of course it doesn't look good and it's not right but unfortunately, Mr Yong - -

-?---It will be - - -

- - - these are the questions that are now being asked of you, questions that weren't asked of you by the City of Perth Governance Officers but are now being asked of you. I want to know the truthful reason as to why you had placed on all these nomination forms your family's post office box addresses for these 45 individuals who you had got to be nominees for various companies? I don't want to hear that it was wrong or you shouldn't have done it, I want to know why you did it and I want the honest, truthful answer?---Because they are - the nominees are family and friends, close family and friends and we know them. So for us, it's definitely wrong that we should not fill out the form with the postal addresses.

We have gone through all that. I know you knew it was wrong at the time, I know you knew you were not supposed to do it. I know you knew it was entirely unethical. I want to know now why, why you had these ballot papers go to a location that you had access to and none of these 45 people did?---It's a naive decision, just thinking of collecting and get them and make sure they vote. Make sure they vote.

Collecting and making sure they vote?---Make sure they receive that.

Make sure they receive the ballot papers?---Yes.

Yes. So why didn't you have placed on the postal address section for the nomination forms, their residential addresses?---To collect and make sure they vote.

To collect them, I'll agree with that. Yes, you wanted to collect them, and what, you were then going to mail to them all these ballot papers?---I was going to ask them to come into the office or to collect that.

Hold on, that's very inconvenient for them?---Yes, very inconvenient for them.

Yes. Very convenient for you though?---Yes.

Because you had access to 45 ballot papers. So this would be what would have happened but for the City of Perth's intervention for the 2017 elections, is that right?---Yes. Luckily we had that advice from Governance and pick it up.

Yes, I know all that. So 2017 elections, you would have had in your hands 45 votes that other people should be casting?---M'mm.

Agree?---Agree.

45, and this was some time in 2016, wasn't it?---Yes.

Were you intending to get more companies to nominate friends and relatives of

yours?---Yes.

So as of 2016, more than a year out from the elections, you have 45 votes at your disposal, yes?---Yes.

5

That was your intention. Can we have a look now, please, Madam Associate, at 8.0622. What we are looking at here now, Mr Yong, are the results for 2013, when you first got elected. These are the official results. Do you see that, there were eight candidates and four were going to be elected to Council, do you agree with that? Yes?---Yes.

10

You got these results, didn't you, shortly after the 2013 election?---I got this result, yes.

15

Yes, you did. So look at that, at the bottom, Mr Harley got the most votes, 1,782 and then we go to the top, Ms McEvoy, she got 1,632. Then Mr Limnios, he had the third highest number of votes, 1,453 and then look at you, your second there from the top, you got 1,278 and Matthew Clarke, he got 1,224. So Mr Yong, you got in by 54 votes, didn't you?---Yes.

20

It was extremely tight, wasn't it?---Yes

[10.45 am]

25

You can take that down now, thank you, Madam Associate. It comes back to my questioning of you regarding your conduct thereafter getting nomination forms from companies and having nominees to - - -?---To sign as nominees.

30

Sorry, getting your friends and relatives to be nominees for these companies and having your family's post office box addresses written as the address for where they are to receive their ballot papers, yes?---Yes.

35

I know it's unethical, I know it was wrong, I know it was naive. I know all that. Your explanation, it seems, is that you did that so that you could get all the ballot papers and then distribute all the ballot papers out to them?---Too naive.

To what?---Too naive.

40

Not naive at all, Mr Yong. This was carefully planned, wasn't it? This was a very, very carefully planned operation by you?---Which plan?

It was planned for you to get dozens of ballot papers that should have gone to other people?---By receiving at their home address.

45

That didn't happen. Your plan was for you to get their ballot papers?---And distribute to them.

This is where your argument fails, with all due respect to you, Mr Yong, because it defies logic?---Yes.

5 It defies common sense?---It doesn't look good, I agree, totally agree with you.

And you know, don't you, from my opening address yesterday, that you heard that the Inquiry has had enough of answers that are an affront to common sense and that defy logic?---Exactly.

10 Do you agree with me your explanation defies logic?---It defies logic.

Yes, and it's an affront to common sense?---It doesn't look good for me, yes.

15 No?---Exactly.

And really, the truth is, Mr Yong, that you or somebody else was going to fill out those ballot papers yourself?---No.

20 With your name?---No.

Mr Yong, that's my logical explanation?---Never.

25 What you were doing here, and I want you to provide an alternative logical explanation?---Never intended that way, never. If - - -

I want you to put forward a logical explanation then for why you did this?---It's solely for the intention of collecting. It's family friends, they are close. I just want to distribute to them but I don't - yes, it shouldn't be that way and I think - - -

30 Mr Yong, that has been your explanation already, which you've agreed with me defies logic and is an affront to common sense?---It has never come across my mind ever to sign or vote on behalf of anyone, I swear.

35 So why did you put yourself in the position of being able to do precisely that?---Totally opposite, is a huge mistake I make.

So why then did you put yourself in precisely the position do exactly that?---Yes, I'm putting myself in a detrimental, which I have done a huge mistake.

40 Yes?---Yes. Can I explain? It's maybe for the intention of trying too hard to run for the election and oversight has come across the mind.

An oversight?---And - - -

45 An oversight?---Oversight.

You deliberately wrote on these nomination forms post office box addresses that

you had access to?---Yes.

That wasn't an oversight, was it?---That wasn't an oversight.

5 Sorry, that was an accident did you say?---No, I didn't say that. I say is a huge mistake made and which is a huge - unforgivable.

Are you maintaining, by your own admission, what is an illogical explanation for what you did, are you maintaining that?---Can you explain this?

10

You want me to explain your explanation as to why you did this to you again, do you?---No. I have swear to God I have never intended to touch or sign or vote on behalf of anyone.

15 It looks like - - -?---It looks like.

- - - that's exactly what you were planning to do?---Yes, it looks like it. It's a huge mistake made. Luckily, with the Governance explanation and giving me the advice, I say, if anything is illegal, don't touch, I don't want to get involved with this and thank you. I remember I spoke to Mark Ridgwell and thank him for that advice.

20

COMMISSIONER: Mr Urquhart, may I just interrupt you for a moment, please?

25 MR URQUHART: Yes, certainly. I'm grateful for that.

COMMISSIONER: Mr Yong, I don't want you to make any more mistakes so I'm going to ask you some questions and I would like honest answers, please?---Yes.

30 When you secured the nominees, the corporate nominees, would I be right in thinking that you asked them to be nominees because you believed they would vote for you?---Yes, that's my belief but they have a choice not to. They have a choice, maybe they say, I don't - they change their mind during the election, they may choose - - -

35

I'm not asking you about that, I'm just asking you what your intention was at the time you secured them as corporate nominees and as I understand your evidence, it was that they would vote for you?---Yes, I would assume that.

40 So at that point in time you believed that you had their votes, is that right?---Yes.

We will just take it a step at a time. When the ballot papers were then emailed or sent to your PO Boxes, am I right in thinking that they could have been collected by anybody who had access to those PO Boxes?---Yes, people who had access to the PO Boxes would be able to access the ballot paper.

45

Yes, and the persons who at that time had access to the PO Boxes were yourself

and your brother and presumably other members of your immediate family, is that correct?---Correct.

5 So if any one of those people who had access to your PO Boxes, collected those ballot papers, there was nothing to stop them, physically stop them from filling them in, was there?---Yes, you're right, Commissioner.

10 And if they had filled them in and voted for you, then that would be consistent with what you understood the wishes of the nominees were, would that be right?---Yes.

15 So in that sense, if someone with access to your PO Boxes had filled in the ballot papers they could, in one sense, be doing the bidding of the nominees, couldn't they?---They could but my understanding, the ballot paper requires signatures to verify is actual person signing that.

And you had the signatures on the nomination forms, didn't you?---Yes.

20 So you knew what the signatures looked like?---Yes, that's true but no-one could forge a signature.

I would have thought no-one could - - -?---If you have - - -

25 Just stop there. Please, just wait for the question. We are going to do this a step at a time. I'm going to ask you this and I would like a direct answer, please?---Yes.

You must assume that there are things which this Inquiry knows which you do not know - I'm being fair to you?---Yes.

30 What I want you to tell me is this: can you think of any logical reason why you would have had those ballot papers sent to PO Boxes to which only members of your immediate family have access, other than for someone with access to complete them?---Is my own selfishness.

35 But that's not the question, is it? My question to you is, can you think of any logical reason why that would not be so? You're not an unintelligent man, Mr Yong?---Yes.

40 You understand logic?---Yes.

So can you give me a logical reason, please?---As I said, is too eager to run and naive to run for Council and trying too hard and push too hard myself and trying to - - -

45 If we take that reason, that does not mean that they could not have been sent to the addresses of the nominees, does it?---Yes.

So you would accept that's not a logical reason, wouldn't you?---Yes.

5 So we come back to the same point. It's important me for me to understand this, Mr Yong, and I need a truthful answer?---I really swear from my heart and swear to God.

10 You have already sworn to God, you did that when you started your evidence so for you to say it now causes me some concern, frankly. What I would like is a logical reason, please, from you?---A logical reason is collecting all these ballot papers as a whole in bulk and in the hope that they will support me and vote in my favour and without knowing the risk behind and the consequence, is a selfish and without thinking carefully as a legal practitioner.

15 Let me put to you what counsel is getting at. What counsel is getting at, in fairness to you, is this, that you ensured that all the ballot papers were sent to the PO Boxes to which you and immediate members of your family had access so that one or more of you could fill out those ballot papers - - -?---No.

20 Just listen, please, until I finish my question. That might help you. So that one or more members of your family could fill out the ballot papers; you disagree?---We never thought of - until that stage, to touching and opening, filling out the form, never thought it through that far.

25 Do you still say that even though you have told me earlier that votes for you by those nominees would be consistent with what you understood their positions to be at the time they agreed to become nominees?---As soon as the ballot would reach the hand, they have a choice to vote for one or up to four at their choice, so we can't control what they decide in their mind

30 [11.00 am]

The only way to control what the decision was, was to fill out the ballot papers yourself, wasn't it?---This is the only choice but we never thought - - -

35 Let's just stay with that for the moment. If you or another immediate member of your family completed the ballot papers, then you could be assured of the votes, couldn't you?---If they did.

40 And if that happened, would you see that as just a mere technicality because those people had already told you they would vote for you?---It will be just a technicality if they told, yes, they voted that way but - - -

Yes, Mr Urquhart.

45 MR URQUHART: Sir, I'm mindful of the time. Might we have a morning break?

COMMISSIONER: Of course. I will adjourn for 15 minutes.

WITNESS WITHDREW
(Short adjournment)

5 HEARING RECOMMENCED AT 11.17 AM.

MR Yit Kee YONG, recalled on former oath:

COMMISSIONER: Yes, Mr Urquhart.

10

MR URQUHART: Thank you, Commissioner.

You've mentioned, Mr Yong, how you got a number of companies to apply for nominees. Did you start doing that way back in 2011 with respect to family companies?---From recollection, yes, a few family companies.

15

Why way back in 2011?---I recall some time around 2011, at that time Councillor Sandra Liu approached the community, including myself to fill out and complete nomination form.

20

So Ms Liu was asking you to complete nomination forms for your family companies and get nominees to vote for her?---To get nominees and hope that we can support her in her election.

25 So to get nominees that were prepared to support her?---Yes.

Rather than you, because you weren't contesting the 2011 elections?---Yes.

I'm going to give you an example and see whether this is one such case. Madam Associate, 8.0354. TRIM number, sir, 12504.

30

COMMISSIONER: Thank you.

MR URQUHART: This is an application to register a corporate nominee by Maxi West Pty Ltd, do you see that?---Yes.

35

And we have already been through that yesterday. That was a family company?---That's my company.

40 It's your company, yes. Is that your handwriting that appears on that page?---Except the, "Postal address as above" and the name Willie Lie.

That looks like L-i-e or L-i-m, is that right?---Look like L-i-e.

45 And it's dated 12 August 2011?---Yes.

And your signature at the bottom of the page there?---Yes.

So the nominees for Maxi West Pty Ltd as of 2011, you were seeking to be yourself and Willie Lie or Willie Lim?---Yes.

5 Is this not the same Willie that we were speaking about yesterday, Willie Lim?---I'm not sure whether they are the same person or not. Maybe, yes.

Why aren't you sure? This is your company and you are proposing nominees for your company?---Because it was not my handwriting.

10

But it's the second nominee for your company?---On the form, yes, it should be Keith and Willie Lim.

15 Let's go to the second page now, 0355, thank you, Madam Associate. First nominee is yourself, do you see that?---Yes.

Postal address, "As below" and you've given there your residential address?---Yes.

20 Is that your signature in the middle of the page?---Yes.

And then the second nominee is written, "First names or other names, Wil" W-i-l, "Lie", L-i-e, "Family name: Lie", do you see that?---Yes.

25 With the address 300 Newcastle Street, Perth?---Yes.

And that's to be the postal address. Incidentally, do you know what the premises are at that address?---300 Newcastle Street.

30 Yes?---Sorry?

You don't know who is at those premises?---I don't know. Premises?

Yes?---Usually I don't know, I will go Google it.

35 Did you Google this one?---No.

And find out that it was Limnios Property Group, James Limnios, a fellow Councillor of yours - later on of course - his family company, you didn't know that?---I know his office is along that street, I don't know the exact number.

40

So the second nominee for your company of which you are a director is to be this man, Mr Lie but if you look at the signature there at the bottom of the page, left-hand side, it seems to be Lim, doesn't, the surname, L-i-m?---Looking at the signature, it should be - it looks like Lim.

45

So did you know who the second nominee for your company was going to be?---No.

What about when you submitted the form?---From recollection, I did not submit this form.

5 You didn't submit this form?---Yes.

Who did?---I'm not sure who submitted it but after signing and completed that form, someone would have faxed or emailed or post it to City of Perth.

10 But you don't know who?---I don't who.

Could it have been Sandra Liu?---It could have been Sandra Liu, it could have been Willie Lim himself or it could have been - the postal address is James - you mentioned about James.

15

Limnios, yes?---Limnios.

It could have been him?---It could have been him but I did not submit this form.

20 If the dates are correct on the form, all this was completed on the same day, 12 August 2011, would you agree with that?---It could be the same day or it could be later date.

Why would it be a later date?---At a convenient time.

25

I'm sorry, why would the dates on these forms be false?---No, I'm not mentioning about - I'm talking about the date, the date of actual date of submitting to City of Perth.

30 But if the dates are then correct on this form, you and Mr Lim have both had this form on the same day, 12 August 2011?---Yes.

35 So I'm suggesting to you, you would have known then that Mr Lim was going to be your second nominee?---If Willie signing in front of me, together filling out the form, yes, but in this case, he was not signing or completing that form with me.

40 But you would want to know who was going to be your second nominee, that is the person representing your company at the City of Perth elections, surely?---In 2011 I was not running for elections. Someone has approached me to - - -

I know all that but this is your company. You've agreed to be a nominee and you must have had knowledge of who was going to be the second nominee?---Yes.

45 You would want to know that, wouldn't you?---Yes.

And you knew Mr Lim at this stage, didn't you?---Yes.

So is it fair to then say that you knew that Mr Lim was going to be the second nominee whether you saw him sign the document or not?---I did not see him sign and complete this form.

5 Yes, but you knew he was going to be the second nominee?---At that stage, I do not know who would be the second nominee.

Did you find out afterwards?---Find out afterwards in - when I decided to run for Council election prior to 2013.

10

Before that. This is August 2011?---Yes.

Are you saying you had no idea in 2011 that Mr Lim was going to be the second nominee for your very own company?---In 2011, second nominee, I don't know who is going to be the nominee.

15

How did it come about that you were filling out this form?---Completing page 1 and second page, first half.

20 Yes, how did it come about? Who gave it to you? Did you collect it? How did it happen?---I did not collect the form but the form was given to Sandra Liu.

The form was given to Sandra Liu, what, who then gave it to you?---No, I signed the form, completed page 1 and page 2, first half.

25

Yes?---And gave it to Sandra Liu.

Then you gave it to Sandra Liu?---Yes.

30 And did she say who she was going to get as a second nominee?---At her choice.

It was going to be her choice?---At her choice that she could fill out on second nominee.

35 But she didn't say to you, "It's going to be Willie Lim"?---She didn't say. It could be anyone.

But you already knew who Willie Lim was by this stage, didn't you?---Yes.

40 So it was someone that you knew?---Yes.

And you're sure she didn't say to you, "I'm going to get Mr Lim to be the second nominee"?---She didn't say who actual person, who is the actual person that she's going to put the second nominee.

45

And you didn't ask?---I didn't follow up after giving her the form. I didn't follow up with her who was the second nominee.

Didn't you want to know who was going to be your company's representative come the City of Perth elections?---I wanted to know closer to 2013.

5 Closer to 2013 you wanted to know, why was that?---Because I decided to run for Council in 2013.

Why did you want to know then?---Then I would like to know who would be the person who can vote, other than myself.

10

Yes, you wanted to know whether that person would vote for you?---Yes.

If we can look at the next document, please, 8.0356. TRIM number, sir, 12415.

15 COMMISSIONER: Thank you

[11.30 am]

20 This is an application to register a corporate nominee in the name of Beau Geste Pty Ltd, can you see that?---Yes.

At the bottom of the page, this is just three days later from the previous one. See, 15 August 2011, do you see that?---Yes.

25 Is that your mother's handwriting there on most of the first page?---It looks like my handwriting.

It looks like your handwriting? Okay. So is that your handwriting then?---Except the signature and Julius.

30

Except for the signature?---And Julius Lewin.

All right, except for that, and the date?---And the date.

35 So that's your handwriting. So how did it come about that you were filling out this form for your sister's company, it would seem, because she's the person authorised to nominate persons to vote on its behalf, so how come you were filling out this form?---Same approach by Sandra Liu.

40 So she's given you another form several days later, has she, or at the same time?---The form is about the same time.

Obviously you knew that your sister was going to be one nominee because you've written her name there at the bottom of the page?---Yes.

45

And what about Julius Lewin?---No, I don't know at that time.

You didn't know at the time? Do you know who he was?---No.

5 So is the same arrangement as before, a family member of the Yongs would fill out a form in relation to a family company of theirs, they would be the first nominee and then it was up to - - -?---Sandra.

Sandra Liu, was it to find another person?---To find a second person.

10 And in the same instance as your company, Maxi West, she had permission to get whoever she wanted as the second nominee, is that right?---After she's getting on the page 1, bottom.

Yes?---Yes.

15 She can get whoever she wants?---Yes.

That was the agreement?---Yes.

20 If we go now to the second page, 357, thank you. TRIM number, sir, 12415 for both of these pages.

I'm thinking that's your handwriting there in the top half of the page as well, isn't it?---Yes.

25 It is?---Except for the signature.

Except for the signature, yes. Then the second nominee is a Julius Lewin?---Yes.

30 Mr Yong, how certain are you that Ms Liu was involved in the second nominee's name?---I'm not certain.

No, because I'm going to suggest to you that you actually asked your friend Michael Sutherland to be the second nominee for Beau Geste?---I did not ask him.

35 Are you sure?---There's no interest for me to ask him to sign up for Beau Geste.

That might be so, but are you sure you did not ask him to do that?---I did not ask him to do that.

40 So if he was to say that you did, he would be wrong?---Are you saying that I asked him to fill out - - -

45 Mr Sutherland. This is not me thinking up this, Mr Sutherland's evidence before the Inquiry has been that you asked him to be the second nominee for Beau Geste?---I do not know who is Julius Lewin at that time.

No, that's not the question. The question is, you asked him and he says that you

asked him to be the second nominee; is he wrong about that?---My recollection is the form was signed and given to Sandra Liu.

5 So then he's wrong about that?---Together, yes.

Can I give you some more information as to what Mr Sutherland said?---Yes.

10 He said that he wouldn't be - he decided that he would not be the second nominee because by this stage he had a falling out with the Lord Mayor because he was no longer a Councillor, so he got Mr Lewin to sign instead and then when he - so he got Mr Lewin to sign the form, Mr Lewin being a good friend of his. Then Mr Sutherland handed the form back to you and explained why he had got Mr Lewin to sign the form instead of himself, okay? Does that help jog your memory as to what actually took place with regards to the second nominee?---My
15 recollection is the form was signed and given to Sandra Liu. How does it go back to Julius completing that? I have no idea.

You know how the Commissioner said to you the morning break, the Commissioner knows about things that you don't or the Inquiry does?---Yes.

20 Well, the Inquiry has also got Mr Lewin's account about this and that matches up with Mr Sutherland's, that Mr Sutherland came to him, because they are good friends, and asked him if he could be the nominee for this company and he agreed to do that. So were you involved a little more in the completion of this form than
25 what you have recalled?---I recall Sandra gave me a few pieces of the nomination form and asking if I could find or get company registered in the City of Perth to sign up nominees.

30 But with respect to this particular form, you filled it all out, you've got your sister to be the first nominee and the second nominee, didn't you ask Mr Sutherland to be the second nominee?---This has been so many years ago.

35 Certainly?---And I try my best to have my recollection of who actually has submitted this form and definitely the form was passed, after signing it, to be submitted to City of Perth.

By you?---No, I have not submitted this form for Maxi West, not by me and not my sister.

40 But nevertheless, it is your recollection that you allowed a third party to select the second nominee?---Yes.

Be it Sandra Liu or Michael Sutherland?---Yes.

45 You gave permission?---After signing that form.

So that is at least consistent with what was arranged with Maxi West?---Yes.

There is yet another Yong family company applied to register two nominees in August 2011. Madam Associate, if we could now go to 8.0358. TRIM number, sir, 12431.

5

COMMISSIONER: Thank you.

MR URQUHART: This is your parents' company, Bell Vista Pty Ltd, isn't it?---Yes.

10

Is that your handwriting there on the first page?---It looks like my handwriting, yes.

The rateable property on which this claim is based is level 4, 326 Mint House Hay Street, do you see that?---Yes.

15

That was your and your brother's law firm address at that time, wasn't it?---Yes.

Your mum has been nominated as a person authorised to nominate persons to vote on its behalf. Then we see there down the bottom of the page, Lilly Yong is written; is that your handwriting?---It looks like my handwriting.

20

Then there's another person, Chi Lung Cheng, do you see that?---Yes.

25

Is that a friend of the Yong family?---Not aware of this name.

What about, did you know him as Charlie Lung Cheng?---No idea.

You knew a Charlie Cheng, didn't you, back in 2011?---Maybe looking at his face I can recognise, but looking at the name, I can't recognise which Charlie.

30

Not someone your mother knew, to your knowledge?---To my knowledge, no.

Once again, is this the same arrangement as before with Ms Liu?---Yes.

35

You fill out the form, you ask your mum to be the first nominee and then you give permission to Ms Liu to get whoever she wants as the second nominee?---That's right.

So if we go to the second page, thank you, Madam Associate, 0359. Your handwriting again?---On the top part.

40

Everything above your mum's signature in the middle of the page?---Yes.

And the date, okay, good. The second nominee is a Mr, "Family name : Cheng", "Other names: Chi Lung", so the same name as it appears on the first page?---Yes.

45

So once more, this form has been completed in accordance with the arrangements you say you had with Ms Liu?---Yes, in 2011.

5 That she was perfectly entitled to select whoever she wanted as the second nominee?---Yes.

And you and your family agreed for that to happen?---Yes, with the signature, and agreed.

10 So you nominated as a candidate for the 2013 City of Perth elections and you did that in September of 2013, does that sound about right?---Sounds about right.

After applications to be placed on the electoral roll has closed, am I right in saying that you as a candidate, were entitled to a copy of the City's electoral rolls?---Yes.

15 So this is an electoral roll for the residents and the electoral roll for owner occupiers?---Yes.

20 What information is on those electoral rolls?---Roll number, name, surname, address and nominees.

Yes. So names and addresses if it's residents on the resident roll?---Would be resident's full name and address.

25 And if a corporate nominee, it has the nominee's name, the name of the company?---Yes.

And whatever postal address is listed for the nominee?---Correct.

30 Is that right? Okay.

[11.45 am]

35 Do you remember getting those rolls in or about September of 2013?---After nomination.

Yes, after nominations had closed?---Yes.

40 And do you remember examining them with your mother?---Yes.

And for what purpose were you examining them?---Looking for my own company who are eligible to vote.

To see if the nominees, and for your other companies?---Yes.

45 Your other family companies had been registered?---Yes.

And had they been?---They had been registered, yes.

5 They had been registered. So for those three family companies that we have gone through that have those nomination forms completed in August 2011, were those nominees correctly identified?---We couldn't identify the second nominees for three companies.

The question was, were those nominees correctly identified?---Yes.

10 They were, weren't they?---Yes.

So the nominees for Maxi West Pty Ltd, that was your company, the two nominees on the electoral roll were the same nominees that had been nominated on your behalf back in August 2011?---Yes.

15 That's right, isn't it?---Yes.

And the same for Beau Geste Pty Ltd?---Yes.

20 Which had been authorised in the name of your sister?---Yes.

And Bell Vista Pty Ltd?---Yes.

25 Authorised in the name of your mother?---Yes.

Six nominees, all correctly named on the owners occupier roll?---Yes.

30 But shortly after you received those rolls in September of 2013, am I right in saying that members of your family, including yourself, lodged complaints to the City of Perth making some very serious allegations?---Yes, a serious mistake was made by lodging that complaint.

35 A serious mistake, okay. We will get to that in due course. You say now it's the same sort of mistake that you made with the post office box addresses for nomination forms years later, are you, saying it was the same sort of mistake?---It's a serious mistake for lodging a complaint which we should have known the second nominee.

40 Let's have a look. We will get to that. I'm just concentrating on who made these complaints, complaints about serious electoral fraud, weren't they?---Yes.

Did also a Mr Meng Wong make the same allegation?---Yes.

45 Was he a family friend of yours?---Just a friend.

Sorry?---It's a friend.

He's a friend of yours?---Just a friend of mine.

Other members of the family he's a friend of too, isn't he?---Which two?

5 You tell me. He's friends of other members of your family?---He's my friend.

He's just your friend, is he? Is he a friend of your mother, your father, your sister or your brother as well?---No.

10 He's not, he's just your friend?---Yes.

How long have you known him for?---Around that time, 2011.

How did you know him?---Through Sandra Liu.

15

So Sandra Liu is a friend of yours too, is she?---After getting to know each other in the community, yes.

20 How long has she been a friend of yours for?---Prior to 2011, she operate a newspaper, Oriental Post, at that time.

So she's a friend of yours too?---Yes.

And you're still in contact with her - - -?---No.

25

Let me finish the question - as of 2013?---Still we are maintaining in touch.

Sorry?---Still keeping in touch.

30 Still keeping in touch in 2013, were you?---But hardly, no phone calls, just a distance friendship.

But if you wanted to, you could quite easily get in touch with her, couldn't you, in 2013?---Yes.

35

Mr Meng Wong, he was a good friend of yours, wasn't he? You invited him when you subsequently became a Councillor, to the Council dining room, didn't you?---Yes, I did.

40 At least two times, maybe more?---Two times.

45 Two times, okay. So these serious allegations that you and members of your family and Mr Wong were making, I want to go now to some emails regarding those. Madam Associate, could we look first please at 8.0515. These are some email exchanges between your mother and Cathryn Clayton, and we have heard her name already. She's involved in the election process at the City of Perth. So the first one I want you to look at is at the very bottom of that page. It's been sent

by your mother on 23 September 2013, so a month before the 2013 elections that you were contesting. Ms Clayton says to your mum:

5 *Good morning, Lilly, I understand you have a query in relation to the City of Perth electoral roll. I may be able to help you further if you can email me the information that needs checking. Thanks. Kind regards, Cathryn Clayton.*

Do you see that?---Yes.

10

Then your mum responds at the top of the page. Incidentally, this is TRIM number 12572.

COMMISSIONER: Thank you.

15

MR URQUHART: :

20 *Hello Cathryn, we have found a number of irregularities in the Register of the elector mail list. Please advise what is the procedure to have these irregularities rectified. Thank you. Kind regards, Lilly Yong.*

When she says "we", your mum was referring to you and her, wasn't she?---My understanding is "we" as in for the company.

25 But you and your mother?---Yes.

If we go now to 514, thank you, Madam Associate. It's an email again on the same day from Ms Clayton at 1.21 pm, starting at the bottom there:

30 *Good afternoon, Lilly. What do you mean by irregularities? Are you talking about the electoral rolls (the resident roll and owner and occupier roll) as supplied to Keith Yong as a candidate in the City of Perth election? Is it resident information or nonresident owner and occupier information? The merge of these two rolls is final as a 30 August 2013. The two rolls were as at 5 pm on that date. I prepared the owner and occupier roll at that date. Please can you inform me which information you believe to be inaccurate, and I will check it for you. If it is residential elector information, you would need to contact the Western Australian Electoral Commission directly.*

40

And then gives her the number of the Commission, do you see that?---Yes.

You knew that your mum was communicating with Ms Clayton on this day, didn't you?---Yes.

45

Indeed, you got your mum to raise these matters initially and not yourself?---Yes.

Why was that?---We raised that on behalf of Bell Vista and I subsequently raise another complaint on behalf of my own company, Maxi West.

5 So your mum then sends another email to Ms Clayton, that's the top half of this page, 514:

10 *Good afternoon, Cathryn. Yes, I was referring to the electoral rolls as supplied to Keith. The irregularities involved a number of voters purported to be authorised by companies that either did not authorise them or are non-existent. That would amount to fraud. The scrutinising of the rolls is continuing and there may be more irregularities to be found. Kind regards, Lilly Yong.*

15 So who was continuing the scrutinising of the rolls?---Me.

What was your scrutinising doing?---Checking the three companies, Beau Geste, Bell Vista and Maxi West.

20 Right?---Who are the nominees for that company.

But we have established though the nominees for that company that were on those forms that we have been through were exactly the same nominees that appeared on the rolls?---Yes.

25 So there was no fraud, was there?---There was no fraud at all.

If we go now to 0513, thank you, Madam Associate. These emails continue. Ms Clayton sends an email next at the bottom of the page, still on 23 September. She now includes Mr Evans in on the process from the City of Perth:

30 *Thank you, Lilly. I have forwarded this email to the Returning Officer, Lyn Cavanagh, as this will need thorough investigation and at this stage the Returning Officer will have to make a decision as to how to manage this claim. Sorry I could not be of any further help at this time.*
35 *The Returning Officer can be contacted on - then a mobile number is given - or by email - and that email is given - Kind regards, Cathryn Clayton.*

40 Your mum responds to that email, you can see in the middle of the page:

Thank you, Cathryn. Hope the action will be taken fast as the election process is underway. Regards, Lilly Yong.

45 Again you were aware of this email exchange between your mother and Ms Clayton at the time, weren't you?---Yes.

Then there's an email sent from Ms Cavanagh and we will get to when that was but

it was on the same day at 9.11 pm. We will can see that on the next page which we will go to in a moment:

5 *Hello Lilly, a formal complaint may be lodged in writing to myself with evidence supporting your claim. Statements saying there is 'irregularities in the roll' cannot in itself be investigated. You must provide details of any elector on the roll that you believe should not be on the roll, why they should not be on the roll and the evidence you have that supports your claim that 'the irregularities involved a*
10 *number of voters purported to be authorised by companies that either did not authorise them or are non-existent. That would amount to fraud .*

15 So Ms Cavanagh is just quoting what your mother has said in the previous email:

Such a serious allegation would need to be thoroughly documented and I would need to seek legal advice from WAEC.

20 Which of course stands for the Western Australian Electoral Commission, "Kind regards, Lyn Cavanagh." Do you agree with that description that Ms Cavanagh has given, that this is in fact a serious allegation?---Yes.

25 If in fact these allegations of fraud were fabricated or made without any basis, then that would be just as serious, wouldn't it?---Yes.

That would be fraudulent behaviour, wouldn't it?---Yes.

30 Because it would be behaviour designed to have individuals removed from the rolls who would be entitled to be there?---Yes.

Is that correct, and be entitled to vote?---That's right.

35 Do you remember sending an email to Ms Cavanagh the next day, 24 September 2013?---Yes, I send in a letter complaining again.

Complaining about a matter that had no substance whatsoever?---Yes.

40 Save and except, maybe, the argument about one of these companies being deregistered, would you agree with that?---Yes.

Madam Associate, if we could go to 0581, please. Sir, this is TRIM number 12578.

45 COMMISSIONER: Thank you.

[12 noon]

MR URQUHART: I want to go now to the email that appears in the second half of that page from your email address at your work and to Ms Cavanagh on 24 September 2013 at 2.39 pm, so the following day:

5 *Dear Lyn, I refer to our earlier telephone conversation this morning, 24 September 2013. As requested, I am formally writing to lodge a complaint in relation to the irregularities and possible fraud in the City of Perth electoral roll.*

10 Then over the page the email continues at 0582:

Please see attached letters signed - I think you should have written in there "by" - the respective Directors confirming the above irregularities.

15

Then you list five companies, the three family companies that we have already gone through, Bell Vista, Beau Geste, Maxi West, and two others, MKF Investments Pty Ltd and Australian Education Pty Ltd. Read out that last sentence from your email, please, Mr Yong?---"Kindly keep me informed as to update as this matter is a serious matter.

20

"Please keep me informed as to any updates as this is a serious matter." It certainly was, wasn't it?---At that time, yes.

25 Any fraud involving electoral rolls would be a serious matter, wouldn't it?---Yes.

Because it undermines the essential ingredient of a democratic process, doesn't it?---Yes.

30 COMMISSIONER: Mr Yong, the language in this email is in some respects similar to the language in the earlier emails to which Mr Urquhart took you where your mother was described as the author. Did you help her write those emails? Bear in mind, please, that I have seen your mother give evidence?---It would be either myself or my father helping to draft that letter. Yes, we are doing it at the same time.

35

Sorry?---The complaint was made on or about the same time.

40 Yes. What I'm asking you is, did you help your mother draft those emails to the City of Perth?---No, but she send a letter on her own.

Why have you given me two different answers?---One is a letter of complaint, one is the letter in the email. So the email - - -

45 Madam Associate, could we go back to 8.0515, please. What I want you to do is look at the top email where it has been written:

We have found a number of irregularities in the Register of the electoral mail. Please advise what is the procedure to have these irregularities rectified.

5 Correct me if I'm wrong, but that is the language of lawyer, isn't it?---Yes.

And I'm going to ask you again, did you help your mother write this email?---From recollection, yes, we are nearby at the time, yes.

10 Let's now go to 8.0514, please. I want you to look at the email in the middle of the page, just above the middle:

15 *Good afternoon, Cathryn. Yes, I was referring to the electoral rolls as supplied to Keith. The irregularities involved a number of voters purported to be authorised by companies that either did not authorise them or are non-existent. That would amount to fraud. The scrutinising of the rolls is continuing and there may be more irregularities to be found.*

20 That again is the language of a lawyer, isn't it, Mr Yong?---Yes.

Did you help your mother write this email ?---Yes.

25 Madam Associate, please go to 8.0513, and if you look at the email towards the bottom half of the page, again purporting to be from your mother:

Thank you, Cathryn. Hope the action will be taken fast as the election process is underway.

30 Did you help your mother write that email?---Not this email, not this particular email.

Now that you've seen the emails and you've told me that you did help your mother write two of them - - - I would have - - -

35 Just wait for my question, please, Mr Yong. Why did you tell me a moment ago, first of all, that it may have been you or your father who helped your mother and then secondly, that it wasn't you? I don't understand why I'm getting inconsistent answers from you, explain to me, please?---Because it would have been either I
40 spell it out, she typing it, or I typing it and she said it.

The language in here is not the sort of language your mother would use, is it, in the first two emails I took you to?---Correct.

45 So that language came from you, didn't it?---Yes.

So again, why are you giving me different answers to essentially the same

questions, Mr Yong?---Because at the time of writing the letters - - -

We are talking about the emails now?---The emails, writing the letter, I recall that my father was standing at the side as well, so he's reading out.

5

That may well be so, Mr Yong, but I took you specifically to these emails one by one after you had given me the two inconsistent answers I just repeated to you and what I'm trying to understand is why you are giving me different answers to essentially the same questions?---The earlier one was - I said yes. The subsequent one, "Thank you, Cathryn. Hope the action will be taken fast as the election process is underway" - - -

10

Mr Yong, you're not listening to me. Earlier I asked you about these emails and whether you had assisted your mother in writing them and your first answer to me was, "Either me or my father"; do you remember that?---Yes.

15

Then when I asked you again essentially the same question, you said, "It wasn't me" who assisted your mother?---It was.

20

Now you've told me, when I took you to the two specific emails out of the three, that it was you and that you suggested the wording. Those three answers cause me some concern, Mr Yong?---No, I think there is a misunderstanding here. There is certain part on different date on different email, so some part, they may be following up on their own, some part I was - one email was prepared and assisted by me. If you look at the dates, one is 23 September 2013 and the earlier that is shown earlier, that I said I help and assisted in the email drafting.

25

Is that all you want to say to me in answer to my question?---Yes. I think we have a misunderstanding on which email we are talking about. This one, I said this was not - - -

30

Which one are you talking about now? The one on 513?---Yes, on 23 September 2013, but the earlier one you mentioned, did I assist with that, I said yes.

35

I took you to two earlier ones and you said you assisted in both of them?---Yes.

Not one, two?---Two earlier one. So for this particular one, I did not send this out on drafting this email, to be specific.

40

So in relation to the two earlier emails where you suggested the wording, what was the reason in having them sent by your mother rather than coming from you?---She's sending out on behalf of Maxi West. I subsequently sent a personal one directly from myself through my own email, a complaint separately.

45

Did you understand my question? Did you understand my question? Do you want me to ask it again so you can think about it? Let me ask it again in fairness to you. I'm not talking about this email now, I'm asking you about the two earlier emails in

this email chain and in respect of those two emails you have told me that you suggested the wording?---Yes.

5 Why did you have your mother send those emails instead of sending them under your own name? That's what I would like an answer to, please?---A straight answer will be - - -

10 Yes, please?---She said sending it through as Lilly on behalf of Maxi West, I'm sending it separately on behalf - sorry, on behalf of Maxi West and she's sending it on behalf of Bell Vista as her own - as a director of that company to be eligible to lodge a formal complaint.

I see. Thank you. Mr Urquhart.

15 MR URQUHART: Thank you, sir.

20 Mr Yong, I'm going to take you back to that email that you sent to Ms Cavanagh that I was asking you questions about a little while ago. Madam Associate, that's 8.0582, thank you. I was listing those companies that you mention there in your email that had these irregularities. The first three were your family companies and the fourth and fifth were MKF Investments Pty Ltd and Australian Education Pty Ltd. Were they Mr Meng Wong's companies?---Number 4 and number 5 are Mr Meng Wong's companies.

25 How did you become aware of the alleged "irregularities and possible fraud" in relation to those two companies?---After contacting Meng Wong and asking him which companies he has and who are his nominated person on behalf of his companies.

30 Why did you contact him?---After checking the roll, the register roll, I realised that Meng Wong has company and operating in the City of Perth and I contacted him and asked him which company and who are his nominees for his company.

35 Why?---Asking for his support to the election.

You were asking for his support for your election?---Asking who are the nominated person for his company for the purpose of asking for his support in the coming up election.

40 Really?---Yes.

You contacted him so you could get support from his nominees - - -?---If he is the voter.

45 If he's what, sorry?---If he's the - nominees for his company, so he's entitled to vote.

What made you think that they might not be the nominees for his company?---No, I ask him.

5 But why? You must have had a suspicion that these nominees aren't who he nominated?---No, there's no suspicions. I rang him and asked him who are his nominees for his company

[12.15 pm]

10 But you knew that because their names would be on the electoral roll that you were looking at?---Yes.

So you knew the answer, so why ring him?---I rang him and says, "Who are your" ---

15 I know you did that, but why? Why did you do that? Mr Yong, the question is not going to go away?---No.

20 Why did you ring him and ask him who his nominees were when you already knew who the nominees were for his two companies?---Ask him for his support to vote.

25 Yes. Why ring him at that point in time when you are dealing with irregularities and possible fraud in relation to your family companies? Wasn't that first and foremost in your mind?---Your question was asking why do I contact Meng Wong?

30 Yes, and you're saying you contacted him for his support?---For his - intention was asking him, election is coming up, look out for the ballot paper, and asking for his support.

And was that the end of the conversation?---No.

35 No?---And he says he can't remember who are his nominees for his company and he ask, who are the nominated person and I read out the two for each company, who are the nominated person and I read it to him over the phone and he said he couldn't recognise who are the persons nominated. So I said the same thing as well for Bell Vista, Beau Geste and Maxi West, that we couldn't recognise who are our nominated persons at that time, the second nominee.

40 Had Sandra Liu got him to fill out nomination forms for his two companies?---I don't know to be exact.

45 Did you ask him?---I can't recall whether in the conversation I ask him but he say he can't recall who are the two nominees for each of his companies.

Did you read out the names on the electoral roll?---Yes.

And?---He said he couldn't recognise or remember who are they.

5 Did he say that therefore his nomination form had been completed fraudulently?---He say that to that effect, saying that there may be fraud. I said the same thing as well, there may be fraud as well.

Really? He suggested the fraud or did you?---I did.

10 You suggested the fraud, did you?---I did.

And he just went along with it, did he?---He did.

15 What made you think there were "irregularities and possible fraud" with respect to the three companies belonging to your family?---Because as soon as I received that roll or register, went straight checking into who are the nominees for those company and we can identify one nominee for each company but not the second one.

20 Yes, and the obvious explanation for that is what?---To find out - - - .

No, what is the explanation for that, based on your very own evidence that you could not identify those three names?---Then how does it come about, the second name going into the company?

25 But you already knew that?---That we already knew that?

30 You already knew that, didn't you, because you had given, on your own evidence, Sandra Liu permission to get the second nominee?---Yes.

So before you made these serious allegations of fraud to the City of Perth and the WA Electoral Commission, I gather you would have contacted Ms Liu?---In this case, I did not.

35 Why not?---Because we - - -

Let's just cut to the chase here. Let's have no more dishonest answers, please?---The intention was - - -

40 Forget the intention. I want to know why you did not do the obvious thing for you to do and contact Ms Liu and confirm that these were in fact the three nominees that she had written out on your nomination forms?

45 COMMISSIONER: Yes, Ms Stanton?

MS STANTON: I simply raise the point that I don't think it's necessary for my friend - I appreciate the position he's in, but I don't think it's necessary for my

friend to raise his voice quite to that level with the witness.

COMMISSIONER: Thank you, Ms Stanton. Mr Urquhart, please bear that in mind when you're questioning the witness.

5

MR URQUHART: Why didn't you take the logical step of contacting Ms Liu and finding out from her whether in fact these were the three nominees that she selected to vote on behalf of your three family companies?---First, we should have contacted Sandra Liu. Second, it was thought the company would have signed and nominated their own two nominees.

10

COMMISSIONER: Stop there. Your counsel has objected to Mr Urquhart raising the tone of his voice in asking you the question. He's not getting an answer to his question?---I will tell the answer.

15

No, just stop. Please don't interrupt me. I cannot see how you can fail to understand what that question is asking you for?---I will answer.

It is a very straightforward question, isn't it?---Yes, I will answer it.

20

Just deal with my question now. It's a very straightforward question, isn't it?---Yes.

I'm going to ask Mr Urquhart to ask it of you one more time and this time, what I want you to do is what you're supposed to do?---Okay.

25

Answer the question?---Yes, sir.

Not provide other information?---Sure.

30

Do you understand?---Understood.

Do you really understand?---Yes, sir.

35

Mr Urquhart.

MR URQUHART: Thank you sir.

For the third time, why did you not contact Ms Liu to establish whether these were names that had been fraudulently entered on the nomination form?---In the hope that we can replace the second nominee.

40

Yes, that's right, because you knew that if you had contacted her she would have told you, "These are the three people that I got to be the second nominees"?---To be nominated by Sandra Liu at that time.

45

Yes, so you knew that the second nominees with respect to each of your three

family companies had been properly nominated by your companies?---Yes. So the complaint's unnecessary.

5 So the complaints are unnecessary, yes, but you still made them, didn't you?---Yes, sir.

10 And you made them because you wanted those three nominees removed from the nomination form because you did not know whether they would vote for you or not?---Yes.

15 The reason why you did not just put in another nomination form from each of those three companies was because nominations had closed, correct?---Yes.

20 So therefore, you wanted three names removed from the electoral roll of people you didn't know would vote for you?---Yes.

25 That's a fraud, isn't it?---It would have seem that the letter writing complaint, this is not a genuine letter of complaint. This is not a genuine complaint, it is with other intention, trying to get three more votes.

30 COMMISSIONER: Mr Yong, look at me, please. You are a lawyer. You are now being asked a simple question for a lawyer. I am sure you know the answer to that question?---Yes.

35 I don't want you to answer it in a way that is not direct, so I'm going to ask Mr Urquhart to ask you that question again and this time, I would like you to give an answer that is direct to that question, all right?---Yes, sir.

40 I cannot keep stopping the proceedings and giving you these warnings to give direct answers to questions?---My apology.

45 There's no need to apologise, just do what you are supposed to do as a witness. All right?---Yes, sir.

50 Mr Urquhart, please ask the question again.

55 MR URQUHART: I will make it even easier for you, Mr Yong, by saying to you what fraud means. Would you like me to tell you what fraud means?---Something that is not real.

60 Or it's a wrongful deception intended to result in a personal gain and it can also mean depriving a person of a legal right?---Yes.

65 So you committed a fraud, didn't you, in relation to these complaints?---Yes.

70 Because there was no irregularities in the electoral roll?---We shouldn't have made that complaint in the first place.

No, but you did, didn't you?---Yes, we went ahead and lodged a complaint, which is unnecessary and frustrating everyone's time.

5 For purpose of you gaining as many votes as you could in the forthcoming election?---Yes.

Reprehensible conduct, Mr Yong, isn't it?---Yes, sir.

10 Because you see, the City of Perth had to direct resources to this investigation, didn't it?---Yes.

Am I right in hearing you say that this complaint that you were making wouldn't be taken as seriously, did you say something to that effect? I wasn't quite sure, I'm
15 just giving you the opportunity?---It's very serious.

But you intended for the City of Perth to investigate this, didn't you?---Yes.

I'm now going to ask you again about how it was that Mr Wong got involved in all
20 of this because this was your idea, wasn't it?---Yes.

It wasn't your mother's?---Yes, because I rang him.

But your idea to get these names removed from the electoral roll, this idea was
25 yours, wasn't it?---Yes.

It wasn't your mother's?---No.

You got her involved, didn't you?---Him.
30

No, her, your mother. You got your mother involved, didn't you?---Yes.

So you got her to be involved in this fraud?---I got her involved.

35 Your own mother? Your own mother?---Yes, I got her into trouble.

How did it come about that you convinced Mr Wong to be involved in this fraud? Did you say to him, "Look, these nominees on your nomination forms I think would have voted for Ms Liu. Ms Liu's no longer running because she lost
40 previously, can you help me by getting their names removed", did the conversation go something along those lines?---Something along that line, saying that if you can't recognise or remember your nominees, then it's not the person, then you have the right to lodge a complaint.

45 [12.30 pm]

But we have already established that that wasn't the reason?---Yes.

For you?---That was what I told him.

5 Are you sure?---Yes, and that he subsequently says, well, in that case, he will lodge a complaint together with my letter of complaint.

10 Did you actually ask him whether he knew those nominees for his companies, whether he knew that they would vote for you? Didn't you ask him that?---I did ask him, I ask him - - -

Are you sure?---Yes. I ask him whether he knows the two nominees.

I know that, and did you follow up with that question?---No.

15 Did he know whether they were going to vote for you?---No, I didn't follow up.

20 Bearing in mind, Mr Yong, that your explanation as to why you rang him was that you were asking for his support?---Yes. At that time when I ring him, my understanding is the person that he would have known on nominees or himself would be on the roll.

So was he on the roll?---I can't remember what the actual reply is. I think he was one of the - nominee of one of the companies.

25 So you asked him if he was going to support you, didn't you?---Yes.

And he said, "Yes, I will"?---Yes.

30 And then you asked him about the other names of the nominees for his companies?---Yes.

35 And he wasn't able to tell you, was he, whether they would support you or not?---I told him, who are the second person and he couldn't recognise the second nominee.

And more importantly, he didn't know whether they would vote for you or not?---Yes, he doesn't know at that time.

40 Again, did you ask him how it came about that these nominees were selected?---I did not ask him. He just follow what I've suggested.

He just did what you suggested, didn't he?---Yes.

45 And that was make an allegation of irregularities and fraud?---Yes.

And you had a fair idea that his allegation was baseless as well, didn't you?---Yes.

So you got your mother and a good friend of yours involved in your fraud?---I got them into trouble.

All for a handful of votes?---Three votes.

5

Madam Associate, if we could go to page 8.0532, please. These are the letters that were attached to your email. This is the first one that was signed by your mother. It's addressed to Ms Lyn Cavanagh and it's on the Bell Vista Land letterhead, isn't it, and that's the trading name for Bell Vista Pty Ltd, correct, Mr Yong?---Yes.

10

:

Dear Ms Cavanagh. Complaint of irregularity in electoral roll.

15 This letter reads:

It's come to our notice that number 485 in the electoral rolls for the Perth City Councillors elections 2013 where our company, Bell Vista Pty Ltd, is listed as having authorised a Mr Charlie Chi Lung Cheng of 8 Dreyfus Place, Dianella, WA, 6059 to vote. We would like to lodge a complaint that we have never authorised such a person to represent us and we do not even know that person, who is therefore not our nominee and not authorised to vote on our behalf.

20

25 It continues:

In fact, we have never registered to vote in the Perth City Council elections. The address of Unit 11, 326 Hay Street, Perth, WA 6000 as stated in the electoral roll is also not our address. We would like to apply to inspect the application to register a corporate nominee form which was used to register the above nominee to see who signed the form.

30

35 There are any number of lies in that letter, aren't there, Mr Yong?---Yes, it's incorrect.

Lies? Not incorrect, lies?---Yes.

40 This letter was prepared for your mother by yourself, wasn't it?---From telling the truth, is drafted by my father.

Drafted by your father? So now you've got your father involved in this, have you?---Yes, because it was dad helping to draft this letter for my mum to sign.

45 Are you sure it was your father?---Yes.

Is your father's grasp of English about the same as your mother's?---Yes.

So I want to ask you again, you assisted with the drafting of this letter, didn't you?---Assisted, yes.

5 More so than your father?---Yes.

COMMISSIONER: Mr Yong, why are you doing this? Why you telling me one thing and then when questioned more closely, telling me something quite
10 different? Do you understand your oath?---Because my father - - -

Do you understand your oath?---Yes, I do.

Why are you choosing not to follow it?---I'm trying my best in answering question.
15 I'm answering question under pressure, so I'm thinking - - -

I understand that. When counsel asked you who drafted this letter, you said your father. That was your first answer?---Yes.

20 And then when pressed, you admitted that you assisted in the drafting of it and when pressed further, you indicated in your answer that you were the one - -
-?---No, but the first letter - - -

- - - who had assisted in it more than your father. Can you see the difference in
25 those answers?---Can I explain?

You can in a minute, but can you see the difference in those answers?---Yes, sir.

30 Do you think they are consistent with one another?---It's inconsistent by I would like to further elaborate.

All right, please do?---The letter was first initially drafted by my father and subsequently I read through this letter in a way that I assisted, so there are two combination of drafting and assisting in drafting this letter. First, was the word of
35 my father and then I assisted and looked through this, so I'm involved in this.

Yes. So in lawyer's terms, are you telling me you settled this letter?---Settle?

40 Yes, in other words, you had the final say on what would be in it; is what you're telling me?---No, I just looked through and then it was signed by my father and my mother.

So you looked through it?---Yes.

45 And you made sure it was what it should say, is that right?---I just looked through it and get it collected, Bell Vista, my company and Beau Geste and lodged a complaint at the same time.

5 So you looked through it and you made some changes to it, did you?---No, I didn't make any changes, I just follow whatever was drafted. So I looked through it, collected the letter, signed and emailed or sent it through, the three letters to City of Perth. So I assisted in that way, rather than drafted, I looked through that, and assisted, made sure they sign it, collected it and made sure they sign it and email.

10 So if we look at the first paragraph, I want you to focus on that for a moment, you say:

We would like to lodge a complaint that we have never authorised such a person to represent us and we do not even know that person who is therefore not our nominee and not authorised to vote on our behalf.

15 Do you think, Mr Yong, that that is the sort of language which a lawyer would use?---Normal lawyer would use.

That's the language of a lawyer, isn't it?---Yes.

20 Your father is not a lawyer, is he?---He has a law degree.

Is he a lawyer?---He's not, he's not a lawyer.

25 Is this sentence one in which you had some input?---No, I assisted them, make sure they sign, scan and send it to City of Perth.

Thank you, Mr Urquhart.

30 MR URQUHART: Thank you, sir.

Your father's an engineer, isn't he?---He graduated as an engineer, then he did his law degree at his own time.

35 Did he get his law degree from the University of London?---University of Wolverhampton.

Wolverhampton?---Wolverhampton in the UK.

40 By correspondence?---By correspondence.

What, at about the same time as you, your sister and your brother were doing your law degrees by correspondence with the University of London?---Before us.

45 How long before?---Can't remember the actual year but he did it as a second degree.

And he's never practised as a lawyer, has he?---No.

So what, some time in the late 90s?---About that time, 90s.

Going back to this letter now - I haven't given the TRIM number, sir. It's 12575.

5

COMMISSIONER: Thank you.

MR URQUHART: 0532.

10 COMMISSIONER: Yes.

MR URQUHART: You see there at the bottom it's been handwritten, "CC legal advisors", can you see that?---Yes.

15 Whose handwriting is that, can you identify it?---It looks like my father's.

But Bell Vista Pty Ltd's lawyers was you and your brother's law firm, wasn't it?---It was, they are appointing Lex Legal.

20 Sorry?---You would assume that they would have Lex Legal as their legal advisors.

They were, Lex Legal were Bell Vista's lawyers?---Yes.

25 Do you have any idea why that was written, "CC legal advisors"?---So that I have a copy.

But you already had a copy?---Only for the file report, for Lex Legal record.

30 Lex Legal record?---For Lex Legal to keep a copy.

But you already had the copy?---That's for me to send to Lyn.

It doesn't say, "CC legal advisors, Lex Legal", does it?---No.

35

Was the reason why that was handwritten there by your father, was that to make it look like Bell Vista was taking this matter extremely seriously?---Yes, I would think that he would raise for Lex Legal to keep a copy.

40 Of course, this whole matter was just a fraud?---The whole matter is a fraud. It's unnecessary and it's a fraud.

Okay?---It's not intended for - not supposed to be intended for doing this.

45 Sorry?---Not supposed to be intended to write and lodge a complaint.

It wasn't intended?---No, I mean - - -

To write a complaint?---After lodging the complaint, this should not have been submitted, it should not have been prepared.

5 But it was?---Yes.

And the idea is that you had every intention of trying to do your very best to get these voters off the electoral roll, isn't that the case?---Yes.

10 By fraud?---By fraud

[12.45 pm]

15 Yes. Could we go now to 8.0552, please, Madam Associate. 12420 is the TRIM number for this document.

COMMISSIONER: Thank you.

20 MR URQUHART: This here is a complaint on Beau Geste Pty Ltd's letterhead, addressed to Ms Lyn Cavanagh. This is also attached to your email that I've referred you to and:

Dear Lyn. Complaint on the electoral roll.

25 This has been signed by your brother-in-law, hasn't it?---Yes.

Danny Chan. Did he sign this letter to show that not all the complaints were coming from the Yong family?---He signed that letter as a director.

30 But rather than getting a Yong family member to sign as an ex-director, you deliberately got your brother-in-law to sign it with a different surname to make it look like these complaints weren't just confined to your family, that's right, isn't it?---No.

35 No?---No.

What's the reason then? What's the reason for your brother-in-law signing it rather than a member of your family?---Because he was the director and no-one else.

40 Are you sure about that?---Beau Geste at the time, I remember - - -

I'm just asking are you sure about that?---Being the director, I think secretary should be my brother-in-law and my sister.

45 Yes, a former director of this same company and we have got the company extracts, Mr Yong?---Yes.

I just remind you what the Commissioner said to you earlier today?---Yes.

We know things?---I understand.

5 We have got all the information to our answers?---Yes. Because I can't remember who are the actual directors.

I'm telling you now?---Yes.

10 It's not just your brother-in-law but it was also your mother and your sister was the secretary, and sir, this is at 8.0243, the historical company extract for Beau Geste.

COMMISSIONER: Thank you.

15 MR URQUHART: So you got your brother-in-law to sign that complaint so there wasn't a Yong making the complaint, isn't that right?---Making the complaint, yes.

20 So getting back to my original question, the idea of getting your brother-in-law to sign the complaint was so it didn't look like all these complaints were coming from the Yong family?---It looked like that way but not necessarily whoever can sign as director and secretary, but it looks like that way.

25 That what the case, that's why you got your brother-in-law to sign this letter, instead of your mum, because your mum had already signed one on behalf of Bell Vista?---Okay.

Yes?---But I - - -

30 That's the explanation for it, isn't it?---Is the explanation.

Did you check this letter before you emailed it off to Ms Cavanagh?---No.

Are you sure?---Yes.

35 COMMISSIONER: You've got 0243 on the screen, Mr Urquhart.

40 MR URQUHART: Thank you, sir. If that could come down. I haven't shown this one yet, have I? No. Could we have 0552 back up, thank you, Madam Associate. So this was the letter attached to your email making all these complaints?---Yes.

You checked that letter before it was sent off to Ms Cavanagh, didn't you?---Yes, I did.

45 And you were happy as to its contents?---Yes, was signed and sent.

Again, a number of lies in that letter, weren't there?---Yes.

For example, second paragraph:

5 *On top of that our company, Beau Geste Pty Ltd, has purportedly
authorised a Mr Julius Lewin, with PO Box 3181, Yokine, WA, to vote.
My complaint is also that we do not know of any Julius Lewin, let alone
authorise him to represent us.*

Beau Geste had authorised him to represent it, hadn't it?---Yes.

10

Yes?---Yes.

:

15

*We have never registered to vote in the Perth City Council elections
and the address of Unit 11, 326 Hay Street, Perth, WA, 6000 as stated
in the electoral roll is also not our address.*

It was wrong, wasn't it, to say that that company had never registered to vote,
20 because it had?---Yes.

You yourself had filled out the nomination form?---Yes, I fill for them.

And the last paragraph:

25

*In order to identify the culprit who fraudulently signed it, do you think
we can apply to inspect the application to register a corporate nominee
form which was used to register the above nominee.*

30 ?---Yes, asking a copy of that nomination form.

"In order to identify the culprit who fraudulently signed it"; you were alleging that
Mr Lewin was the culprit?---Or Sandra.

35 Or who?---Or Sandra, was it, either Sandra or alleging Lewin, Julius Lewin is the
culprit.

But you had given Ms Liu permission to get whoever she wanted?---Yes.

40 So you're accusing then Mr Lewin of being a culprit - when I say you, I'm saying
your brother-in-law in a letter that you settled, regarding a complaint that you
initiated?---It's a wrongful allegation.

Of course it is?---Yes.

45

The allegation is that Mr Lewin was the culprit when in fact the real culprit was
yourself?---Yes.

If we can go to the letter that you wrote on behalf of Maxi West, please, so this is 506, Madam Associate. TRIM number 12505, sir.

5 COMMISSIONER: Thank you.

MR URQUHART: This is the letter that you signed, isn't it?---Yes.

To Ms Cavanagh again on 24 September. Even the title is wrong, a line, isn't it,
10 "Unauthorised corporate nominees, City of Perth Council election 2013", do you see that?---Yes.

:

15 *I, Yit Kee Yong, am - it should read but it says "is" - I, Yit Kee Yong, is the sole director of Maxi West Pty Ltd, with PO box 6116, East Perth in the State of Western Australia. I have not authorised Wil Lie Lim as the corporate nominees for act - it should say "to", shouldn't it - and vote in the City of Perth Council election on behalf the company -*
20 *you've missed out "of" - I will be lodging police report for the alleged fraud.*

?---It's a wrongful allegation again.

25 You had no intention of lodging a police report, did you?---Yes.

You did have an intention of doing that or you didn't, so you had no intention of doing that, did you?---No intention of doing it but let - yes, let them to investigate first.

30

You were letting them know that you were taking this fraud by others, not you, so seriously that you were going to report it to the police?---Yes.

And you had absolutely no intention whatsoever of doing that, did you?---Yes.

35

Because otherwise, you would be asking the police to investigate a fraud that you had carried out?---Yes.

40 Did you just simply send a copy of that letter through to Mr Wong so that he could make his complaints?---He asked me whether he can have a look at my letter.

So you sent it through to him, didn't you?---Yes.

45 And you said to him, "Just make the necessary changes and send them back to me"?---Yes.

And that's exactly what he did?---To that effect, yes.

I've identified to you four typographical errors there, do you remember I did that?---Yes.

5 "I, Yit Kee Yong is the sole director", "I have not authorised Wil Lie Lim as the corporate nominees for act", when "for" should be "to", do you see that?---Yes.

And then on the second line of the second paragraph, you've missed out "of" between "behalf" and "the company", do you see that.

10

And, "I will be lodging" it should be "a police report" rather than ", "I will be lodging police report for the alleged fraud"?---Yes.

So it wouldn't surprise you then that the two letters - - -?---From Meng.

15

- - - from Mr Wong, yes, have exactly the same typos?---Yes.

Those two letters - - -?---Were sent to Lyn.

20 To Lyn as well. We will just have a very quick look at those. 0508, thank you, Madam Associate. That's TRIM number, sir, 12516.

COMMISSIONER: Thank you.

25 MR URQUHART: So with respect to that complaint on behalf of MKF investments Pty Ltd, he's stating that his company did not authorise those two nominees written there in the second paragraph, do you see that?---Yes.

30 See the same typos as well, can you see that, and same sentence at the very end, "I will be lodging police report for the alleged fraud"?---Yes.

And you knew he had no intention of lodging a police report, didn't you?---Yes.

35 Because there was no fraud done in relation to his nomination forms, was there?---Yes.

Let me just go now to 0509, please, Madam Associate. TRIM number 12516.

COMMISSIONER: Thank you.

40

MR URQUHART: That's exactly the same letter written this time on behalf of Australian Education Pty Ltd, on this occasion stating that one nominee had not been authorised and would I be right in making an educated guess, Mr Yong, that the other nominee for Australian Education Pty Ltd was either Mr Wong or a member of his family?---So can you repeat the question?

45

The other nominee would be someone that you knew would vote for you?---Yes.

So it was either - - ?---Someone that Meng would know.

Yes, either him or his wife or someone else?---His contact.

5

And he said to you, "Don't worry, they will vote for you"?---Yes, to that effect, yes.

10 So all this work, all this effort involving all these people to be involved in your fraud for a total of six votes, is that right?---Yes.

Do you recall meeting with the Returning Officer, Ms Cavanagh, and Mr Ken Evans at the City of Perth offices on 2 October 2013?---Yes, meeting Ken Evans and Lyn Cavanagh, yes.

15

And you attended that meeting with your parents and Mr Meng Wong?---Yes.

You accept that no-one from the City of Perth who had processed these nomination forms had added any names to those forms? They hadn't written down any false names?---Yes.

20

You accept that, no-one from the City of Perth had done that?---I accept that. All the problem is from me. I take all responsibility myself

25 [1.00 pm]

What had you discussed with your parents about these false allegations before the meeting?---What was discussed?

30 Yes. You obviously had to get your story right?---They went to the meeting.

I'm asking you what had you discussed with your parents before the meeting? What did you tell them to say?---No, I didn't tell them what to say.

35 But you all had to get the same false story right, didn't you?---No, we didn't plan to do that.

But how? You had to make sure that everybody was on the same page with these false allegations?---We never intended to do this, all these fraud things.

40

You did intend, because you made a complaint?---We made a complaint but we never intend to make a false story.

45 But you did, we have just been through that for the last hour and a half?---It would have make it seem that way as a perception looking at it that way but we are looking at it a different way without taking a proper precaution and in a way it's negligence but on your side, looking at it, we are making a fraud but I'm truly

thinking that on this side, that we have no intention of doing anything that is fraudulent at all.

COMMISSIONER: Mr Yong, please stop for a minute?---Yes, so - - -

5

Please stop for a moment. Just please pause. You have already told me in your evidence?---Yes.

That you engaged in a fraud?---Yes.

10

And that you involved others in a fraud, so in fairness to you, now is not the time to be recanting on that evidence. It's got to 1 o'clock and you have been in the witness box for a very long time?---Yes.

15

And in fairness to you, you are entitled to a break so I'm going to adjourn now to 2 pm and you can have your break in that time, before Mr Urquhart resumes with his questions. Thank you, I will now adjourn until 2 pm.

WITNESS WITHDREW

20

(Luncheon Adjournment)

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HEARING RECOMMENCED AT 2.02 PM.

COMMISSIONER: Please take a seat.

5 MR YONG: Commissioner, can I have your permission to say a few words?

COMMISSIONER: Not yet. Please take a seat.

MR Yit Kee YONG, recalled on former oath:

10

COMMISSIONER: Thank you, Mr Urquhart, please continue.

MR URQUHART: Thank you, Commissioner.

15 Mr Yong, can I just establish this with you: wasn't it the case that when you made these complaints to the City of Perth regarding, to use your phrase in your email to Ms Cavanagh "irregularities and possible fraud in the City of Perth electoral roll", you knew that the allegations you were making were not correct?---Commissioner
- - -

20

Mr Yong, is it yes or no?---I feel that I - if I'm not given an opportunity to speak, I'll be lying under oath. I'll be lying under oath if I'm not given an opportunity to tell the truth.

25 Have you already lied on oath - - -?---I want - - -

Let me finish - have you already lied under oath with respect to my questions regarding this matter?---I was led to believe that - - -

30 Can you just answer that question first: have you already lied under oath in respect to the answers that you have given to the questions I have asked you regarding your complaint about alleged fraud and irregularities in the electoral roll?---I was led to believe that it was fraud but I also tell what is actual happened - what actually happened and I want an opportunity to tell the truth and I want to put it on
35 record.

COMMISSIONER: Mr Urquhart, just pause for a moment, please.

40 Mr Yong, this is not the time for you to be addressing me in the way that I anticipate you want to address me. What's going to happen is Mr Urquhart will continue with his questions of you and I want you to answer them truthfully and accurately, do you understand me?---Yes.

45 When Mr Urquhart has completed his examination of you, there will be an opportunity for your counsel, Ms Stanton, to make an application to ask questions of you. She may or may not make that application. If she does make an application, I will hear it and I will determine what, if any questions she can ask of

you. That may present an opportunity for you to say what you want to say to me now. There is a process to be followed here, it is important that we follow the process, do you understand me?---I understand.

5 So that being said, I would like you now to answer Mr Urquhart's question and so there's no confusion, I will ask Mr Urquhart to repeat the question. Thank you, Mr Urquhart.

MR URQUHART: Thank you, sir.

10

The original question I asked you is, did you know that at the time you made these complaints of fraud and irregularities on the electoral roll, so at the time you made those complaints, you knew that those complaints were inaccurate?---At the point when making the complaint, of the letter complaint, I was unable to ascertain
15 whether it is accurate or not. As we have discussed earlier, the enrolment form was given to Sandra Liu and we don't have a copy to verify who are the second nominees.

20 Yes?---So is unfair for us to say whether it is inaccurate or whether it is complete or not at this stage.

But you were alleging that it was irregular?---Yes, in the letter.

25 And fraudulent?---It was alleged in that letter of complaint when we - without the enrolment form at hand, we are unable to verify who were the second nominees and hence, the letter of complaint was written and given to Lyn Cavanagh, the Returning Officer.

30 All right then, if that is in fact what you were doing and the reasons behind what you were doing, then all you had to do was contact Ms Liu and ask her - -
-?---Which is - - -

35 Let me finish - and ask her if these were the nominees which she wrote down and had completed the nomination form?---Which we should have done in the first place, but we did not and we chose to write the letter of complaint to the Returning Officer.

40 And the reason why you did not do that is because you did not want to know? You did not want to get that information from Ms Liu, did you?---No.

45 It would be entirely logical and appropriate for you to make that enquiry of Ms Liu before you made these serious allegations, is it not ?---That's right, it should have been contacted Sandra Liu in the first place but it was not done and instead we go through the process of complaining to the Returning Officer.

Hence I'm going to ask you why you did not take that logical and obvious step of contacting her first, bearing in mind you knew how to contact her back at this

time?---Yes. We would have contacted Sandra Liu if we have a copy from Sandra Liu but at the time we did not have any copy whatsoever to confirm that the second nominees was nominated. That was the reason we thought the proper process or the appropriate way is to lodge a complaint to the Returning Officer and
5 - - -

Mr Yong, you already had given Sandra Liu authorisation to place - - -?---Yes.
- - - whoever she wanted as the second nominee for your three family
10 companies?---Yes, but - - -

So logically you would therefore contact her to confirm whether she agreed to the nomination of those three individuals, correct?---We should have but we did not.

15 Yes, I know that and I want to know why you did not do that?---It was a mistake but we thought the proper procedure was to contact the Returning Officer when we found - - -

Why?---Looking at the letter, one of the letters of complaint, there was a request
20 for the nomination form from Lyn Cavanagh, the Returning Officer and if we request - and at the meeting, Lyn Cavanagh, the Returning Officer, and Ken Evans has shown us at the meeting that - - -

No, before that. All you had to do was contact Ms Liu and say, "Did you nominate
25 ", for example, "Mr Lewin"; "Did you nominate Mr Lim", and she would have said, "Yes, I did." That would be the end of the matter, would it not?---Yes."

So again, logically - - -?---Logically.

30 - - - that is what you should have done?---Yes, logically we would have done but instead we chose to go to the Returning Officer.

Yes, because what you wanted to do was have those names of voters removed
35 from the electoral roll that you did not know would vote for you?---That was not the intention.

Mr Yong, please. You've already given that evidence before lunch?---Because I was led to believe that - - -

40 Did you misunderstand that question when I asked you?---I want to tell the truth, what has gone - - -

COMMISSIONER: Just pause for a minute, Mr Urquhart.

45 Mr Yong - - -?---It was - - -

Mr Yong, please don't say anything yet. Please don't speak over me?---Okay.

What you need to appreciate, and it's very important for you to do this, is that as you have been giving your evidence yesterday and today, I have been listening very carefully to what you have been saying and I have been writing quite detailed notes about it, so I have an immediate appreciation of your evidence at the time it's given. The other thing that has been happening, and you should know this too, is that your evidence is being transcribed so that at the end of the day, I am able to look carefully at the evidence that you have given and I make it my practice to look at the evidence that you have given on the transcript at the end of the day and at any convenient break that I have during the proceedings in the course of the day. The reason I'm telling you this, in fairness to you, is to let you know that I have a good understanding of the evidence you gave this morning and I have a good recollection of it?---Yes.

Just listen, please don't interrupt. So you need to think very, very carefully about changing your evidence on matters that you were clear about today, if that's what you intend to do?---I want to say - - -

You don't seem to be taking in anything I'm saying. All you want to do is get your bit out. Just listen to me, please. I'm saying this to you to give you fair warning, I'm trying to help you?---Thank you.

I've explained the process to you just a moment ago, that you will continue to be asked questions by Mr Urquhart and I want you to answer them and so far what I've seen in the case of some of the questions he's asked you is you giving answers that are not responsive to those questions. That is not helping you, at all. Just answer his questions and wait for the next question, all right?---Okay.

You are a lawyer, you know how it works. I should not need to explain this to you, but I am, again out of an abundance of fairness to you because I appreciate it is not easy to be a witness?---Thank you, sir.

Can you please do what I have asked you to do?---Yes, sir.

Thank you. Mr Urquhart.

MR URQUHART: Thank you, sir.

When you made this complaint, Mr Yong, you intended to have those six names that you said were fraudulently on the roll, removed, that was your intention, wasn't it?---No, that was not the original intention.

You were alleging irregularities by stating that people were on the roll who should not be on the roll, isn't that correct?---On the letter, yes.

Yes, and you wanted those people removed from the roll?---No, because it was - - -

Then why were you making the complaint?---Because we wanted to find out who are the second nominee by asking permission from the Returning Officer for a copy of that completed nomination form.

5

But it went further than that. You were stating that this was fraud, weren't you?---The reason for stating a fraud because we didn't have a copy of that nomination form, so if we have a copy of that, we would not be making any complaint.

10

Apart from your lawyers, have you spoken to anyone regarding your evidence over the lunch break?---No. I thought it was not right - - -

Careful. I will ask the question again: apart from your lawyers, have you spoken to anyone regarding your evidence over the lunch break?---Yes.

15

Who have you spoken to?---I've spoken to my brother.

You've spoken to your brother?---Yes.

20

And you discussed with your brother the questions that I have been asking you regarding these complaints, didn't you?---Because I'm not allowed to have - - -

Didn't you?---Yes.

25

And in your discussions with your brother, you've come up with this different explanation - - -?---It's not - - -

Let me finish - a different explanation as to why you made these complaints, haven't you?---No. I want to tell the truth.

30

It's a different explanation though to what you gave before lunch, isn't it?---I felt under pressure and I was led to believe it was my mistake.

COMMISSIONER: What is the answer to the question though, Mr Yong? Ask the question again, Mr Urquhart.

35

MR URQUHART: It is a different explanation to what you gave to the Commissioner before lunch, isn't it?---Yes.

40

And that is as a result of you talking with your brother?---Yes.

So did your brother say to give this different explanation, did he?---No.

Then how did it come about that you're now giving a different explanation after talking to your brother?---Because that was the truth I want to say to the Commissioner now.

45

So you did not give the truth before the lunch break?---All the time I was led to believe.

5 Led to believe what?---And I have no opportunity to state my version because I've been - - -

Led to believe what?---I was led to believe that - a leading question to me, I have no opportunity to tell my side of the truth.

10

I'm sorry. So you were just agreeing with whatever was put to you before lunch, were you?---No.

15 That wasn't the case, was it? If you disagreed with something I was putting to you, you disagreed with it, didn't you?---Yes. If I am given the opportunity to tell the truth and then you can ask me question how I come along this - - -

20 COMMISSIONER: Mr Yong. We have now been through this twice and you are testing my patience. Yesterday, when you began your evidence, you took an oath to tell the truth?---Yes.

25 You have been asked a number of questions yesterday and today and on at least a couple of occasions you have professed to be telling the truth. Some of those questions I understand were difficult questions for you to answer but you answered them?---Yes.

30 And I was under the impression that at least with some of those questions, you were giving honest answers. There was nothing wrong with the manner of questioning by Counsel Assisting. If there was, your counsel would have objected more than she did; she did not. So please do not say that you have not been given an opportunity to tell the truth, because that is not correct. I explained to you that your counsel will have an opportunity to make an application to ask questions of you at the end of Mr Urquhart's questioning?---Thank you, sir.

35 So what I want you to do now is just follow the process. I will not be speaking to you again in this way, and the process is you get asked questions by Mr Urquhart and you answer those questions. Now for the third time, do you understand me?---Yes.

40 Will you do as I say?---Now.

No?---Now.

Yes, from now on?---From now, yes.

45

Mr Urquhart, please resume.

MR URQUHART: Thank you, sir.

5 As a result of those discussions you had with your brother over the break, you have come up with a different explanation as to why you made these complaints, haven't you?---Yes.

And your brother suggested to you that you put forward that explanation, didn't he?---He did not suggest.

10 No?---I just - - -

He mentioned it to you?---He spoke to me about what actually happened.

15 We know what actually happened - - -?---That's right.

- - - Mr Yong, because we have got a trail of emails and letters?---Yes.

20 So we know what happened. What is it that he told you to tell the Inquiry about what happened?---To tell the truth to the Inquiry.

Which was what? What version was the truth?---Can I say it now?

25 Yes?---The initial complaint was lodged because we could not identify who are the second nominees and that's the reason why the complaint was lodged and a meeting was arranged with the Returning Officer and the Returning Officer, together with Ken Evans, arrange a meeting with Meng, Evans and myself and a copy of the completed nomination form was produced for each company and the situation was explained that all the signatures, and they respectively recognise their signature and they recall that the form was given to Sandra Liu and for her to
30 nominate her choice of nominees.

Who recalled that?---Meng, my parents and myself.

35 You recalled that, did you? You recalled at that meeting that you had given the nomination forms to Sandra Liu?---Yes.

Mr Yong - - -?---I recalled - - -

40 Mr Yong, do you know how the Commissioner said to you we have got information here that you don't know about, do you remember that?---I recall - - -

Do you remember that?---Yes, I do.

45 Do you remember that?---Yes, I remember.

Mr Yong, we have got a file note that was taken by the City of Perth officers as to what took place in that meeting and what you said to them?---Yes.

So Mr Yong, please be careful with what you say?---Yes.

5 This story that you're now saying as to what happened, is this what your brother told you to say to the Inquiry?---He did not tell me what to say to the Inquiry.

10 Are you sure?---I was at the meeting and each party recognised their respective signature and they saw the nominee name and all parties satisfied with the forms and their respective - dismiss the meeting.

15 Mr Yong, you're saying in that meeting that you told Ms Cavanagh and Mr Evans that you now remember that Sandra Liu had authorisation on behalf of your family companies to nominate a second person, is that your evidence?---I request you repeat the question.

20 I just repeated the evidence that you've given. Have you forgotten what you said just barely a minute ago about what you said at the meeting?---At the meeting, the nomination form was produced and Lyn Cavanagh asked whether we can recognise our own signature. We said, "Yes", and - - -

25 I will remind you what your evidence was barely two minutes ago and that was that you told Ms Cavanagh that you remembered that you had given authorisation to Sandra Liu to get the second nominees to your family companies?---I did not say I have given authorisation to Sandra Liu at Cavanagh's meeting but I said the form was given to Sandra Liu.

To Sandra Liu to get a second nominee?---That was prior to signing up the nomination form.

30 Prior to who signing the nomination form?---Prior to the second nominee signing the nomination form.

35 Yes, you gave the form to Sandra Liu so that she could get whoever she wanted as the second nominee?---Yes.

40 And that's what your evidence was as to what you told Ms Cavanagh at this meeting on 2 October 2013, okay? That was your evidence a few minutes ago; is that the truth? Is that the truth, Mr Yong?---I did not mention about - I can't recall whether I have mentioned about Sandra Liu's name at the meeting but I recall asking her and telling her that I can remember that's what my signature on the nomination for.

45 So when you recalled several minutes ago that you had told the City of Perth officers that you mentioned Sandra Liu's involvement in this process, that was wrong, was it?---It would have been either I mentioned or maybe not mention to Lyn Cavanagh about Sandra Liu's name, whether I've dropped Sandra Liu's name but the second part, yes.

Sorry, so did you mention Sandra Liu's involvement in this process or not at that meeting?---I really could not recall whether I have mentioned about Sandra Liu's name at that point in time but in my mind - - -

5

Why did you say a few moments ago that you had?---I think - - -

I remind you in the context of all of this, that was your version before I told you that the Inquiry had a file note from the City of Perth officers as to what happened at that meeting?---I can't recall actually what has been transpired, but - - -

10

So why wasn't that your evidence earlier?---You want to know what was my evidence?

15 [2.30 pm]

Yes?---I remember Lyn Cavanagh and all parties at the meeting show us the nomination form and explain and ask whether it is our respective signature on that form and we recognise our signature on that form.

20

Did you claim in that meeting with Ms Cavanagh and Mr Evans that you did not know how Mr Lim's name had got on to the nomination form for Maxi West Pty Ltd ?---I can't remember whether I have raised that question.

25 Is that what you claimed in that meeting?---I'm not certain that I have claimed that in the meeting.

If you said that in the meeting, that would be a lie, wouldn't it?---Yes.

30 Yes?---Yes.

The question I asked you just before lunch and I'm going to ask it again now, what had you discussed with your parents about these allegations before that meeting?---Before entering the meeting, I told them that, ask whatever question you want to ask regarding your complaint and during the meeting - - -

35

Sorry, what did you tell them?---Ask question to the Returning Officer, what they would like to know about the second nominees, they can't recognise or remember or seen this name before. If we were given a copy, then we would jog the memory that they actually signed and nominated the respective person, which had happened at the meeting.

40

You remembered though when you went to the meeting that you were involved in filling out the details on all three family company nomination forms?---Yes.

45

Didn't you?---Yes. So when the form was shown, immediately it pop up and clear our mind that is truly, I believe this is - - -

Did you tell your parents, particularly your mother, to say to the officers that she had no idea how the second nominee came to be on the nomination form regarding Bell Vista?---I did not tell, she may have asked herself that question.

5

But that was the allegation she was making in the letter which was attached to your email?---That was in the letter?

Yes?---They want to make it clear that they satisfied that's their signature and they have appointed their own - they signed that nomination form.

10

There are lies though in those letters of complaint, aren't there? Shall we go through them all?---No.

There are lies, aren't there?---So the letter is incorrect and shouldn't be returned in the first place. They should have requested for the meeting, rather than making a complaint.

15

This complaint should never have been made in the first place, should it?---No, they should have requested a copy of that nomination form from the Returning Officer, rather than making a complaint.

20

Or ring Sandra Liu ?---Or ring Sandra Liu.

And I'm still at a loss as to why you didn't ring Sandra Liu because that way - - -?---Yes.

25

- - - you could simply ask her, "Did you give permission for these six names", including the names from Mr Cheng - was it Cheng?---She - - -

30

Wait. I may be told that in a minute, I'm hoping. Mr Meng Wong, because you knew Sandra Liu was involved in Mr Meng Wong's nomination forms, didn't you? You knew that she was involved in those?---No.

No?---I'm not sure about Meng Wong's company, how he nominated his nominees.

35

So what you have discussed with Mr Wong about the allegations before the meeting?---I ask him whether he has a business in the City of Perth and he say, "Yes", I say, "What are his business" and mentioned the two companies that - - -

40

No, I'm talking about just before the meeting on 2 October, not the week before when you were talking to him about making the allegations?---What date was it - - -

24 September you got him to make the complaint, 2 October was the meeting. What did you discuss with him just before the meeting?---2 October, can I count from that is the meeting with Lyn?

45

Yes?---I did not discuss with him.

At all?---At all. He went to a meeting separately.

5

I just want to know why it was that you, when you proof read these complaint letters, why you didn't correct the errors in them. We will just go to 0532, thank you, Madam Associate. This is just now on your version of events, the one that you've given now after lunch. This is the one I showed you before lunch, this is the one that you read through and proof read?---Yes.

10

I want to know why you allowed so many falsehoods in this letter to go through as part of the complaint. The first one is in the very first sentence:

15

It has come to our notice that number 485 on the electoral roll for the Perth City Councillors elections 2013 where our company, Bell Vista Pty Ltd is listed as having authorised a Mr Charlie Lung Cheng of 8 Dreyfus Place, Dianella, WA, 6059 to vote.

20

That was a lie, wasn't it, because you had given Ms Liu authorisation to get whoever she wanted to vote?---Yes, we have given authorisation to Sandra Liu, but we did not have a copy that nomination form. If we would have that, we wouldn't have made this complaint in the first place.

25

What about the second paragraph, first sentence:

In fact, we have never registered to vote in the Perth City Council elections.

30

That's a lie, isn't it?---Because both directors could not remember - - -

That's a lie, isn't it?---Based on the sentence, yes.

Yes?---Because the form was filled in by me.

35

Yes?---So they would not have any recollection whatsoever of this - - -

Mr Yong, you proof read this letter?---Yes.

40

So why didn't you say, "Mum, dad, this is a mistake, we did register the company"?---I don't have a copy in my file of the nomination form so I have no recollection at that time.

I'm sorry, you had no recollection at the time?---For the second nominee's name.

45

I don't think that was your evidence before lunch, but I'll stand corrected?---If we have a copy of that nomination form, this complaint would not - - -

Mr Yong, I stand corrected but I don't think that was your evidence before lunch?---Okay. What was the question that you would like to ask?

5 You're now saying that you had forgotten that you had filled out the nomination form for Bell Vista Pty Ltd two years earlier, is that what you're saying?---If this - -
-

10 Mr Yong, who was the first nominee for Bell Vista Pty Ltd?---On the nomination form that you showed me.

Yes, who was it?---It's my mum.

15 Yes, your mum?---Yes, she sign it.

Yes?---She signed that nomination form.

20 So the nomination form had been completed by someone in the family with respect to this Bell Vista application?---Yes.

Because you would have seen your mum's name on the electoral roll as being one of the nominees?---It - - -

25 Yes?---Yes, but - - -

So how come you were still asserting, "In fact, we have never registered to vote in the Perth City Council elections"?---Which - in the first place, it shouldn't have been a letter of complaint, it should have been a request - - -

30 COMMISSIONER: I would like to answer that question, please?---Okay. So what's your question that you want to - - -

35 MR URQUHART: Why do I have to keep repeating questions? Why can't you just answer the question?---Because I'm the one who - - -

Why wasn't it that you did not change that and why has your mother asserted that when you both knew her name was one of the nominees for her own company?---How would you like me to answer that because - - -

40 Mr Yong, I would just like you to answer with the truth, please?---If a nomination form was attached, then she would have known and she would not have made such a complaint.

45 No, I'm not asking you about that. I'm asking why it was that you allowed your mother to send that letter off when you knew the first sentence in that second paragraph was a lie? Let's put it this way, clearly wrong, wrong to your knowledge?---Wrong to my knowledge, all right.

Why did you still allow that to go through?---I just took it too lightly for this letter to go through.

5 You took it too lightly?---For it to go through.

What do you mean you "took it too lightly"?---Meaning this letter should go to Lyn Cavanagh, the Returning Officer and to allow us to have a reason or reply from Lyn Cavanagh.

10

Why did you allow that sentence to go through in this letter when you knew it was false?---Why did I allow this letter when it's false? It's for Lyn to - - -

.

15 I'm not interested in who it was to go to, I just wanted to know why - do you want me to ask it for what - how many times now have I asked this question? Five times. So for the fifth time, why did you allow your mother to send through a letter with that sentence in it that was false?---I don't know. All I wanted to know is the answer, who are the second nominee.

20

You don't know? You don't know why? My explanation is that you always knew that the nomination form had been completed by you and your mother and the idea was to get this second nominee's name off the roll. That's my explanation, have you got another?---She should have known that she has signed that nomination form.

25

Yes, I know all that. Have you got another explanation as to why both you and your mother agreed for that letter to be sent off, which clearly contained a false statement?---I can't answer for them but it's a mistake.

30

I've given an answer and I've given you an opportunity to provide an alternative explanation and you haven't got one, have you?---It's my mistake, not to correct them there and then.

35 Your mistake's been repeated with the other letters of complaint, hasn't it?---Yes

[2.45 pm]

40 For example, the Beau Gest complaint signed by your brother-in-law has got the same falsehoods, hasn't it?---Yes, they shouldn't have complained the way they did.

45 Let's have a look at this one now, 552. We have looked at this all before. Mr Yong, the only reason I'm going through this all again is because you've changed your story and I just want to know how your now changed story matches with the contents of these complaints?---Thank you for the opportunity for me to tell you.

My pleasure. 552 now. See that one? We looked at this before lunch?---Yes.

5 Bearing in mind that - can you remember who the first nominee was, who the other nominee was who appeared on the electoral rolls for Beau Geste Pty Ltd?---My recollection is my sister.

Yes, your sister. Okay?---Yes.

10 Third paragraph in that letter:

We have never registered to vote in the Perth City Council elections.

15 That was a lie, wasn't it?---Yes, the sentence is a lie.

You had actually completed parts of that nomination form, hadn't you?---On their behalf, yes.

20 And you read this letter through before it was sent, didn't you?---Briefly.

So again, the same falsehood that appeared in your mother's letter?---Same falsehood.

25 Yes?---The mistake.

It's not a mistake, because you knew, you knew from the electoral rolls that the company had nominated and you knew that by virtue of the fact of who the first nominees were?---Yes.

30 So I'm just at a loss to know why these statements are being made falsely, unless it was designed to have the second nominees' names taken off the electoral rolls?---No such intention at all because - - -

35 So the intention to lie with respect to this was what?---No, the reason was if Sandra Liu has nominated her nominees on the second part, we would have - if required, we would have contacted Sandra Liu closer to the election because this was her friend or her contact.

40 But you didn't contact her?---We didn't contact her.

No, because you didn't want to contact her because you already knew that these people would have been the ones nominated by Sandra Liu, wouldn't you?---We would have known. We should have contacted Sandra Liu first rather than making the complaint.

45 But you didn't want to contact Sandra Liu because she would have told you, "These are the people I put down as the nominees" and if she said that to you, then

you couldn't ask for the names to be removed?---Yes.

5 I thought we had established this before lunch, the reason why you wanted those names removed was because you didn't know if they were going to vote for you; that's the truth, isn't it? You didn't know if they were going to vote for you, isn't that right?---I - - -

10 You didn't know whether they were going to vote for you and you agreed with that before lunch. Do you want to change your evidence now about that?---We didn't know who are they, yes.

You didn't know whether they were going to vote for you or not?---That was - - -

15 And that's why - - -

COMMISSIONER: Please answer the question, Mr Yong?---Yes, we didn't know whether they were going to vote for - yes.

20 MR URQUHART: That's why you wanted their names removed from the electoral roll?---No, that was not the intention of this letter.

We go right back then to - - -?---The purpose of the - - -

25 Wait, wait. We go right back then to the first lot of emails that your mother was sending through to - - -?---I know you - - -

Cathryn Clayton. Just wait. Madam Associate, 8.0515. TRIM number, sir, 12572.

30 COMMISSIONER: Thank you.

35 MR URQUHART: We have already gone through these emails, Mr Yong. We will do them again. The top of the page there, your mother has written to Ms Clayton:

We have found a number of irregularities in the Register of the elector mail list. Please advise what is the procedure to have these irregularities rectified.

40 Okay? The irregularities were names of nominees that should not be on your family companies' owner/occupier roll, yes?---Yes.

So the irregularities to be rectified, how were they to be rectified?---Replace.

45 Yes, to have them removed?---Remove, replace.

Yes. We have gone through this already, you couldn't put in a new nomination

form with different nominees because it had closed. The period of time for that had closed by this stage, hadn't it?---Yes.

5 So therefore you did try to do the next best thing and have those nominees that you didn't know were going to vote for you, removed?---We didn't - that was not the intention when they writing this letter. There was - - -

10 Look, please, don't. Don't, Mr Yong. For your own benefit, don't do that?---I know it's hard to accept that but after the meeting with Lyn Cavanagh, it was resolved and all misunderstanding was cleared.

15 Mr Yong, please. Are you going to say that that was not your intention, to have these names removed from the electoral roll? Is that what you're going to say?---At the point of preparing this letter, yes, and then when they found out that it's actually signed from the nomination form - - -

20 Mr Yong, you're not seriously saying that the reason for these complaints was not to have those electors' names removed from the roll before the 2013 election; you're not going to say that, are you?---I know - - -

Please, because remember we have been through these emails?---Yes.

25 These emails that you knew your mum was sending?---Whatever the reason is, but there's a huge misunderstanding. The truth, they want to find out who are the second nominees and they was provided a copy and they are satisfied.

30 Mr Yong, are you saying the intention of these complaints was not to have these voters' names removed from the roll before the 2013 election, is that what you're saying?---If there's a truly a fraud, they should be removed but when there's no fraud, they should remain on the - - -

COMMISSIONER: Again, Mr Yong, that was a very simple question?---Yes.

35 What part of it did you not understand? What part of it did you not understand?---My understanding is that - - -

No, what part of the question did you not understand?---It says where there's an intention when they write this letter to remove the voters.

40 So you did understand the question. Your answer was not responsive to that question and you know that, don't you?---Yes, but - - -

45 There's no "but", yes, you do know it was not responsive. We have been through this before. You understood the question and you gave an answer that was not responsive; why did you do that?---Because I had hoped to be given an opportunity to expand - - -

And I have explained to you how the process works, haven't I? Haven't I?---Yes, sir.

And you have told me that you understood what I said to you, didn't you?---Yes.

5

And you told me also that you would now follow the process, didn't you?---Yes.

And you're not doing it, are you? Are you?---Yes.

10 Ms Stanton.

MS STANTON: Yes, Commissioner.

15 COMMISSIONER: I would not normally do this, and of course you appreciate as experienced counsel that I have formed no final views about anything, but I am very concerned about what is happening at the moment with this witness. So I am going to adjourn for a short time and in that time, if you want to take the opportunity to explain to your client what his obligations as a witness are, that might be time well spent.

20

MS STANTON: Very well, Commissioner.

25 COMMISSIONER: In making that suggestion, I emphasise I have formed no final views about your client's evidence but I am concerned about the way in which he is now giving his evidence and chooses to give his evidence, notwithstanding my many instructions to him. It is not helping him.

MS STANTON: I appreciate entirely the position, Commissioner, I can assure you.

30

COMMISSIONER: And I appreciate the position you're in as well, please understand that. So I will adjourn for - will 10 minutes be sufficient for you?

35 MS STANTON: Might be possible to have twice that amount of time, Commissioner, 20 minutes?

COMMISSIONER: What for?

40 MS STANTON: It is, from my instructor's experience, necessary to take some time with Mr Yong in giving him explanations. Perhaps we could compromise.

COMMISSIONER: We will compromise and I will give you 15 minutes but I want to make this very clear: during that time I would caution against your client making any telephone calls to anyone else.

45

MS STANTON: I can assure you, Commissioner, he has been cautioned and we will be with him for the entire 15 minutes and we will ensure that there's

absolutely no use made of a mobile phone and can I say, we had no idea that had occurred in the break, of course.

5 COMMISSIONER: You did not need to say that to me, Ms Stanton, I assumed that would be the case. Thank you. I will adjourn for 15 minutes.

WITNESS WITHDREW

(Short adjournment)

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HEARING RECOMMENCED AT 3.18 PM

MR Yit Kee YONG, recalled on former oath:

5 COMMISSIONER: Ms Stanton, did you have enough time?

MS STANTON: I believe so, Commissioner.

COMMISSIONER: Thank you. Mr Urquhart, are you ready to resume?

10

MR URQUHART: Yes, sir, thank you, Commissioner.

COMMISSIONER: Thank you.

15

MR URQUHART: Mr Yong, the question I was asking you just before the break there was this: are you saying that when you made these complaints you had no intention of having those names removed from the electoral roll? I was suggesting to you that was your intention?---You're right.

20

I'm right? I'm right, aren't I?---Yes.

And that was the whole purpose of makes these complaints, was to remove these people from the electoral roll?---Yes.

25

And you knew, didn't you, that these people, with respect to your family companies, would have been nominated by Ms Liu?---Yes.

And you, and your mother and your sister, had given permission for Ms Liu to get whoever she wanted as the second nominee?---Yes.

30

What you did was to deliberately make a complaint without any basis for the purposes of having those names removed?---Yes.

35

For the purpose of having those removed, so that electors in the 2013 elections, who you did not know whether or not they would vote for you, you could have their names removed?---Yes.

Mr Yong, that was what we established before lunch with your evidence?---Yes, showing on the document on the screen, yes.

40

Yes, and then after lunch you were very keen on making a statement to the Commissioner which you were not permitted to do, but during the course of your evidence after lunch, you denied all those questions that I've just put to you?---Yes.

45

Didn't you?---Yes.

And the reason for you changing your story was because of a conversation you had with your brother over the lunch break, wasn't it?---Yes.

5 Was that a conversation over the phone or in person?---It was on the phone.

How long did that conversation go for?---One minute, one and a half.

One minute to one and a half?---Or two.

10 Bit longer than that though, wasn't it?---No, not that long.

Not that long? Did you discuss with your brother what your evidence was before lunch?---No.

15 No? Not at all?---I did not discuss about the evidence.

Did your brother say that he had read online a summary of your evidence?---No, he did not.

20 So what did you speak about?---I said there's a question of allegation of fraud of the complaint being made.

25 You said there was an allegation of fraud regarding the complaint that you had made?---I told him that there was an allegation of fraud about the complaint I made.

And did you tell him that you had admitted that in fact those complaints were fraudulent?---I did not tell him.

30 You did not tell him that?---No.

Are you sure?---Yes. I said there's an allegation of fraud, because there's no decision made yet. We haven't finished our session.

35 Our session?---Our Inquiry today.

40 You didn't tell him or he didn't say to you that, "I know that you agreed with Counsel Assisting that you had committed a fraud"?---I told him that there is an allegation of fraud this morning.

And you told him that you had agreed that it was a fraud, didn't you?---Yes.

Mr Yong, you're still giving inconsistent answers?---No, what I'm trying - - -

45 But I asked that question of you not just one minute ago and you said no, you hadn't?---I tried to tell him that but he concluded that there was a conclusion of fraud. I just told him that there was allegation. He made the conclusion and

assumption.

Because you told him, you told him that's what you'd admitted to?---Yes.

5 And as a result of that, he told you you needed to get back into the hearing room and give a different version as to what happened, isn't that right?---Yes.

And you tried to give that different version to the Commissioner and others in this hearing room, after lunch, didn't you?---Yes.

10

That version was false, wasn't it?---Was false.

Yes. So your brother told you to give a false version to the Inquiry, didn't he?---Yes.

15

And you agreed to do it?---At that time I was under a lot of pressure so I - - -

Did you agree to do it?---I did.

20

Do you know what attempting to pervert the course of justice is?---Yes.

That's what you and your brother did over the lunch break, didn't you?---Yes.

25

During the course of you giving that false version of events to the Inquiry, you said in answer to one of my questions that you did not say in that meeting with Ms Cavanagh and Mr Evans that you did not know how Mr Lim's name had got on to the nomination form or Maxi West Pty Ltd. Am I right in saying that's exactly what you told Ms Cavanagh at that meeting? You told her that you did not know how Mr Lim's name had got on to the nomination form for Maxi West?---No.

30

You disagree that you told her that?---I did say that.

You did say that?---Yes.

35

And that was a lie, wasn't it?---Yes. Sorry, I was answering in pressure, so my mind was confused.

Your mind was confused?---Yes.

40

It has been very confusing for you, Mr Yong, hasn't it because you've had to give different versions - - -?---No.

- - - about what happened?---It's been a long day, I got confused.

45

Am I right in saying that some of these family companies who you got to fill application forms out for nominees did not have any interest in any property in the City of Perth?---Yes.

Was Bon Geste Pty Ltd one such company?---No, Bon Geste own a property.
Owned a property?---Bon Geste own a property in the City.
5 Or leased a property?---Bon Geste own a property.
What property was that?---Level 3, 231 Adelaide Terrace.
10 Level?---3.
231 Adelaide Terrace?---Yes.
What, suite 9 or suite 10?---If I'm correct, it's suite 10. Suite 10.
15 That was owned by Lex Legal Management Pty Ltd, wasn't it?---My
understanding, Lex Legal Management owns suite 9.
But not suite 10?---Not suite 10
20 [3.00 pm]
What about the Yong Family Super Pty Ltd, that didn't have any interests in the
City of Perth, did it?---No, it's just a registered address.
25 Sorry?---It's just a registered address.
Am I right in saying though that that company applied to have two
nominees?---Yes.
30 And it shouldn't have, should it?---It shouldn't have.
So did you organise for that to happen?---Yes.
35 And was the purpose of that so you could get two extra votes at the next
elections?---Yes.
And you knew that the company wasn't entitled to those two votes?---Yes.
40 Any other family companies that put in nomination forms?---Yong family?
That did not have a proprietary interest in the City to enable them to
qualify?---Burswood Development.
45 Sorry, Burswood Development was another, yes?---Yes. Time Out Trading.
Time Out Trading another?---Maxi West, my company.

Maxi West, your company, didn't have any proprietary interest?---It's just a registered address.

5 Just a registered address and you knew that didn't qualify, didn't you?---Yes, and a couple more. I can't recall.

A couple more?---If you've done a search, it will be popping up.

10 Sorry?---If you've done a search, it will pop up on the screen but I can't recall every single - which is the correct one for you.

So Bon Geste you believe was entitled?---Yes.

15 What about W&W Holdings Pty Ltd?---W Holdings?

W&W Holdings Pty Ltd, have you heard of that company?---No.

20 Was that one that you asked the people to nominate. It's a Northbridge Chinese restaurant?---Yes.

That one, did you get the director there to fill out a form?---They own Northbridge Chinese restaurant in Northbridge, not in our office.

25 Sorry? Did you fill out a nomination form for that company?---Yes.

And the nominees that on that, do you remember that being Chi Meng Lei, L-e-i?---It would have been, correct.

30 He was one, and Wai U Chan was another?---Yes.

I will just put this one up on the screen, thank you, Madam Associate, 0692 onwards, TRIM number 12568.

35 COMMISSIONER: Thank you.

MR URQUHART: I just wants to use this as an example: is that your handwriting there on the front page, the first page?---It looks like my writing.

40 Sorry?---It looks like my writing.

It's for a company that you have no interest in, isn't it, W&W Holdings Pty Ltd?---Yes.

45 And the rateable property on which the claim is based is 26 Rose Street, Northbridge, which is where the Chinese restaurant is, the Northbridge Chinese Restaurant, isn't it?---Yes.

And you knew the proprietors of that restaurant, didn't you?---Yes.

5 Did you ask if you could fill out a form for them, to enrol to vote?---We asked them for support to sign up.

Yes, and they agreed?---Yes.

10 Is the postal address of W&W Holdings Pty Ltd PO Box 826 Victoria Park, 6979?---No.

That's one of your family's PO Box addresses, isn't it?---Yes.

15 Why did you do that? Why did you put down your family's postal address?---So we can receive the confirmation of registration of that company.

Why would that interest you?---So that the confirmation of that registration will come to the PO Box.

20 Yes, rather than 26 Rose Street, Northbridge, yes?---Yes.

So why? Why did you want to receive confirmation? Shouldn't that have not gone to Mr Lei?---It should have but with his permission.

25 Why did you ask his permission for that?---So that we can - we are aware this company is registered on their own.

So you wanted them for your records rather than his records?---Yes.

30 If we can go to the next page, please, Madam Associate, 0693. The first nominee is Mr Lei, is that how you pronounce his surname, or is it Lei?---Lei.

And he's the director, isn't he?---He is.

35 Of W&W Holdings and the owner of the restaurant?---Yes.

That's your handwriting, isn't it?---Yes.

40 Postal address:

Voting papers will be sent to this address.

You've put your family's post office box address?---That's right.

45 Why did you do that?---What we discussed this morning, that is unethical to do that and for the written notification from office of City of Perth that all addresses have been changed and we should not accept and receive any ballot paper.

But why did you do that at this time on 21 December 2015, because this is well before the City of Perth was telling you that this wasn't permitted any more?---Yes.

5 So why did you do it in December 2015?---So that we can receive and make sure they vote.

So you can receive the ballot papers?---So that we can receive and make sure they vote, yes, correct.

10

And also, this postal address will get confirmation that the nominees had been accepted?---Yes.

Isn't that right?---Yes.

15

So why would you need to know that?---So that we know who are registered voters.

But you'd be able to get that from the electoral rolls, just before the election?---That's correct.

20

So why couldn't you then just put Mr Lei's residential address, or indeed, the address of his restaurant?---That's true.

25 You could have done that, couldn't you?---I could have done that.

You see, Mr Yong, did you get a letter from the City of Perth saying that these nominees have been authorised now and the City of Perth agrees that their names can be placed on the electoral roll?---Usually we will have received one.

30

You see, I'm going to suggest to you that you did not forward that on to any of these 45-odd voters who you put down as your family businesses' post office box as the postal address?---Yes.

35 I'm right, aren't I?---Yes.

So you didn't even let them know that their nomination had been accepted, isn't that right?---Yes, with their permission.

40 Sorry?---With their permission, signing.

Yes, but you didn't let them know - - -?---Yes, yes.

You didn't let them know?---No.

45

That they were on the roll?---Which we should have.

Yes, but you didn't do that?---We did not do that.

Why didn't you do that? The answer's not on the screen?---I'm thinking the answer for you is, so that we have a record.

5

And what else? You can keep a record, you can make a copy of it and then forward it on to them, but you didn't do that?---Yes.

10 So why was that?---We should take extra step to send it forward to the client in Northbridge Chinese Restaurant.

Sorry?---We should have taken extra step - - -

15 I know you're saying you should have, I know that, but you didn't and I want to know why?---So that we can keep a record.

We have just gone through that. You've got a photocopying machine at your law firm, haven't you?---Yes.

20 You could have run off a copy of the confirmation?---Yes.

And then posted off the actual form to, in this case, Mr Lei?---That's right.

But you didn't do that?---No.

25

Mr Lei didn't know whether his nomination had been accepted or not by the City of Perth, did he?---He wouldn't have known at that particular time.

And he wouldn't have known if you hadn't told him?---Yes.

30

And you didn't tell him?---When we go to the restaurant, we would tell him that.

You would have told him that?---Yes.

35 Can you remember doing that?---Either him or his wife.

You can't remember doing that, can you?---I can't recall but if we have the opportunity, but not for this particular one, for other nominations.

40 What do you mean "for other nominations"?---Like under nominations for other companies, friends and relatives ones.

Are you saying you did send on their confirmation?---No.

45 You didn't?---I didn't say it but we would just tell him, "You are eligible to vote."

Are you sure you did that in every instance of those 45?---Not all.

No. In fact, I'm going to suggest to you really, none?---That's not true.

None, because you didn't want them to know - - -?---No, that's not true.

5

- - - that they were eligible to vote?---No, that's not true.

Mr - - -?---Some of them, we would tell them that.

10

Mr Yong, we can go through every one of these forms, that of these dozens, I think there are two or three times in which you have provided contact details for the nominees that you've written down, because you see, this is the situation with the majority of them, you see there, you've put no phone number or fax number or email number for contact details for Mr Lei, have you?---Yes.

15

Why was that?---We should have put his company, Northbridge, telephone number on that.

I know you should have, but why didn't you?---Incomplete form.

20

I know you didn't complete the form, why didn't you? That's the third time I've asked the same question?---I'm trying hard to answer your question. You say why is not completed with the contact details?

25

Yes. Looking at the screen won't give you an answer, Mr Yong, so how about looking at me and just telling us the real reason why you did not complete the contact details for Mr Lei, or for the other second nominee for this particular form, or indeed for dozens and dozens and dozens of other nominees?---If the form, there's no contact details, the City of Perth will not be able to contact them

30

[3.45 pm]

Yes, exactly and the only contact address they would have is the postal address?---Yes.

35

Which is your family's post office box?---That's correct.

So you didn't want the City of Perth contacting these people, other than via their postal address, isn't that correct?---That would be correct, yes.

40

And the reason for that is that you didn't want these people to know that they were on the electoral roll?---Yes.

45

And the reason for that is because when you got their ballot papers, you would just complete them yourself?---Not at all, no such intention.

Mr Yong, again, that's my explanation as to why you only put contact details of

your family's post office box addresses?---Which we shouldn't in the first place.

5 Yes. That's my explanation, can you provide an alternative one?---As we discussed this morning, that it's a huge mistake for putting our own postal addresses and luckily - - -

Mr Yong - - -?--- - - - with the advice from the Governance, we change it and I told them that.

10 Mr Yong, it was quite intentional, wasn't it, for you not to put down the contact details for the vast majority of the nominees that you had arranged, isn't that right?---Yes.

15 It wasn't a mistake, you deliberately made sure the City of Perth didn't have any of their personal contact details, isn't that right?---It's very obvious.

Sorry?---It's obvious that without the contact details, the City of Perth would not be able to contact them.

20 And that's what you intended, wasn't it? It must be, Mr Yong?---Yes.

Because you haven't completed the details there?---Yes.

25 So again, the reason why you did that is that you didn't want the City of Perth contacting them directly, correct?---Yes.

30 And the reason why you didn't want the City of Perth contacting them directly is that you didn't want them to find out that they were on the electoral rolls, correct?---Can I seek a clarification? Whether the City of Perth would send the confirmation to their enrolment address?

I'm sorry?---Whether the City of Perth would send a letter to their residential address, for confirmation?

35 They would send it to the postal address. It goes to the postal address?---Not going to the electoral roll address?

40 No. We know that and you knew that too, didn't you?---Yes. So if the City of Perth could like to contact them, they can send it to - directly to their residential address.

45 They would have to search through every single nomination form. Alternatively, they just go to the electoral roll. What address is going to appear on the electoral roll, with respect to - using this one as an example, the Sterling address or the PO Box address?---On the electoral roll, on this form will be to the PO Box address.

So all correspondence the City of Perth has with these nominees goes to the postal

address, don't they?---Yes, in 2015.

That's right, in 2015, and in this instance, the post office box address for Mr Lei is PO Box 862, Victoria Park, 6979, right?---You're right.

5

So all correspondence that the City of Perth sends to Mr Lei goes via that post office box address, right?---Yes.

Mr Lei does not have a key to that post office box address, does he?---No.

10

You have a key to that post office box address, don't you?---Yes.

You receive all correspondence from the City of Perth regarding elections to that post office box address, yes?---Are you saying that it's received or going to receive, because we never receive that after City of Perth changed their address.

15

I'm not talking about when they changed the address, I'm talking about what your intention was at the time you completed these nomination forms?---Yes.

20

We have already established that you didn't volunteer to the City of Perth, "Hold on, I've just realised my mistake, I shouldn't have put my post office box address for all these dozens of voters, can you please change it", you never did that, did you?---No.

25

And you didn't want the City of Perth to do that, did you?---No.

You wanted to receive all this correspondence to a post office box address that you had the key to?---Yes.

30

Amongst all of that, included ballot papers. We know that because it says right there, "Voting papers will be sent to this address"?---That's right.

My explanation as to why you were going to receive, if everything went to your plan, 45 voting ballot papers, was that so that you could have access to them, correct?---Yes.

35

We have already established from the questions from the Commissioner this morning, that you had a copy at least of the signatures of all these nominees because they had to sign the forms, yes?---If the form was given to City of Perth.

40

Yes?---How are we going to have a copy?

You use your photocopier that you've got at your law firm because you sent all these forms off yourself, didn't you?---But like I said earlier - - -

45

You sent all the forms off yourself, didn't you?---Yes.

So you could have easily taken copies of these nomination forms, couldn't you?---Yes.

5 And I suggest that you did, didn't you?---Yes.

So you could keep a record?---That's right.

10 So therefore, you had a copy of each and every single nominee's signature, didn't you?---We would have a copy.

15 So you say, "Well, hold on, I couldn't have filled out these ballot papers for them because you had to sign for them"?---And we intended that were going to do - - -

But you could have, couldn't you?---Yes, have a - - -

15 Yes?---It doesn't - - -

20 Mr Yong, we can go through every single nomination form and I can draw out to you the same sort of things that I've questioned you regarding this particular nomination form and I can assure you, most of them, the vast majority of them are exactly like that, with no personal contact details and with the postal address or your family's post office box addresses, either the East Perth one or the Victoria Park one?---Yes.

25 We can do that and I'm happy to do that?---You don't have to if you don't want to. I can accept your explanations.

30 Then my explanation as to why you did that was so that you could get access to their ballot papers so that you could complete their papers - - -?---No.

35 Let me finish - just in the way that they said they would complete them when you asked them to be nominees, that is, "Would you vote for me at the next elections", you asked them that, didn't you? For each of these nominees you asked them, "Would you vote for me at the next elections"?---No. We will explain to them that you can vote one or up to four on the ballot paper, they had that choice.

And did you say, "Would you vote for me and make me number 1"?---I would say, "I seek your support in this election."

40 And they said, "Yes, I'll give you my support, I'm happy to be a nominee"?---They don't have to.

45 But they said that, didn't they? All the nominees that you got, they said that to you, didn't they?---They said it but whether they actually did, I'm not sure whether they did.

Whether they would have, I know that, but you see, they pledged their support to

you at the time that they completed and signed these - they didn't complete these nomination forms, you did. They signed these nomination forms, didn't they? They pledged support for you, they said yes, they would vote for you at the next election?---Yes.

5

In order to ensure that would happen, it could be quite easily a case of someone just filling out the ballot papers for them, instead of them?---It could be but we never touch it.

10 I know you haven't because you never got them?---Yes.

Because the City of Perth discovered it before the 2017 elections?---Yes.

15 You knew you had a very slim lead following your 2013 result, didn't you? There was only 54 votes in it between fourth, which you came, and the fifth candidate?---Yes.

Every vote's critical, isn't it?---Every vote counts.

20 And there was no guarantee that each of these people would remember to vote, is there?---Yes.

25 So that's why in the first place you got all the voting papers sent to your post office box address because you didn't want them just tossing it in the bin, is that fair to say?---Yes.

So you got them and what, so you were going to try and hunt down all of these all of these dozens of people and hand them their voting papers?---Yes.

30 Really? Really?---Out of the 45 that you mentioned, which you've counted, I trusted, there is rules of overriding, if the form came after that, they would overrule this voting.

35 I'm sorry, what?---If the nomination form come after - lodged after this date, they will override the two nominees of this company. So in a way they will be ineligible to vote. I'm not saying this particular company.

40 You've lost me. What are you saying?---I'm saying if a company registered with two nominees and subsequently - - -

45 Yes, like this one?---I'm not saying this Northbridge company. If any company sign a nomination with two nominees and closer to election, and another candidate or someone else approached this owner to sign - to nominate another two persons, these two, the original two persons will be disappeared from the roll.

Yes, so?---So it may not be on the roll to reflect the actual person on the roll that we have registered them.

5 So there could have been even more than 45, because there were 45 that ended up on the roll in about May of 2016 when the City of Perth saw that there was this regular post office boxes appearing. So there could have been more than 45?---No, I mean other candidates will approach them and put their people on the roll.

10 Yes, I know, but originally you could have had more than just the 45?---How do I get more than 45?

Because other candidates approach these companies and they put in nomination forms that overrode the nomination forms that you had completed, is that what you're saying?---Overriding my choice?

15 Yes?---They will have - that candidate will have their own choice of nominees.

Thank you for volunteering the fact that there could be more than 45 but I just want to stay with the 45 for the moment, okay?---No, I mean - - -

20 Whatever happened - - -?---It could be less. What I've been trying to say, it could be less than 45.

It could be less, it could be more?---Okay, yes.

25 You were trying to get more than just the 45 by April/May of 2016 because it was still 18 months out from the election?---That's right.

30 So let's just stay with these 45. If those 45 remained the same, there were no further nomination forms put in, you would get 45 ballot papers sent to you two or three weeks out from the 2017 election, if in fact the City of Perth didn't intervene, correct?---Yes.

35 And when you were filling out these nomination forms, that was your intention, wasn't it, to receive all the voting papers?---Yes.

40 And it would have been quite easy for you to open up those papers, put number 1 along your name, sign the ballot paper as closely and accurately as possible to the signatures that you already had and send them off to the City of Perth. You could have quite easily have done that - I'm not saying that was your intention but you could have quite easily have done that, couldn't you?---It would have been quite easy, but it would be a criminal offence to open up and sign.

Yes, it would be a fraud, wouldn't it?---Yes.

45 COMMISSIONER: Just on that, Mr Yong, if you had done that, not to say you would, but if you had done that, filled out the ballot forms and signed them in a way similar to the signatures of the nominees, the nominees would never have

known that you had done that, would they?---They wouldn't, but they would ask,
"Where's my ballot paper?"

5 Just answer my question, they would never have known that you had done that,
would they?---They wouldn't have.

10 Because the City of Perth did not have their contact details and would not have
told them they were registered so you could have, just to follow on from
Mr Urquhart's question, completed the ballot papers and lodged them and the
nominees would be none the wiser?---Would be - what was the last?

None the wiser, they would not know any better?---Yes.

15 [4.00 pm]

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25

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45

If you had done that, presumably you would have done that on the basis that those people had, at the time of these forms, told you they would be supporting you?---Do you mean if I have done - - -

5 If you had done that?---For signing on their behalf?

Yes. You've told me you could have done that and they would not have known any better. If you had done that, then it presumably would have been on the basis that when you had these forms completed and signed by them, they had promised
10 you their support, in other words, you were completing the ballot papers on the basis that they had told you they would vote for you?---It is illegal to sign on their behalf.

I know what's illegal, Mr Yong, but I'm putting to you an hypothetical because we
15 know you didn't do this because the City of Perth, of course, stopped post going to your post office boxes?---Yes.

What I'm asking you is a different thing. If you had completed the ballot papers, as you have told me you could have, and had returned them to the City of Perth, you
20 would have done that on the basis that the nominees had told you at an earlier point in time that they would support you, isn't that right?---Yes.

So the completion of the ballot papers would, in a sense, be a technicality because they had already told you they would vote for you, wouldn't it?---Even though they
25 have told me they would vote for me, that doesn't give me the right to sign and vote on their behalf by ticking the box.

If they didn't know that you had, if you had chosen to do so, filled out their ballot papers for them in that way, they would never have been able to complain about
30 you doing so either, would they? If they didn't know, how could they complain?---If they don't have the ballot paper, they could not have - it is impossible to vote at all.

No, we are working on the assumption at this stage, the assumption that you filled
35 out the ballot papers for them and returned them, stay with that assumption for the moment?---Yes.

If that had happened, the nominees could never complain about you doing that because they wouldn't know you'd done it, would they?---They would ask,
40 "Where's my ballot paper?"

How would they know that because they were never told? They didn't have the contact details given to the City of Perth. This was many months before the
45 elections?---They would have known that they signed - - -

You're guessing, aren't you?---You're asking an hypothetical question.

Yes, but you're guessing now, aren't you?---I'm just - because we haven't done it so
- - -

5 Mr Yong, I thought we had established that you would give me honest answers?---Yes.

You are guessing now, aren't you?---I can't answer that question because we have never - - -

10 I will put it to you another way, what you are doing at the moment is speculating, isn't it?---If you ask me a question, hypothetical question, then I will answer to the best of my knowledge.

15 So you don't agree with me? You don't have to, it's up to you?---I agree with your hypothetical question and your reasoning.

20 So if the nominees never knew that you had exercised their vote and never complained about it - that's an if - but if they did not know that you had exercised their vote and they had never complained about it, then you would never be held accountable for what you did, would you?---Yes.

Thank you. Mr Urquhart.

25 MR URQUHART: Mr Yong, it's the case, isn't it, that you did not tell any of these nominees that they were on the electoral roll and eligible to vote at the City of Perth elections, you did not tell any of them?---It would have been a couple.

Sorry?---If I can recall, I would inform a few.

30 You informed a few?---Yes.

A few?---A few.

35 Out of the 45?---Yes.

For example, you didn't inform Christina Yong, did you, that her application to be a nominee for one of these companies had been successful?---Successful or unsuccessful?

40 Successful?---My understanding is unsuccessful, is it?

Initially, no. Initially she was advised that she was on the electoral roll but the thing is, it went to your post office box address in East Perth?---Yes.

45 And you didn't tell her that she was successfully now enrolled as a voter with the City of Perth, did you?---No.

And the reason why you didn't tell her is because you didn't want her to know that, isn't that correct?---No, we would just wait for the when the ballot paper posted out and for her to try and come in.

5 For her to come in?---Come or we deliver to her.

She was working for you in 2015/2016, wasn't she?---About right, the time.

10 You see, you keep referring to the fact that the City of Perth decided that these post office boxes should not be the address for where the ballot papers go to, and do you know why they made that decision?---There must be a reason but I remember Mark Ridgwell approached me and told me that it's not right, "You're not doing the right thing by putting the address "and I said, "Straightaway I'll do it and change the address." I don't want to get involved with any illegals or perceived to be
15 doing illegal things on the ballot paper because it's a huge offence."

Why do you think Mr Ridgwell told you that?---Like you said, he may have identified 45 of the people.

20 Why do you think he was telling you it was inappropriate for all of these ballot papers to go to a post office box address that you had access to?---Why do I think it's appropriate?

Yes?---So that we - - -

25 I will give you a clue, it's to do with the subject matter that the Commissioner asked you about not five minutes ago?---So that we can't have the opportunity to vote on their behalf.

30 Yes, exactly. When Mr Ridgwell pointed that out to you, you didn't say to him straightaway, "Go ahead and change it", did you?---I did.

Really?---Yes.

35 Are you sure about that?---I'm sure.

Absolutely positive?---Yes. He met me at the Council chambers.

Yes, that's right?---I remember.

40 I will ask you now again, Mr Yong - - -?---I remember that, he come and approach me and I told him that.

45 Did you make a file note or a note of that conversation with him at the time?---I can't remember. I should have but I can't remember whether I did a file note.

You can't remember?---But I recall very clearly that I told him, "Do it

straightaway. I don't want to get involved with anything illegal and this will be perceived as fraud."

You're absolutely certain about that?---I'm very certain.

5

Bearing in mind we have all the City of Perth records at our disposal, Mr Yong?---Yes.

One of several million that we have got. Are you going to maintain that account, are you?---I maintain that I did not do a file note, which I should have done.

10

Do you maintain that you told Mr Ridgwell as soon as he raised that with you, "Yes, go right ahead with that"?---Yes.

You're adamant about that?---Yes. When he approached me I said, "Do it straightaway, I don't want to get involved with anything illegal."

15

I've given you the opportunity, Mr Yong, to reconsider your evidence but you maintain that, do you?---Why?

20

You maintain that you immediately told Mr Ridgwell as soon as he raised this with you, to, "Go right ahead and make the changes because I don't want to be accused of doing anything wrong", are you maintaining that, are you, Mr Yong? Don't look at the screen, there's no answer there yet?---Why do you think that I didn't do it, because I recall that I told him straight after - as soon as possible, if not immediate, will be hours or a day or two.

25

It wasn't, was it, Mr Yong?---Sorry?

It wasn't, was it?---It wasn't?

30

No?---So when was that?

You're now changing your evidence because you said to me straight out you told Mr Ridgwell immediately. Now you're saying, it wasn't immediately, it was a day or two later so which version is the correct one?---He approached me, I told him that, during that conversation.

35

During the first conversation you had with him?---As I seem to recall, yes.

40

Madam Associate, could we have a look at 8.0766. This is a file note that Mr Ridgwell made at the time. You remember him approaching you after an Elected Member briefing session, do you remember that? Don't look at the screen, look at me for the moment. Look at me for the moment. Was it after a briefing session?---It would have been - I don't know what, it was in the Council House, Council chamber or Council room.

45

Yes, but it was after a briefing session, yes?---I can't confirm actual, which - what days are briefing session, but yes.

5 Just take that down for the moment, Madam Associate, thank you. Did he inform you that it was strongly recommended that the electoral addresses be amended to the individuals' Australian Electoral Commission or their Western Australian Electoral Commission address?---I recall that he mentioned that.

10 He didn't ask you why you had done it in that way, did he? He didn't ask you why you put down your post office box address as the contact?---He didn't ask me.

No. Were you surprised by that?---I was not surprised by that.

15 You weren't?---Because all my mind was thinking, if he says the ballot papers should not go to a PO Box, I said, "Straightaway change it to the residential address."

[4.15 pm]

20 You didn't, you advised him that you would consider the matter and that you would inform him accordingly. You didn't give an answer to him straightaway then, did you?---Not that my recollection.

25 And nor when he followed it up with you the next day, 24 hours later, you told him that you were still considering the matter, didn't you?---I can't recall I say that. Usually, I would have tell him, "Immediately change it."

30 That's not right, is it? You didn't want these changes to be made, did you?---No, that's not true.

Because you weren't then going to get the ballot papers for 40-odd people?---I would not touch the ballot paper.

35 No, but you were going to have to touch the ballot paper because you would have to get it out of the post office box, wouldn't you?---If they post it to me, yes, I would get - - -

40 It was going to be posted to you, that was the plan. So you were going to touch at least the envelope that the ballot papers came in, weren't you?---You said the envelope but I mean the touch, as in to sign and vote for them.

Then you were going to make contact with all these 45 people and tell them that you've got their ballot papers?---That was the plan.

45 What, you had contact numbers for all these 45 people?---Because they are friends
- - -

You didn't have all the contact details for all these 45 people, did you?---Yes.

You're saying you did?---We don't have it but we will look up, let's say,
Northbridge Chinese Restaurant, we will call the Northbridge Chinese Restaurant.

5

That's for him but what about for all the others, because the copies of the
application forms that you kept didn't have any of their contact details on it, save
and except for two or three?---Yes.

10 So how were you going to contact those people? How were you going to contact
those people?---Mobile phone.

But you didn't have their mobile phone details on any of these forms?---No, I mean
the mobile phone number on the mobile phone.

15

On what mobile phone?---Or list.

Where was this list?---The list is the - the list would be the nomination form, a
copy.

20

How were you going to contact these 45 people in the space of two or three weeks
to collect their ballot papers, bearing in mind ballot papers are posted out three
weeks or less before the election?---Yes.

25 How were you going to contact 45 people, some of whom you didn't have a mobile
number for? How were you going to contact them all?---Because they are
corporate, we know where they are.

30 What do you mean "corporate"?---All of them are nominees, at least two of them
per company.

Yes?---So if they are operating in - they must be operating in the City.

35 Really. You referred to W&W Holdings but what about, for example, those
nominees that you got for your family companies, how were you going to get hold
of them?---Family companies would be directors would be my parents or my sister
and my brother-in-law.

40 And the others?---The others is like you mentioned, that one example would be
Northbridge Chinese Restaurant so we just bring it to Northbridge Chinese
Restaurant.

45 Yes, if you wanted to. What about all those names that you wrote down as
nominees for the Osaka companies, how were you going to contact them, because
they had nothing to do with any of the Osaka companies, did they, the save and
except for - no, not even Christine Yong. There was no-one, was there, the
nominees for Osaka?---If the go to the list, I would have recognised their names.

You may well have, you had to, because you got them to be a nominee?---Yes.

And what, you had a contact number for them?---If I have the name - - -

5

Did you have a contact number for all those 16?---If not me, it would be my brother.

And why didn't you then write their contact numbers down on all their forms?---If the name can match on the mobile phone, we would call on the mobile phone.

10

That's not the question. I don't want to have to repeat questions all the time, Mr Yong, but the question was, why didn't you put their mobile contact number on the forms if you actually had that, on the nomination forms?---Okay, yes. So we didn't put it in on the form.

15

I know that. I want to know why?---We have established earlier that you mentioned that my intention is not to get City of Perth to contact them.

And that was the intention, wasn't it?---Yes.

20

If we just now put up that 8.0766. This is TRIM 1246.

COMMISSIONER: Thank you.

25

MR URQUHART: Mr Yong, bear in mind, please, whenever I ask you about conversations you've had with people, frequently those people have kept file notes. All right? That is, they made a contemporaneous note of what they discussed with you, okay?---Yes.

30

Would I be right in saying that Mr Ridgwell wouldn't have any reason to falsely record the contents of the conversation that he had with you?---He wouldn't.

He wouldn't?---He wouldn't.

35

No, he's a Manager of Governance?---Yes.

He's prepared a file note regarding this matter and it's dated 30 May 2016. I want you to go down now to the second last paragraph on 766. It reads:

40

I met Councillor Yong immediately after an Elected Member briefing session on Monday, 30 May 2016 at 6.30 pm in the level 9 southwest meeting room and discussed the matter.

This matter being the use of the post office box addresses:

45

I informed him that whilst no breach had currently occurred, it was

strongly recommended that the electoral addresses be amended to the individual's AEC/WAEC address.

Do you see that?---Yes.

5

Then we go on to 0767, thank you, Madam Associate:

He advised me that he would consider the matter and advise me accordingly. I followed up with Councillor Yong the next day at 5.30 pm, just prior to the Planning Committee meeting, and he advised he is still considering the matter.

10

?---Really?

15 :

Follow-up made for one week. In the event that no response is heard, then a meeting with the CEO will be arranged. In the event no resolution can be made, the matter will be referred to the WAEC for a proper investigation and action.

20

Do you see all that? You didn't say anything to him as to what your response was the first time he discussed it with you, nor the second time that he discussed it with you, according to this file note. That file note accurately records your response for lack thereof to these matters raised by Mr Ridgwell, isn't that right?---That was not my recollection.

25

No. What you should have said to him was, "Yes, go right ahead and do that"?---That's my recollection.

30

Why then, if this is accurate, would you have to say that you are still considering the matter?---I don't recall that. I do not recall that this was what had actually happened.

35

You don't recall it?---Because - - -

You see, Mr Ridgwell, thankfully, has made a file note so that a recollection can be made of what was said and what was not said?---Yes.

40

So you see there, if that is in fact correct, your conduct is a little odd?---My conduct is a little odd, I should have made a file note immediately of that day.

Should have you?---I should have.

45

What, and recorded what was said accurately?---And informed Mark Ridgwell to change the address immediately.

But you said you can't recall now?---Sorry?

5 I'm sure you just said you can't recall?---No, I said I should have recorded what the conversation between Mark Ridgwell on the same day rather than he putting his file note against my word.

10 He has made a note much closer to the date than today and that's his notes. You've said that there is no reason for him to falsify what you said or didn't say to him?---M'mm.

15 So that's what he has said in his file note. Are you saying it's wrong?---I'm not saying he's wrong but I recall that I told him to change it, "If anything is illegal, make sure you change it."

20 Did you say you told him it was illegal?---To that effect, "Don't do anything, make sure you change it to the residential address."

25 Did you just mention the word "illegal" just then?---To the effect that anything at all to do with anything that's illegal.

30 You were doing things illegally, weren't you?---By looking at the form, yes, but with his advice, if his advice said, "Don't do it", "Yes, go ahead" because I don't why - - -

35 Do you see why this Inquiry is making the allegations to you that it is?---Because on the form it shows that I - - -

40 Can you see why the Inquiry is making the allegations to you that it is, because on the face of it - - -?---On the face of it, yes, I have - - -

45 It looks like you are planning to use these ballot papers and complete them yourselves, doesn't it?---Nothing I can say about that, agree.

50 That is, I would suggest to you, the logical conclusion to draw, isn't it?---The logical conclusion to draw. Even though I have no intention, I can't prove that and I can't claim that any more and too late.

55 Sir, I need to take Mr Yong through a number of nomination forms regarding Osaka. I could start that now but I suppose it's an enquiry that will have to be made of Mr Yong as to what he would like to do.

60 COMMISSIONER: If you go through those forms now, can you give me an estimation of how long you will take, please? I will not hold you to it strictly but it would be good to have some estimate.

MR URQUHART: I'm sorry, sir, it all depends on the answers that I receive, but we will see how we go, maybe. Shall we say a cut-off at 15, 20 minutes?

5 COMMISSIONER: Yes. Mr Yong, I know you've been in the witness box for a long time today but what we are trying to do is complete your evidence as soon as possible. So if we persist for another 15 to 20 minutes, we will be able to deal with more of that evidence today. Are you up to it?---Yes.

10 Thank you. Ms Stanton, is there any difficulty with that?

MS STANTON: I have no objection, thank you, Commissioner.

COMMISSIONER: Thank you. Mr Skinner, any problem with that?

15 MR SKINNER: Not at all, sir, thank you.

COMMISSIONER: Thank you. Mr Urquhart, please proceed.

20 MR URQUHART: Thank you, sir. I'm obliged to my friends.

I'm going to ask you some questions regarding the Osaka nomination forms, okay, Mr Yong?---Yes.

25 There's nothing on the screen - you can probably take that down now, thank you, Madam Associate. Your girlfriend in 2016 was a lady by the name of Tia Fujita?---That's correct.

Spelt F-u-j-i-t-a?---That's correct.

30 And her first name is spelt T-i-a?---Yes.

Was she working for Osaka Gas Australia in 2016?---She was.

35 As a receptionist? Was she working as a receptionist and she also did some work in accounts?---Yes.

And Osaka Gas Australia was a Japanese company that was doing business here in Western Australia, is that your understanding?---Yes.

40 Osaka Gas Australia Pty Ltd had its offices here in Perth?---Yes.

At 108 St Georges Terrace?---Yes.

45 And that company also had a number of corporate subsidiaries operating from that address, didn't it?---Yes.

And you worked out how many there were, didn't you, at the time back in

2016?---Seven or eight.

Yes, there were eight, including Osaka Gas Australia Pty Ltd?---Yes.

5 When did you find that out?---Closer to that time.

How did you find that out?---By meeting Mr Takemori.

[4.30 pm]

10

That interested you, didn't it, when you found out that there were eight Osaka Gas companies?---Yes.

Working within the City of Perth?---That's right.

15

Because it meant that these eight companies you believed could apply for 16 nominees?---That's right.

On the City of Perth electoral roll?---Yes.

20

And it would be ideal for you, wouldn't it, if all those 16 votes voted for you?---Yes.

In the 2017 elections?---That's right.

25

But there was no guarantee of that, was there?---No guarantee.

So the managing director of Osaka Gas was Mr Takemori, wasn't it?---At that time, he was.

30

And you'd met him a number of times?---Different occasions, yes.

Prior to that you had invited him to the Council dining room for lunch?---Once.

35 August 2014, does that sound about right?---Yes.

In or about February or March of 2016, did you become aware that he'd only be in Perth for a short time?---I'm not aware.

40 No? What was your impression of him?---Friendly.

How many times did you meet him?---Not many, two, three.

45 Two or three. So one was at the Council dinner, or the Council dining room?---Yes.

Where else did you meet him?---He would be attending Japanese Chamber of

Commerce event.

Yes?---And some other event.

5 Did your girlfriend at the time, Ms Fujita, speak highly of him?---Yes.

It was your impression of him that he was a very honorable man?---My impression of him, yes.

10 A man of integrity?---Yes, he is.

He knew you were a City of Perth Councillor, didn't he? Obviously, because you'd invited him for dinner or lunch?---Through introduction.

15 Yes?---Yes.

But was it your impression that he wasn't particularly interested in Local Government politics here in Perth?---It was me that approach him to seek his support to nominate through his companies.

20

Yes, you had to approach him to have his companies nominate for the City of Perth elections?---Yes.

Is that right? It wasn't something that he suggested to you that wanted to do?---No.

25

Before I ask you these next questions and in fairness to you, Mr Yong, you need to know that the Inquiry has already heard detailed evidence from Mr Takemori regarding these matters I'm going to ask you about, okay? So the Commissioner is very much aware of what Mr Takemori's version is, okay? In or about March of 2016 you asked Mr Takemori to sign eight enrolment eligibility claim forms for Osaka companies, didn't you?---On or about this time, yes.

30

In respect to the Osaka Gas companies he was a director of?---Yes.

35

And you met him at a cafe near his office on 5 March 2016 for the purposes of him signing these forms, isn't that right?---To sign him up on the form, yes.

And much of the details on those forms had already been completed before you met him, isn't that right?---Sounds about right.

40

And all Mr Takemori did was sign his name in those parts where the officer of the corporate entity was to sign, isn't that right?---Yes.

45

And you told him that you would complete those sections that hadn't been filled in?---Yes.

And those sections also included those sections relating to the personal details of

the nominees, isn't that right?---Yes.

5 Mr Yong, I'm right in saying, aren't I, that you did not tell Mr Takemori that these forms were about nominating persons to vote at the City of Perth elections on behalf of the Osaka companies?---I explained to him, "By signing this you will be nominating two nominations, nominee 1 and 2, in support of signing up his companies."

10 Are you saying you told him the truth about what these forms were for, are you, or did you tell him a different story?---What kind of different story? The form says 1 and 2 and by signing at the bottom, nominating - - -

15 Mr Yong, I'm not interested in what the forms say. I'm interested in what you told Mr Takemori these forms were for. We have heard from Mr Takemori as to what you said to him or his version of what you said to him. I'm now giving you the opportunity of telling the Commissioner what it was that you said to him, and I know you should have said that, the evidence you've just given but I'm going to suggest to you that you did not say that to him?---I recall that I tell him, "You are signing this form in support of nomination for City of Perth."

20 I know that's what you should have said to him, Mr Yong, but I'm putting it you fairly and squarely you did not say that to him?---If not, why - - -

25 You can agree or disagree with that?---I explain to him - - -

Do we have to? You maintain that you gave him a legitimate explanation as to what these forms were for, is that your evidence? Is that your evidence?---Not full explanation.

30 Okay, you didn't give the full explanation then. So tell us, please, what was the explanation you gave him, and please tell us the truth?---I told him that I'm signing up companies with this green form, I show it to him.

35 Yes, signing up companies for what purpose?---For nomination.

No, I suggest to you you didn't tell him that, so I'm giving you the opportunity - - -?---I recall - - -

40 I'm giving you the opportunity of volunteering a truthful answer in regard to this and I don't want to have to put a leading question to you. I'm giving you the opportunity to be honest with this Inquiry, please?---I recall that he will ask me, "What are the requirement?" I prepared a letter with the list of companies, stating that he agree and understand that - - -

45 What did you say these forms were for? That's what I'm getting at, Mr Yong. What did you say these forms were for?---To support me.

Getting a bit closer, yes, support you how?---To vote - to support me to vote.

5 Don't answer me with a question. I'm asking you to give an honest - I want you to give honest evidence as to what you told him these forms were for?---I told him that he sign up the form to nominate two people in order to vote.

COMMISSIONER: Before it goes any further, Mr Urquhart.

10 Mr Yong, I want you to listen to what I'm going to tell you now, and I'm doing this out of fairness to you, okay? Mr Takemori gave his evidence via video link and so for that reason alone, his evidence is very memorable to me. He was also questioned quite closely by counsel at that hearing and I paid particular attention to his evidence, and so I have a good recollection of it. So please bear that in mind when Mr Urquhart is asking you questions about Mr Takemori's evidence, about
15 what you said to Mr Takemori, okay, because I know what he said. It's very clear to me and this is where your honesty and accuracy is important?---Yes.

Mr Urquhart.

20 MR URQUHART: Thank you, sir.

Just to help you a bit here, Mr Yong, am I right in saying that Mr Takemori didn't select any of the 16 nominees that ended up signing these forms, did he? He didn't end up selecting any of them?---What do you mean by select? He need to sign at
25 the bottom.

He didn't select them. He didn't say to you, "I want him, him" - - -?---No.

30 You selected them, didn't you?---I selected the nominees.

Yes, and you selected those nominees after he had signed all these eight forms, didn't you?---That's right.

35 And you didn't tell him any of the names of the nominees you were going to get?---I didn't tell him, which I should.

40 In answer to some of my, or one of my questions before the Commissioner gave you that very helpful advice, you said to me that you did not give Mr Takemori the full explanation?---I did not.

No, okay. So therefore I want you to tell us, please, what was the explanation you gave to him ?---My recollection that I was approaching him to seek for his support and he willingly signed it.

45 You were asking him for his support? You didn't specify it was to do with voting support, did you? You didn't, did you?---I didn't say "voting support", I said, "The forms are there."

You said words to the effect of, "These forms are to do with an assessment or performance of you as a City of Perth Councillor"?---No. Why should I say that? It's very clear on the nomination form.

5

That might well be so, Mr Yong, but that's the not full explanation that you gave, wasn't it?---That was not my explanation to him as assessment. How can it be assessment?

10 It's like drawing teeth but we have extracted from you that you did not give him the full explanation, that you did not mention it was to do with voting. So I'm going to suggest you said words to the effect, "This is to do with a Performance Review" of yourself as a City of Perth Councillor?---No.

15 You see, you did not explain fully to him what these nomination forms were for, did you?---Not fully explained, but definitely not about performance of my duties at City of Perth.

20 No, but you did not say to him that these were forms that "would entitle me to select two people to vote on behalf of each and every one of the companies that you're a director of", you never said that to him, did you?---I didn't say that but I got - - -

25 You never said that to him, did you?---I did not.

And an explanation, a proper explanation for these forms would require you to give that explanation, wouldn't it?---Yes.

30 And you had to come up with a different explanation or an explanation that wasn't very clear because you knew Mr Takemori would not have signed these forms if he knew what they really were for, you knew that, didn't you?---Yes, but if he have any question, I can explain to him on a different and separate occasion.

35 So at least you're giving consistent evidence with the evidence given by Mr Takemori at the Inquiry and I will just read you out what he said to the Inquiry. He has said that you told him it was to do with an assessment or Performance Review of you as a City of Perth Councillor, okay? That is what he said?---M'mm.

40 I want to read to you a passage and listen to this carefully. Sir, it's at page 66 from 26 June 2019 regarding the private examination of Mr Takemori. He was asked this:

45 *If you had known that by signing the document you were giving someone a voting right to vote in elections on behalf of Osaka, would you have signed the document?---I never signed.*

Sorry? You would not have signed the document?---If I knew this

document is as a nominee of the voting right - - -

He was asked:

5 *Then you would not have signed?---No.*

*Why would you not have signed if you knew it was for voting
rights?---Firstly, I don't know a company has a right to nominate
10 voting rights to third party person and my policy is, no like to be
involved in political matters in Australia. So if I knew the clear
objective, purpose of the document, I never sign.*

By your own admission, Mr Yong, you have said that you did not give him a full
15 explanation?---Yes, I did not give him a full explanation

[4.45 pm]

20 So isn't the fact that Mr Takemori's version of the conversations he had with you
back in March of 2016 correct?---That's correct.

 His version is correct, isn't it?---Because I didn't give him a full explanation. If he
had any further question, I would have explained to him to the full extent.

25 But you deliberately did not give him a full explanation because you knew that if
you did, he would not have signed those forms?---No.

 Because he's not interested in politics in Australia?---No, he explain and tell me
that he fully support and signing it willingly.

30 He only signed it willingly because of the reason you gave him as to what these
forms were for?---I did not mention about assessment of me as a Councillor or, the
form is actually not the case. It's clearly stated on the first page.

35 You did not clearly explain to him that these forms were for you to get two people
to vote on behalf of the eight companies that he was a Director for, that much is
right, isn't it?---Yes.

40 Why didn't you do that?---It was meant to get his support and if he doesn't
understand, he shouldn't have signed it but I should have explained clearly - - -

 I know that. I'm going to stop you now because you're not answering the question.
Why didn't you do that?---Why I didn't do that?

45 Don't repeat my question. We have now heard it three times, just answer
it?---Simple answer I can think of is to get his signature to support.

 That's right, all you wanted was his signature on these forms?---Support. I never,

never have explained to him that it was for my personal assessment at the City of Perth. I have never done that.

5 But, Mr Yong, you didn't explain that it was for the purpose of two people voting for each one of his companies that he was a director of, you've said that already?---I explained that - - -

And Mr Takemori has said that?---Not complete said an explanation to him.

10 And the reason why it wasn't complete is because you did not want him to say to you, "I do not want to get involved in Local Government politics"?---During the conversation he never mentioned about, he didn't want to get involved in local politics.

15 No, because you told him this was just to do with an assessment of you as a City of Perth Councillor?---No, I did not say that.

20 But you didn't tell him what the real purpose of these forms was, did you?---Not to his full understanding. He's coming as a Japanese background, I should have sit down and bring him to the Governance Officer and let him explain.

So why didn't you?---He is a director of a - it's a listed company.

25 I know that?---I would have assumed that he have understanding what he's signing.

Why didn't you explain it to him though?---I did.

30 What did say to him? What did you say to him if you didn't say to him, "These are forms that will allow me to nominate two people to vote on behalf of each of your eight companies"?---I told him that, "Will you support by signing the form? You are supporting - you are signing up in the City of Perth", so is - - -

Signing up the forms to support you?---Signing up form in support.

35 Yes, without mentioning what the forms were actually for?---I did not - yes, but I did not say it was for my personal assessment.

40 You didn't say to him what the forms were for, did you?---Yes. I just assumed that he read the top part of the nomination form and I explain, "Will you support by signing your signature."

Yes. So why didn't you bother to explain to him what the forms were for?---Because I - - -

45 You see, how did it all come about? You meet him for coffee, you've got eight forms with you, did you just produce those forms there and then when you met him for coffee or had it been pre-arranged that you would ask him to sign these

forms? I've got a feeling, Mr Yong, correct me if I'm wrong, that you should put these forms in front of him at this coffee, didn't you?---I brought the form along and met him at a cafe.

5 And you had already completed out a number of details on these forms, hadn't you?---Yes.

And then you just said to him, without any forewarning, "Look, can you sign these forms as support for me as a City of Perth Councillor", isn't that what you
10 did?---Yes.

Yes, all right?---Because I would assume that he will sign it willingly, with his support.

15 If you said to him, "I want you to sign these forms, they are a support for me", then you were hoping he would just sign them?---Yes. I show him, he flipped through and he read through and he signed it.

And no mention by you whatsoever that these were nomination forms for his
20 companies, isn't that right?---It would have been right.

And you deliberately - - -?---Yes.

COMMISSIONER: Mr Yong, by having him sign these forms in that way without
25 explaining the true purpose of the forms, do you think that you had him sign the forms under a false pretense?---Yes, but I never intended - - -

And do you think that he might have simply signed the forms on your request
30 because he thought you were a man of integrity? Did that occur to you?---Yes, I thought he's a close friend, I can seek his support and we have a mutual understanding with his friendship and his support.

A close friend surely would have deserved an explanation in this case, wouldn't
35 he?---Yes.

Mr Urquhart, I propose to adjourn now.

MR URQUHART: Thank you, sir.

40 COMMISSIONER: I think Mr Yong has been in the witness box long enough today. What time are you keen to resume tomorrow?

MR URQUHART: Could we resume at 9.30, provided it's convenient for
45 everyone, sir. It would certainly be my preference.

COMMISSIONER: Yes, I will just check. Ms Stanton, is that convenient for
you?

MS STANTON: Yes, Commissioner.

COMMISSIONER: Mr Skinner?

5

MR SKINNER: Certainly, sir.

COMMISSIONER: Thank you. In that case, I will adjourn the Inquiry to 9.30 am tomorrow.

10

MR URQUHART: Thank you, sir

WITNESS WITHDREW

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**AT 4.54 PM THE MATTER WAS ADJOURNED
UNTIL WEDNESDAY, 7 AUGUST 2019**

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