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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION TOLOSA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 28 APRIL, 2022

AT 10.00AM

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This transcript has been prepared in accordance with conventions used in the Supreme Court.

THE COMMISSIONER: Mr Darams, I understand the witness Ms Li is running late but has arrived but has to have the standard tests and so on, COVID tests done, so it might take a little time for that to be done.

MR DARAMS: It will, Chief Commissioner, unfortunately. I'm informed Ms Li has only just arrived, after 10 o'clock and - - -

THE COMMISSIONER: All right. Well, I'll stand her down. Perhaps, well, you can let me know when we're ready to proceed.

10

MR DARAMS: We will do that. I suspect it's at least 15 minutes, given the testing procedure.

THE COMMISSIONER: All right. Okay. All right. Well, apologies to others who are here but, unfortunately, the witness is late. We'll resume shortly after the requisite tests have been completed. The estimate is that it might take about 15 minutes?

MR DARAMS: Yes, Chief Commissioner.

20

THE COMMISSIONER: Very well. Nothing else to deal with at the moment?

MR DARAMS: Nothing at this stage.

THE COMMISSIONER: I'll adjourn.

**SHORT ADJOURNMENT**

**[10.13am]**

30

THE COMMISSIONER: Ready to proceed, Mr Darams?

MR DARAMS: We are, Chief Commissioner.

THE COMMISSIONER: I'll have the affirmation administered. Would you stand, please?

MR DARAMS: Now, Ms Li, yesterday afternoon I asked you whether you knew who Kevin Ji was. Do you remember that?---I don't know him.

You don't know Mr Ji. Now, could the witness be shown volume 6.8, page 73? Now, I'll just draw your attention, Ms Li, to the last message on the page where you send – sorry –which you send to Mr Chidiac. “Kevin Ji will contact you for ticket.” Do you see that message?---Yes.

Can you tell us how you might have been provided with the name Mr Kevin Ji?---Must be someone told me.

In terms of the person who told you, would that be Chun?---Should be.

When you say “should be”, do you mean to say yes, it's likely to be Chun? ---Possibly, yes.

20 Would there be anyone else who might have provided you Mr Ji's name? ---Reception.

When you say reception, do you mean your reception or the reception of I-Prosperity?---I-Prosperity.

Whoever provided you the name of Mr Ji, it was someone from I-Prosperity?---Yeah.

30 Now, you asked Mr Chidiac to provide you a copy of his visa and Mr Tsirekas' visa, didn't you, in relation to this travel in August 2016?---I can't remember.

Could the witness be shown volume 6.8, page 78? I'll just draw your attention to the message in the middle of the page from you to Mr Chidiac where you say, “Send me your visa.” Do you see that?---Yes.

Does this assist you with your memory?---No.

40 No. The next message down, “And both your name.” Do you see that? ---Yes.

Do you remember whether or not Mr Chidiac did send you the visas?---I can't remember.

Could the witness be shown volume 1.2, page 88? Do you see, Ms Li, this is an email from Mr Chidiac on 22 July, 2016?---Yes.

I take it you don't remember receiving this email?---No.

10 Could the witness – sorry. It appears that on this email there are a number of attachments. Do you see that?---Yes.

Could the witness be shown the next page, please? Now, do you recognise that document?---What do you mean? I see this document.

Have you seen this before?---I can't remember.

Can't remember. It appears to be a copy of Mr Chidiac's visa. Do you agree with me?---Yeah, it is a visa.

20 Perhaps the witness can be shown the next page. Now, have you seen a copy of this picture before?---Maybe.

Maybe. When you say "maybe", can you tell us what you mean by that? ---Possibly.

Possibly. Is that because Mr Chidiac has provided you a copy of his visa previously, sorry, a copy of his passport previously?---I can't remember. I can't remember.

30 Could the witness be shown the next page, please? Have you seen this picture before?---I can't remember.

Do you remember whether Mr – sorry. Do you remember whether you had been provided with a copy or a photo of a page of Mr Tsirekas' visa, sorry, passport before?---That's in the email, right?

Yes. But before this email.---I can't remember.

MS KING: Commissioner - - -

40

THE COMMISSIONER: Could you use the microphone, please?

MS KING: This is something in the nature of an objection or a query. Are these details being redacted in the live stream? Because this is quite clearly all of Mr Tsirekas' personal details and it would be preferable if they weren't made available to the world at large.

MR DARAMS: Chief Commissioner, I'm informed that this information isn't being live-streamed so it's not available outside, and to the extent that there is a tender of material, we will ensure that this type of information is redacted before it's tendered.

THE COMMISSIONER: But the proceedings are being live-streamed to - - -

MR DARAMS: But not these exhibits. That's correct.

THE COMMISSIONER: I'm sorry? Not the exhibits?

MR DARAMS: Not the exhibits.

THE COMMISSIONER: Right. So you're telling me that what's on the screen for the moment, being a passport concerning Mr Tsirekas, is not being published outside this Commission and wherever counsel may be who have leave to appear, they would also have access to the screen. Is that right?

MR DARAMS: That's what I'm being told.

THE COMMISSIONER: But apart from those two forms of publication, that is here and at the remote locations of counsel or legal practitioners, it's not otherwise subject to publication?

MR DARAMS: Yes, that's my understanding.

THE COMMISSIONER: All right. Well, you might just have your understanding confirmed?

MR DARAMS: My understanding confirmed. That's right.

THE COMMISSIONER: All right. Well - - -

MS AVERY-WILLIAMS: Commissioner, I'm sorry to interrupt. It's Ms Avery-Williams here. I'm appearing remotely by web link.

THE COMMISSIONER: Yes.

MS AVERY-WILLIAMS: I can't see the documents that are being projected in the courtroom.

10 THE COMMISSIONER: I see. Well, that needs to be corrected if counsel are unable to see the documents that are coming up on the screen, Mr Darams. So coming back to - - -

MS KING: Yes.

THE COMMISSIONER: - - - the first matter raised. It seems that there is no actual publication of any kind going outside the Commission at the moment, from what I'm being told.

20 MS KING: Thank you, Chief Commissioner.

THE COMMISSIONER: But thank you for raising it.

MS KING: Yes. Yes.

THE COMMISSIONER: I understand the concern that such data should not be in the public domain.

MS KING: Yes.

30 THE COMMISSIONER: And we'll make sure that the position's checked to ensure that that is the case.

MS KING: Yes. Thank you, Commissioner.

THE COMMISSIONER: Thank you. Well, I think for the moment, you intend to pursue matters concerning other exhibits with this witness?

40 MR DARAMS: That's correct and I can do it without showing this, well, I probably need just for this witness to confirm it.

THE COMMISSIONER: All right.

MR DARAMS: So I'm being informed now, Chief Commissioner, that at least in respect of counsel, including Ms Avery-Williams, who are viewing, they should now be able to view the exhibits that are being shown, so I might ask Ms Avery-Williams whether she can confirm that that is the case?

MS AVERY-WILLIAMS: I can now see the exhibit. Thank you very much.

10 MR DARAMS: So, Chief Commissioner, in terms of - - -

THE COMMISSIONER: I'm sorry. I just didn't catch that. There's confirmation that - - -

MR DARAMS: She has confirmed that, so in relation to counsel who have been granted permission to represent witnesses and who are appearing remotely, they can now see any exhibit that is being shown to - - -

20 THE COMMISSIONER: Well, that's important that that's been confirmed.

MR DARAMS: Yes.

THE COMMISSIONER: And I understand from what you've said that you do have some confirmation that these exhibits are not going out in the live streaming beyond the scope of this Commission and counsel with leave?

MR DARAMS: That's correct.

30 THE COMMISSIONER: All right. Well, then I'll proceed on that basis. But I would ask that the matter be confirmed. I appreciate there's somebody here from the Communications Department of the Commission.

MR DARAMS: Yes.

THE COMMISSIONER: But the position should be subsequently confirmed by those who are in charge of the Communications Division.

MR DARAMS: We will do that, Chief Commissioner.

40 MS KING: Perhaps, Chief Commissioner, it might be appropriate that when we're coming to this obviously personal information that it's noted for

the benefit of the transcript that the confidential material being put before the Commission be recorded so that it's clear that it isn't then available to people who are viewing on the internet. And it also then would give me comfort that the Commission staff who are responsible for live streaming also are aware.

THE COMMISSIONER: All right. Thank you. Look, these matters are important. We're dealing with material that should be treated as confidential and remain confidential until further order or unless until  
10 further order of the Commission. Because of the importance of this issue of personal private information that should be confidential, I'm going to adjourn so that, Mr Darams, you can speak to those who are responsible in the Commission to be able to give an absolute assurance that anything that comes up on the screen is limited in the way we've been discussing and does not go out into the public realm.

MR DARAMS: Yes. Chief Commissioner.

THE COMMISSIONER: So it shouldn't take too long - - -  
20

MR DARAMS: It shouldn't.

THE COMMISSIONER: - - - but I think it's, as I say, important enough so that everyone feels comfortable that the processes we say are in place are, in fact, operating as they're intended.

MR DARAMS: May it please, Chief Commissioner.

THE COMMISSIONER: Right. Well, I'll adjourn for a short time so that  
30 that can be checked on. I'll adjourn.

#### **SHORT ADJOURNMENT**

**[10.45am]**

THE COMMISSIONER: I just wish to address, before we proceed any further, the question of the position concerning documents that are deployed during the course of the hearing and documents or records that may be tendered and become exhibits, I can confirm, subsequent to inquiry that I  
40 have made this morning, the following three matters are relevant. Firstly, the documents that are deployed during the course of the hearing and shown

on the screen are limited to those present in the hearing room who can see the documents when on the screen and, I am told, by counsel at remote locations. There was a temporary delay in counsel in remote locations this morning obtaining access to these documents when on the screen. That's been remedied and I understand counsel now do have access to, that is to say that the documents will appear on the screens in remote locations of counsel who have been granted leave to appear in this public inquiry.

10 There are cameras in the public waiting area of the Commission. I have taken steps to have those cameras closed. There has been no-one in the waiting area of the Commission this morning but I think in more abundant precaution I have directed that the cameras operating in the public waiting area of the Commission be closed down.

20 Thirdly, that when records or documents are tendered and become exhibits, the process is that the exhibits or documents are firstly checked for redactions to ensure that all appropriate redactions are made before the documents or records that become exhibits are available on the public website. I do note that by way of further precaution I have made an order under section 112 of the Independent Commission Against Corruption Act at the outset of this public inquiry which ensures that any personal information and other information, as I described in the order I made, is covered by a prohibition of publication by that section 112 order, and I note that it is an offence for any publication to take place contrary to that order. I am satisfied that the present position is that the confidentiality of personal information that triggered this inquiry this morning has been addressed, that the documents are properly secured and that the personal information, data are not available to, and cannot be seen by members of the public through the live-streaming process. All right. Thank you.

30 MR DARAMS: Thank you, Chief Commissioner. Can the witness be shown volume 1.2, page 92, please? So, Ms Li, this is an email from you to Chun Zhou on 26 July, 2016. Do you see that?---Yes.

Could the witness be shown the next page? And the next page, and the next page. Now, Ms Li, you accept that what appears to have happened is that you receive these photos of Mr Chidiac and Mr Tsirekas' passports and you then sent those to Mr Zhou?---That's right.

40 Can you tell us why you sent those to Mr Zhou, what was the purpose?---To apply the visa.

Were you aware of any other reason why Mr Zhou would be provided with copies of or photographs of Mr Chidiac and Mr Tsirekas' passports in addition to arranging a visa?---No.

Can you tell me why you decided to provide them to Mr Zhou? By that I mean did someone tell you previously that you should provide this information to Mr Zhou if Mr Tsirekas and Mr Chidiac wanted to travel to China?---I can't remember.

10

If someone had told you something to that effect, it would most likely be someone from I-Prosperty or on behalf of I-Prosperty, wouldn't it?---Yeah.

Is that because you understood, from January 2016, that if Mr Chidiac or Mr Tsirekas wanted to travel to China and they wanted some assistance with that travel that could be arranged through I-Prosperty, is that right?---I don't know.

20 You don't know. So talking about August 2016, did you travel to China and meet up with Mr Chidiac and Mr Tsirekas?---I can't remember.

Could the witness be shown volume 6.8, page 82? I just want to draw your attention, Ms Li, to the message at the top of the page. Again, these are messages between you and Mr Chidiac. Do you see the date there, 1 August, 2016?---Yes.

You send a message to Mr Chidiac, "Safe trip. See you tomorrow." See that?---Yes.

30 That suggests that you understood Mr Chidiac was taking a trip somewhere. Do you agree with that?---Should be.

And you understood, sorry, and you would be meeting or catching up with him the following day?---Possible.

When you say "possible" do you say that there's another interpretation of that email?---I can't remember now but looks from this text message at that time, looks so.

40 When you say it "looks so" it looks like you're arranging to catch up with Mr Chidiac wherever he's travelling to?---Possible.

Now, could the witness be shown volume 1.2, page 99? Now, Ms Li, this appears to be a reimbursement claim form on behalf of Mr Fan. Do you see that?---Yes.

Do you recall seeing a similar type of document – sorry. The question was do you remember I showed you a similar type of document in relation to January 2016 trip?---Yesterday?

10 Yes.---Yeah, I saw that one.

So I'm just going to ask you a question. You didn't travel to Shanghai and meet up with Mr Tsirekas and Mr Chidiac in June 2016, did you?---I never travel with them.

Sorry? You never?---I never travel with them.

Did you travel to Shanghai in June 2016 and while you were in Shanghai in June 2016 catch up with Mr Tsirekas and Mr Chidiac?---I can't remember if  
20 I travel in June 2016, but I normally travel to China. I got my own business.

I understand that. Now, excuse me. I just want to draw your attention to the description on this claim form. Excuse me. You see the first one, lunch with Angelo, Joseph, Lu Shan Wa. Do you recognise that person?---It's a supplier for carpet.

When you say "supplier for carpet" is that someone who supply carpet to I-Prosperty?---No. Supply to my construction company.

30 To your construction company?---That's right.

Can you assist us with a person, is it Jinan?---No idea.

You don't know who that is. Do you recognise the name Harry? Is that Harry Huang?---Yes.

And Chun is Chun Zhou?---Yeah.

So this suggests that there was a lunch with you, Mr Huang, Chun, Mr  
40 Chidiac and Mr Tsirekas. Do you agree with that?---Yes.

Do you remember this lunch now with you, what did you say, carpet supplier?---Yes.

Did you pay for that lunch?---No.

It appears that I-Prosperity or Mr Fan, from I-Prosperity, paid for the lunch. Does that accord with your recollection?---If it's right here, then they should paid.

10 Yeah. Now, the last description is lunch with Jay's friend Lee and Chun. Is it the case that you had another lunch with at least Chun?---No.

You didn't. When you say "no" are you saying you don't remember now or you actually remember and there was no lunch?---I can't remember.

You can't remember?---And that's not my name, either.

Right. So it's a different person. It's not Ms Li?---It's not me.

20 I see.---The name is not my name.

Now, could the witness be shown volume 6.3, page 237? Sorry, I apologise. Can we start at page 236. Now, here are some exchange of messages between you and Mr Chidiac, Ms Li, and to orient yourself the texts in the green balloon are from Mr Chidiac, the text in the blue balloon is from you, so when we're going through these messages you understand who is sending the message and who is otherwise receiving the message, okay, Ms Li?--- Yep.

30 Now, do you remember travelling to Shanghai in November 2017?---I can't remember.

You can't remember travelling to Shanghai?---I do go home every year. I can't remember the dates.

When you say you go home every year, do you mean to say you go home once a year or you go home several times a year?---Once a year normally.

Once a - - -?---Yeah.

40

So it appears, so if you look at the first balloon Mr Chidiac says to you, “When do you arrive in Shanghai?” Can you see that, the first green balloon?---Yeah.

You respond, “24 November.”---Yeah.

Then the third green balloon Mr Chidiac says, “We depart Shanghai on the 27<sup>th</sup> at 8.05pm.” Did you understand that to mean that Mr Chidiac and Mr Tsirekas were going to be in Shanghai at the same time you were going to be there?---No.

You didn’t understand that?---You’re saying I will be the same time when they are there at that time?

Yes.---I don’t know because I might go back to my home.

All right. Well, Mr Chidiac has asked you, “When do you arrive in Shanghai?”---Mmm.

20 That’s correct?---Yes.

You tell him 24 November.---Yes.

So you’re going to be in Shanghai at least on 24 November?---Yes.

Mr Chidiac says, “We depart Shanghai on 27 November.”---Yes.

So you’re going to be there with Mr Chidiac and I’m going to suggest to you at least Mr Tsirekas as well at least on 24 November, 2017.---I can’t remember. If, if we meet, we meet.

30 So when you say you can’t remember if you meet - - -?---Because Shanghai is not my home town. I probably just go back.

If Shanghai is not your home town, what reasons were you going to Shanghai for?---There is no straight flight. You have to stop in Shanghai.

Yes. Was one of the reasons why you were travelling to Shanghai was to also meet with Mr Tsirekas and Mr Chidiac when they were in Shanghai? ---There is no reason. Just no flight. No straight flight. You have to stop there.

So then I'll draw your attention to the blue balloon at the bottom of the page. You ask Mr Chidiac when he's leaving for Shanghai. See that?  
---Ah hmm.

If we can go over to the next page. You then say, ask arriving time.  
Mr Chidiac says, "22 November at 6.30pm Qantas Terminal 1."---Ah hmm.

10 Then you respond, "Okay." Then you say, send a message, "I get organised to pick up." What did you mean by that? Did you mean that you were going to make arrangements to pick them up?---Yeah, the drivers.

So who were the drivers you were arranging to pick them up?---Just whoever working in Shanghai drive the cars.

Did you go to Chun to arrange the drivers or did you - - -?---Normally yes.

20 Yeah. So this is another example of where Mr Chidiac and Mr Tsirekas are travelling to Shanghai. You go to Chun to arrange on this occasion for a driver to pick them up.---Yep.

Then Mr Chidiac in the green message says to you, "Hi, Belinda. How could we book The Langham hotel?" Do you see that?---Yep.

30 If you go to the next page, please. You respond, "Yes, can you send me full name?" Mr Chidiac then responds, "Just for me and Angelo." You respond, "Yes, passport, full name." Mr Chidiac's response, "Okay." Then you say, "I book it tomorrow." Did you actually book the hotel at The Langham for Mr Chidiac and Mr Tsirekas?---No.

Is this another example of where you would have passed this onto Chun to arrange?---Yeah. That's the procedure, yeah.

Yeah. So what we have is Mr Chidiac coming to you to ask for your assistance in arranging, or informing you that he's going to be travelling to Shanghai, that's correct?---Ah hmm.

40 Mr Chidiac's asking you how can he book a hotel for he and Mr Tsirekas, that's right?---Ah hmm.

You say, "Give me the relevant details," then you go Mr Zhou, ask him to make the relevant bookings?---Yeah.

Now, if the witness can be shown page 239. This conversation continues, that is the text conversation, then the second-last blue balloon, you say to Mr Chidiac, "Send you booking information tonight." Do you see that? ---Ah hmm.

10 Then you say, "Will have Harry there when you arrive and I back on 24<sup>th</sup>." See that message?---Ah hmm.

The Harry is Harry Huang?---Ah hmm.

You're telling Mr Chidiac that you will arrange to have Mr Huang present in Shanghai, that's right?---Not arrange. If he is there, I just tell he will be there.

20 Sorry, say that again?---Not arrange. If Harry is there I just tell there is a Chinese person there.

Sorry, I didn't quite follow that answer.---I'm not arranging Harry there. If Harry in Shanghai, then I am just telling him there is a person there, Chinese people there, can speak Chinese.

Sorry, you're saying if Harry is present in Shanghai you're just letting Mr Chidiac know that there's someone there who can speak Chinese?---That's right. Someone he know.

30 Someone he know.---Yep.

You're not arranging a meeting between at least Mr Chidiac, but I'll suggest also Mr Tsirekas and Mr Chidiac as well, with Mr Huang?---What's the meeting for?

Well, to discuss the development that Mr Huang, you had - - -?---You think too much. No, not.

So are you denying - - -?---I'm denying. No, no, no.

No. So, are you suggesting that if you caught up with Mr Chidiac and Mr Tsirekas, and Mr Huang caught up with them, that they wouldn't be talking about the Rhodes development?---No.

Not talking about the Rhodes development?---No. If myself, not.

If we go to the next page, just at the top, the message from you. You tell Mr Chidiac that Chun, being Mr Zhou, will organise to pick him and Mr Tsirekas up from the airport.---Yep.

10

Now, if we go to – can I ask the witness be shown volume 6.8, page 246? Ms Li, this is an extract from a WeChat conversation between you and Mr Chidiac, that's right?---Ah hmm.

The date of this exchange is 26 October, 2017. Do you see that?---Ah hmm.

And if we go over the page there are a number of other messages you sent on the WeChat to Mr Chidiac. Do you see that?---Ah hmm.

20 What I'm suggesting to you is that you're forwarding on booking reservations at The Langham hotel. Do you remember that?---No.

Could the witness be shown the next page, please? Do you see there appears to be a reservation for The Langham in Shanghai in the name of Mr Joseph Chidiac?---Yep.

So if we go to the next page, please. I'll just draw your attention to the booking date there of 25 October, 2017. Do you see that?---Yep.

30 Do you see the check-in date, 22 November, 2017? Do you see that?---Yep.

Check-out date, 27 November, 2017. If the witness can be shown the next page, sorry, page 251. See this is a reservation for Mr Tsirekas?---Ah hmm.

At The Langham in Shanghai.---Yep.

Go to page 252, please. Again, you can see the booking date, 25 October, 2017, Ms Li?---Yes.

40 Same check-in and same check-out as Mr Chidiac's reservation.---Ah hmm.

Do you see that?---Ah hmm.

These reservations were made by Chun, is that right?---I can't remember. Maybe.

Who else would have made them if it wasn't Chun?---Someone related to them, I don't know.

10 When you say someone related to them, you mean someone associated with I-Prosperity?---I don't know if they associate or not but sometime there is another guy is make the booking there as well but I don't know. I don't know if they are, belongs to I-Prosperity or not.

Who is this other guy?---I can't remember the name. It's Chinese, in Shanghai, based in Shanghai.

Is this another person that you contacted to arrange bookings on behalf of Mr Chidiac or Tsirekas?---What do you mean? I, I, I book for, what? Sorry, what do you mean?

20

You're referring to some other – asked you whether Mr Zhou arranged this hotel booking for Mr Tsirekas and Mr Chidiac - - -?---I normally pass to him. Sometimes he asks me to pass to someone else but I don't know them.

Right. So if you passed the information on to make a booking, for example, to a hotel to – you would normally pass it onto Chun?---I normally did.

He might ask you to pass it onto someone else?---That's right.

30 You don't know on this occasion whether you did pass it onto someone else?---I can't remember.

No. Now, do you remember arranging things for – when I say things, like events and that for Mr Chidiac and Mr Tsirekas, when they were in China in November 2017?---No.

You don't remember that?---No.

40 Right. Now, could the witness be shown volume 6.3, page 266? Now, I just want to note here some time, Ms Li. You're sending these messages to Mr Chidiac on 17 November, 2017. Do you see that?---Ah hmm.

Just that top one.---Yep.

Now, the reference to “Confirm meet Gary on Tuesday afternoon,” is that Mr Sawyer?---Should be.

And Mr Chidiac responds, “Good. Well done. See that you responsible. Get VPA feasibility ready during weekend.” The VPA, is that voluntary planning agreement?---Yeah, that’s right.

10

For the Rhodes development?---Yes.

Now, if the witness could be shown the next page. I just want to draw this message to your attention in the top of the page. This is one when you say, “Joseph, I deal with Billbergia during the weekend for the rock anchor”? ---Mmm.

So you gave some evidence yesterday, I believe, about dealings with Billbergia. You referred to the rock anchor?---Yes.

20

So what I want to suggest to you, the issue with Billbergia about the rock anchor was in November 2017 and not that initial meeting I took you to in 2016?---Can’t remember.

You can’t remember. Now, could the witness be shown page 268, the next page? Now, the green message from Mr Chidiac says, “Just got to Shanghai Airport.” This is on 22 November, 2017. Do you see that?---Mmm.

You say, “Joe, when you arrive hotel, message me”?---Mmm.

30

Now, you then say, “Driver waiting outside hotel.” Is that because, you must have been told that by the driver or someone on behalf of the driver. Is that right?---Should be Chun.

Should be Chun telling you this information?---Or someone organise, local.

Sure.---I can’t remember exactly.

40 You then say this message. “Joseph, Harry organised the biggest room but might only be able to take four of your guys.” Now, when you say “Harry organised the biggest room” you’re referring to Harry Huang?---Yeah.

What were you referring to in terms of the biggest room?---The biggest one they can book in the hotel.

But what was the purpose of the room?---Because so many people.

Yes, but why was Mr Huang booking a room? Is it for dinner? Is it for drinks? Is it for something else?---I can't remember but I think biggest is, is for the purpose of the people because too many people.

10

Are you saying that you think this message is in relation to booking a hotel room for people to stay in?---I can't remember, either hotel or maybe have dinner or, 'cause it looks like it's just for getting enough space for people - - -

That's what I'm trying - - -?--- - - - "only be able to take four of your guys" so maybe room or maybe dinner room? Can't remember.

20 Well, it suggests that what you're telling Mr Chidiac is something is being arranged by Mr Huang but only four people of Mr Chidiac's group can attend?---Possibly.

Well - - -?---Can't remember.

You can't remember?---Mmm.

Well, then you say at the bottom, "Tomorrow organise club." When you say "club" what are you talking about?---Club.

30 A club. Is this something like the Linx or Linz nightclub?---Maybe?

Is there any other club that you would have been referring to?---I don't know.

Well, I'm asking you. Can you please help us with that?---I don't know. I, I'm not there. Don't know.

40 You did organise, well, you did go to a club in January 2016 with Mr Chidiac and Mr Tsirekas and others?---Mmm. Any others?

And other people?---Any other people?

Sorry. You did go to a club in January 2016 - - -?---Yeah.

- - - with Mr Tsirekas, Mr Chidiac and other people when you were in Shanghai for Mr Huang's wedding. Remember that?---Mmm. Yeah.

Someone took a photo of the champagne bottles?---Yeah, yeah, yeah. I remember.

10 You accepted that that was taken in the club where Mr Chidiac went and Mr Tsirekas went?---Aha.

Now, in relation to that club, you didn't book the table, did you?---No.

I-Prosperity booked the table, didn't they?---I don't know who booked.

You were there with Mr Huang and Mr Gu, is that right, and Mr Chidiac and Mr Tsirekas?---Harry's wedding?

20 Yes.---Yes. Yes.

Yes.---Mmm.

You didn't book the table. Did you pay for the table or pay for anything that night? You know who - - -?---No.

You know who did pay, don't you?---I don't know.

30 Well, who should pay?---Who should pay? Maybe Chun.

Yep, Chun on behalf of I-Prosperity.---I'm not sure if on behalf or pay back is personal.

You would think that Chun would personally pay the cost of the entertainment at the nightclub – sorry, at the club on Harry's wedding?  
---Possible.

40 Why would Chun pay for them personally?---Because sometime when we go karaoke he pay by himself. He - - -

Pay for everyone?---He, he, he has, I think he got some VIP or some investment there. I don't know. Maybe he got a big discount. Sometimes we go he, always he pay.

Sorry, wherever you go with Chun he'd always pay?---Yeah. When, when we going to Shanghai we go with him. Always he pay.

I see. So wherever Chun is at that, he pays?---He pays.

10 I see. Now, if the witness can be shown page 269. Mr Chidiac says to you this in the green balloon, "Can we leave it for next time?" You respond, "Yes, tomorrow." Mr Chidiac responds, "Yes." Now, then if the witness can be shown, please, page 271. You say, I just want to draw your attention to the blue balloon in the middle of the page, "Joseph, when you fly back Sydney?" Mr Chidiac responds, "29<sup>th</sup>." And he then asks you, "Are you in Shanghai yet?" And if we go to the next page. You say, "Just landed." To which Mr Chidiac asked you, "Which hotel are you staying?"---Ah hmm.

And you respond saying, "With you." And then you respond – sorry,  
20 Mr Chidiac responds, "What time are you checking in?"---Mmm.

So on this occasion on November 2017 you also stay at The Langham hotel with Mr Chidiac and Mr Tsirekas.---Ah hmm.

Is there a reason why you did that?---Because there is no train to go back to Nanjing by that time if it's PM.

Did you pay for the hotel at the Langham or did - - -?---You mean myself?

30 Yeah.---Of course.

Yes.---Pay by my company.

Sorry, say that again.---Pay by my company.

Now, if the witness could be shown page 273. Now, Mr Chidiac asks you, "Let me know if you have time to have a cup of coffee." You respond, "Yes. See you soon." Then you say, "Chun come to pick up us." So you've arranged for Mr Zhou to come and collect you and Mr Chidiac.  
40 ---Mmm, possible.

Well, when you say possible, that's the only interpretation of those text messages, isn't it?---Yeah.

You then say, "I'll message you later." Now, if I can ask you to be shown the next page. The middle of the page or the third balloon but the second blue balloon you say, "Do you want to meet tonight or we find time meet tomorrow?" Now, it's the case that you want to meet up with Mr Chidiac to talk about the Rhodes development, don't you?---No.

10 Why do you want to meet up with Mr Chidiac?---Just to say hi. If you got some foreigners in your country and you are in the same hotel if I meet you I will say hi. I always come to say hi.

So this is purely a social catch-up with Mr Chidiac?---Yeah. It's already 10 o'clock. Talking about Rhodes.

Sorry, say that again.---It's already 10 o'clock, nearly 11.00pm.

Sure.---Do you think I get off the plane and talk Rhodes?

20

Sure. But you're arranging to meet with him tomorrow as an alternative. ---Yeah. You have to say hi. You have to say hi.

Right.---You are in the same hotel.

Now, I asked you before whether you arranged any trips or travel for Mr Chidiac, and I'll include in that Mr Tsirekas, while you were in Shanghai on this occasion. Did you do that?---I can't remember this occasion.

30 Is that something though that you did from time to time, that is arrange travel or trips for Mr Chidiac and Mr Tsirekas when they were in Shanghai?---If they asked. If they ask. I won't keeping ask them "Are you going to Shanghai?" I'm not a travel agent.

Sorry, you're not a travel agent?---I'm not a travel agent and I'm not doing travel agent business to keeping ask people "Do you want to go to Shanghai."

Yeah.---Of course not.

40

Well, I was talking when they were in Shanghai, I was asking whether you arranged trips and travel for them whilst they were in Shanghai, things to do.---They, they sometimes go for their own purpose. What's the point I arrange for them?

Could the witness be shown page 276 of volume 6.3? So here we have an exchange between you and Mr Chidiac on 25 November.---Ah hmm.

10 You say, "Joseph. I am arranging a trip for you tomorrow. 11 pl", you mean people, "leave 8.00am, back after dinner." Do you remember where you were arranging the trip for them?---Joseph is just saying they got one or two days free, they want to go travel, visit surrounding area. So I just helping them to booking a tour guide who is English speaker.

Yeah. Now, Mr Chidiac says, "Look, there are only nine people." Can you see that? At the bottom he confirms nine people.---(NO AUDIBLE REPLY)

20 So if we go to the next page. He asks you where they're going. Do you see that?---Ah hmm.

Your response is – can you tell is what that place is?---The city next to Shanghai.

Right. So you organise a trip, a driver, English speaking tour guide. Do you remember whether it was a day-trip, that is go up and back in the day so that - - ?---It says one-day trip.

30 Yeah. But did they need to stay overnight or were they all coming back the same day?---I can't remember because I didn't, I'm not a tour guide.

You tell them in the bottom message, "Can everyone ready tomorrow 7.30am?" See that?---Ah hmm.

So, you wanted to make sure that they were all available to leave at that time?---Ah hmm.

40 Now, if the witness can be shown the next page. Then Mr Chidiac says, "8.00am will be good. We are all going out tonight." Then you respond, "Okay. Let me organise." Are you referring to organising the trip the next

day or are you referring to something that night for Mr Chidiac?---I can't remember.

Now, if the witness can be shown page 280. There's a message from Mr Chidiac on 26 November where he thanks you. He says, "Thank you, Belinda. We finished. Boys have a good time." Do you see that?---Ah hmm.

10 You respond, "Good." Then you say, "Joseph, Mike wants to organise football tomorrow." The reference to Mike, is that Michael Gu?---Ah hmm.

It is?---Yes.

Yes. Then a message down, Mr Chidiac says, "Not sure a good idea." You respond, "Let me know." Okay. Then you say, "Joseph, club tonight?" Do you see that?---Ah hmm.

20 If you go over to the next page. You say up in the next message, "Linx tonight. Will call you pick up." That suggests that you had arranged or you asked someone to arrange for Mr - - -?---I'm not, I'm not arranging.

No. So is this another example where you go to Chun and ask him to arrange?---It must be already arranged and then asked if they want to go or not.

So if it was already arranged, is this something that was arranged by either Mr Gu or Mr Huang or Mr Zhou?---I don't know who arranged, but it looks like it's already arranged and asked if they want to go or not.

30 Yes. Well, you know that whoever arranged it, Mr Huang and Mr Gu are going to be there.---Mmm, yep.

That was something that was important to tell Mr Chidiac?---It's important to let people know who you know will be there or they will feel like "I'm not going myself."

Right. Now, you had some problem remembering the club you went to in January 2016, the name of the club.---Ah hmm.

40 You're now referring to the Linx club here.---Ah hmm.

Do you remember whether it was the same club?---It should be.

Yeah. Now, go to page 282, please. The second blue balloon down, you say to Mr Chidiac, “Joseph, can we catch up 9.30 tonight. Michael, Harry and me come to your hotel.” Do you see that?---Ah hmm. Ah hmm.

Now, why are you arranging or wanting to arrange a meeting between Mr Chidiac and - - -?---I can’t remember.

10 Well, it’s obviously that you were trying to arrange somebody to talk about the Rhodes development, weren’t you?---I can’t remember.

Well, what other things would you be talking or discussing with Mr Chidiac with Mr Huang and Mr Gu?---A lot of things they can talk. I don’t know. I can’t remember this, this request. Life is not only about Rhodes. I, I can’t remember. If you can see anything else in the text message, just pick it up. I can’t remember.

Now down the bottom of the page you say, “Mike instant to go Linx.”  
20 What does that mean? Mike, Mr Gu, is going to Linx now?---I forgot.

Well, you’re telling - - -?---I don’t understand myself as well.

You’re informing Mr Chidiac that Mr Gu is going to Linx nightclub, aren’t you?---Mmm, can’t remember this message.

But doesn’t it appear to be that what you are doing is you’re informing Mr Chidiac that Mr Gu has gone or is going to the Linx nightclub? I know you say you don’t remember it, but is there any other interpretation we can put  
30 on that text message?---I don’t know.

Go to the next page, please. Mr Chidiac responds with a question mark and then you respond, “Do you want to go just with Angelo?”---Mmm.

See that? Angelo being Mr Tsirekas.---Ah hmm.

And Mr Chidiac’s response is “We can’t. We have to stay with group. Maybe later.” Your response is “Okay.”---Ah hmm.

Now, can you recall why you were asking Mr Chidiac whether he wanted to go just with Angelo to, well, suggest you catch up with Mr Gu at the nightclub?---Just polite. Ask if you are in Shanghai, do you want to go.

So just you so happened to be in Shanghai, Mr Gu so happens to be available, he just so happens to be going to the nightclub, would you just like to come to the nightclub? Is that what you're saying?---Yep.

I see. All of these being relatively happy coincidences, are they?

10 ---Coincidence?

Yeah.---No, I'm just polite. If the foreigner in Shanghai and I'm there, and the people they know is there, I just politely ask you do you want to come the dinner or do you want to come to have fun with us.

THE COMMISSIONER: Mr Darams, we haven't taken the morning tea adjournment. I wanted to just get through as much of this as we can before we do take a break. Perhaps it's appropriate to take a late morning tea adjournment and then forge on after that from midday to 1 o'clock.

20

MR DARAMS: Yes. Now - - -

THE COMMISSIONER: Is that - - -

MR DARAMS: That's appropriate.

THE COMMISSIONER: Yeah, all right. Well, I'll take a break. We'll resume at midday. I'll adjourn.

30

**SHORT ADJOURNMENT**

**[11.46am]**

THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: Ms Li, I want to move onto another point in time, March 2018. Do you remember travelling to China then?---I can't remember.

40 Could the witness be shown volume 6.4, page 71, please? These are the exchanges between you and Mr Chidiac again. Now, I'll draw your attention to the second green balloon. Mr Chidiac says, "Belinda, are you

able to get us a price at The Langham executive room from 15 March until the 19<sup>th</sup> for six people, please?" Send on 5 March, 2018. Do you remember Mr Chidiac doing this?---I can't remember.

You responded, "Okay." Now, do you remember getting a price as requested by Mr Chidiac?---I can't remember.

If you were to get a price for Mr Chidiac, would you have done that through Chun?---Chun or someone in local.

10

When you say someone local, someone in Shanghai?---In Shanghai.

Who would that other person be?---I can't remember his name.

Was he someone that Chun had told you to speak to, if Chun couldn't do it?---Mmm, I think so.

Yeah. So again, this is the scenario, if a request came from Mr Chidiac about booking things associated with travel to China, you would go to Chun, that's right?---Yep.

20

Chun would either arrange that or he would give you the name of some other person who could arrange that?---Yeah.

You didn't personally do it yourself?---No.

Could the witness be shown page 83? Now, I'll draw your attention to the green balloon.---Yep.

30 This is a message from Mr Chidiac on 9 March where he says to you, "Safe travels." Do you see that?---Ah hmm.

That suggests that he knows that you are travelling somewhere, that's right?---Ah hmm.

Now, you respond, "See you in China." Do you see that?---Ah hmm.

So you were also travelling to China and you were going to catch up with Mr Chidiac?---Looks like so.

That's the only interpretation you could put on those text messages, isn't it, Ms Li?---Ah hmm.

Now, can the witness be shown page 85? Then on 13 March you send a text in the second blue balloon, "You arrive tomorrow night or Thursday night?" Mr Chidiac responds, "Thursday." Then you respond, "Okay. Langham?" And he tells you, yes, that's where he's staying.---Ah hmm.

10 Then if I could show you the next page, page 86. You then say to him, "Okay. Who going to pick up? Have you arranged pickup?" And Mr Chidiac responds, "No." You then say "How many people?" Do you see that?---Ah hmm.

That's because you were asking him how many people you could arrange to pick up, that's right?---Ah hmm.

He tells you six. Again you query whether he needs a pick-up.---Ah hmm.

20 And if we go to the next page, Mr Chidiac says, "Only if no problem for you." And you respond "Okay. I will arrange." Now, again, in relation to arranging the pick-up for Mr Chidiac and those other persons, you went to Mr Zhou to arrange that, Chun?---Most likely.

Most likely. Now - - -?---Or the local guy.

The local guy.---Ah hmm.

30 Now, if we go to page 89, please. So these are exchanges between you and Mr Chidiac on 14 March, 2018. If I go to the second blue balloon you're sending a message to Mr Chidiac, "Tomorrow, go to gate 11." That's where you want Mr Chidiac and others to go and wait to be picked up, is that right?---Possibly.

Well, is there any other interpretation we can put on that?---I can't remember.

No. Then you say, "Here's the number if you can't find the person."---Ah hmm.

40 And Mr Chidiac responds "Okay, thanks." Do you see that?---Ah hmm.

Then Mr Chidiac tells you this, “Could we make sure no I-Prosperity marking on car from airport, please?” See that?---Ah hmm.

Do you know why he wanted you to make sure there was no I-Prosperity marking on the vehicle?---No idea.

Right. That suggests at least that Mr Chidiac was operating under the assumption that there was a possibility that whoever you arranged to pick  
10 him up at the airport would be from or on behalf of I-Prosperity. Do you agree with that?---Sorry? Can you say that again? If I arranged, then would be on behalf of I-Prosperity?

It suggests that Mr Chidiac was of the belief that if you were arranging transport for him from the airport in Shanghai that there was a real possibility that it could be someone from I-Prosperity because he’s telling you to make sure there’s no I-Prosperity marking on the vehicle. That’s right?---Mmm. Possible.

20 Yeah, because you had before this time arranged pick-ups from the airport for Mr Chidiac and people from I-Prosperity had picked him up. Is that right?---I’m not personally there so I don’t know who is coming and if come with I-Prosperity mark or not.

So you then respond, “Okay. I will check.” Do you remember whether you went back to Chun or someone else to check whether there would be I-Prosperity marking on the vehicle?---Maybe.

Well, if you were saying something like this to Mr Chidiac, we can assume  
30 that if you told him that you would do something, you actually then went and did it, didn’t you?---Yeah, if I say I personally, most likely, I would do.

Yeah. Now, do you remember travelling to Shanghai again in January 2019?---I can’t remember the date.

But you did travel to - - -?---You check my passport. If my passport shows, then it’s - - -

I’m just asking you whether you remember. So we’re getting - - -?---I  
40 normally go back once a year.

Once a year?---Mmm.

Okay. So if we go to volume 6.4, page 334. So it's a message from you to Mr Chidiac on 25 January, 2019. You ask him, "Are you in China?" You say, "I back Shanghai on first. Will you still be there?"---Mmm.

So, obviously, you knew before this that he was travelling to China?  
---Mmm.

10 To Shanghai, in particular?---Mmm. It, you mean me or - - -

Yeah. You knew before sending these messages to him that he was going to be travelling to China?---But you say he go particularly or I go particularly?

No. Before you sent these messages to Mr Chidiac, he had told you that he was going to be in China and you were just confirming when he was there. That's right?---Mmm.

20 That's right?---Possible from this message.

Well, that's the only interpretation you can put on that text message, isn't it?---Mmm.

So he tells you he's not yet there but will be there on the 30<sup>th</sup>, being 30 January. That's right?---I don't know if January. Possible.

30 Yeah. 'Cause your response is, "Okay, then. We can catch up Shanghai." You also say, "I will arrive 1 February and stay until 3 February." Mr Chidiac responds, "Okay. We leave on the 4<sup>th</sup>." And then if we go to the next page, page 335, Mr Chidiac says, "Do you think we can get picked up from the airport?" You respond to say, "I'm leaving on the 4<sup>th</sup>, as well, but from Nanjing." And Mr Chidiac again goes back, responds, "Hi, Belinda. How do we organise a day tour in Shanghai?" And you say, "Joseph, where do you want to go?" Next message, "I organise." See that?---Mmm.

Now, in terms of organising this travel or this trip when Mr Chidiac and others are in Shanghai, is this something you again went to Chun to arrange?---I can't remember.

40 You can't remember.---Mmm. Because I probably just get some tour guides because, I can't remember. I think I go one occasion. I just call the tour

guide straightaway because I don't know where they can go as well because they're very short, a very short trip it's not easy.

Yeah. Not easy to what, organise things?---Surrounding Shanghai you can organise one day trip but it's not all the cities surrounding Shanghai having some particular things you can visit, so sometime I just straightaway ask the tour guide.

Yes. Now - - -?---And they need a English speaker so not that easy.

10

So if we go to page, the next page, please. Just you're asking how many people.---Ah hmm.

Mr Chidiac responds. He then says, "Michael told me he might be in Shanghai." You respond, "Okay." And that you weren't sure whether Michael, being Mr Gu, was in Shanghai.---Ah hmm.

That's right?---Yeah.

20 Then Mr Chidiac questions Chun whether Chun's going to be in Shanghai. ---Ah hmm.

If we go over the page. You respond, "Chun is Australia now." You're telling him look, Chun's in Australia. He's not in Shanghai at this stage. ---Ah hmm.

So do we understand the next blue text message down, "Might be back after new year," to be a reference to Chun being back in Shanghai after the new year?---Not sure.

30

Not sure. Now, if we go to page 344. We're here in 1 February. You say to Mr Chidiac, "I just arrived today." And Mr Chidiac's response, "How long are you staying in Shanghai?" You tell him tonight only and that you're leaving tomorrow lunch. He then says, "I'll be downstairs in five minutes if you can wait. If not, let's catch up later today." There must have been a bit of time delay. You tell him you're already in Pudong now and that you'll catch up later. Do you see that?---Ah hmm.

40 Then if we go to page 346. A message, again this is you to Mr Chidiac, "Joseph, I might be back late. Are we able to catch up later in the hotel? I checked around for the karaoke. Chun said it's too close to

Christmas/Chinese New Year. Most of their contact already gone to their home town.” And Mr Chidiac then responds, “We’re back at the hotel.” And you continue on with the conversation. Then if we can go to the next page, please. You, the second bullet point, “Joseph, how about we catch up tomorrow? Breakfast together at say 8.00am.” Your next message, “Haven’t finished yet.” Then Mr Chidiac comes back, “Is tomorrow day trip confirmed?” And you tell him it is. Now, do you have any – reading these text messages it seems to be that you are, you and Mr Chidiac are keen to try and catch up while you’re in Shanghai. Can you assist us as to why  
10 you were trying to arrange this catch-up?---Why? Just if you know someone in China and they not speak Chinese and you are there, I normally do this. It doesn’t matter Joseph or you or someone else especially if I’m there.

Especially if you’re there. So, what, just arrange to meet up with him and help him out because you speak the language?---When it’s about language. Another thing is you know, you know them in Sydney. If I know you in Sydney, if you’re going to China and going to live in Shanghai where you don’t know anyone else, if you, if you call me or message me, of course I  
20 will come to see you.

Yes. Now, I want to change topics slightly. You gave some evidence yesterday regarding Mr Daintry.---Ah hmm.

You said that Mr Daintry was a town planner that you had used on projects before.---Ah hmm.

You had used him before you then used his services on the Rhodes development in relation to the design competition, that’s right?---Ah hmm.  
30

Then Mr Daintry was engaged again in relation to the Rhodes development after the planning proposal had been submitted to the State Government, is that right?---Yeah. Dispute, yes, dispute stage, yes.

Sorry, what stage?---After submission to the State Government.

Yes. You then engaged Mr Daintry again on the Rhodes development?  
---Yeah, yep.

40 Is that the time that the Rhodes development ceased using the services of Mr Furlong?---No. I am still using him.

You are still using – on the Rhodes development?---Yes.

Yeah. Now, Mr Daintry wasn't engaged in relation to the process within Canada Bay Council, is that right?---Submission, no.

No. Is there a reason why you decided not to use Mr Daintry for that part of the submission?---For the process?

10 Yeah, within the council, within Canada Bay Council.---Why? There is a reason. Because I think the two town planner specialise in different categories.

Right.---One is more about court, that's the reason, when we get some feedback from the state regarding to a rejection, we use Brett because he always on court, Land and Environment Court. It's a big push and it's, it's more strong. Sometimes council doesn't like the town planner too strong because they feel like they always have to go to court. So for me to using consultant, I have my own judgment how I put the peoples to work for the case, different cases.  
20

In relation to, before Mr Furlong was engaged, was it your intention to use Mr Daintry on the Rhodes development? You had him involved at the design competition stage. Were you intending to use him for, we'll call it, the council stage?---How can you say intention? If the people in the jury, then you intend to use them or - - -

Well, sorry, so Mr Daintry was engaged in relation to the Rhodes project because you had already had a relationship with him, you knew who he was, didn't you?---Yes.  
30

You had used him previously?---Yes.

When you had used him previously, were you, I'll say, satisfied with his skills? Did you think he was a good town planner?---Yes.

Was he a town planner who could also – did he have the skills to be able to assist on the Rhodes development during the stage it was before the council? He had those particular town planning skills, is that right?---Yeah, he has.  
40

Yeah. So what I'm asking you is that when you engage him at the design competition stage, at the time that you engaged him, did you think that after that stage he would also be engaged for the planning proposal through council? That's what you intended to do?---I actually thought about to have two town planner working at the same time, yes.

When did you think about that?---At the very beginning.

10 When you say the very beginning, when are we talking about the very beginning? Are we talking 2015, early 2015 or after the design competition or - - -?---Before submission, I think.

Before the submission to Canada Bay Council?---Yeah.

Right. You were thinking about having two town planners, one being Mr Daintry?---Mmm.

And who was the other town planner?---David Furlong.

20 Yeah. So had you worked with David Furlong before the Rhodes development?---Before, no. After, yes.

When you say "after" do you mean on other projects after the Rhodes development?---Yeah.

Okay. Let's not worry about that. I'm just going back to this - - -?  
---Before, no.

30 No. So you'd never used David Furlong before?---No.

So why are you thinking about using him? Is that because someone told you to use him?---He had his résumé to us, with the introduction of his background, and I think it's suitable as a strategic town planner during our planning stage with his background.

THE COMMISSIONER: What was it about his background that attracted you?---He work, he working for Canada Bay Council.

40 The fact that he had previously been - - -?---Yes.  
- - - with the council?---That's right.

Canada Bay Council that is?---Mmm?

The fact that he had previously been employed by Canada Bay Council - - -  
?---Yes.

- - - is one of the things that - - -?---That's right.

- - - influenced you to consider his engagement?---Yes. Yes.

10

MR DARAMS: Now, was it just simply his background, as the Chief Commissioner was asking, or was there anything else that attracted you, for want of a better description, to Mr Furlong, any skills?---I never use him before. I just look at his résumé. From my point of view, to having two town planner in place was more strategic, means more academic.

THE COMMISSIONER: Well, how did Mr Furlong's name come forward for you to consider?---I think that Joseph introduced.

20 Introduced by Joseph?---Yeah.

That's Mr Chidiac?---Yeah.

Okay.---Yeah.

MR DARAMS: What about any conversation you had with Mr Tsirekas about Mr Furlong?---No.

30 Let me just explore that a little bit. Are you saying you never had a conversation with Mr Tsirekas about Mr Furlong being engaged?---No.

You never had a conversation?---I don't think so.

Could the witness be shown volume 1.1, page 253? Now, Ms Li, can we assume that when you send an email to Mr Gu, Mr Huang, copied in to Mr Fan and Ms Zhou in March 2016 that what you're telling them in the email is the truth?---Yes.

40 Okay. So I want to just draw your attention to paragraph 2.---Mmm.

Just read that to yourself for the moment.---Mmm.

Now, do you remember this breakfast meeting with Mr Tsirekas?---Can't remember.

You don't remember. How many breakfast meetings did you have with Mr Tsirekas?---I can't remember.

Was it on more than one occasion?---I met him at Rhodes Autumn Festival. I think I just met him on street one day when he working in Rhodes.

10

Sorry? Who did you meet on the street?---Angelo. Maybe twice, maybe twice.

You only met Mr Tsirekas twice - - -?---Maybe twice.

Maybe twice?---Mmm.

That's the only time you say you've met Mr Tsirekas?---At Rhodes?

20 Yeah.---Yeah. Maybe twice.

Right. You've never picked him up from council offices?---No.

You're shaking your head.---No.

You've never attended the council office to pick up Mr Tsirekas in your car?---No.

No. Are you sure about that?---I'm sure about that.

30

It's something you would remember, isn't it?---I can't remember.

No, no, no, not can't remember. I asked you whether you were sure about whether you've ever picked up Mr Tsirekas from the council offices.---No.

You've never done that?---Never.

40 Because what I'm suggesting to you, if you had done that, then you would remember that. You would agree with me on that, if you've gone to the council office and picked him up.---I never pick him up.

Yeah. Now, just back to the email. Can you assist us with the first sentence where you say, "You had breakfast meeting with Angelo yesterday. Angelo suggested us to propose 35 storeys at this stage in case B1 comes to us by saying their land worth more money."---Ah hmm.

Can you just tell us what you were, what Mr Tsirekas did say to you and what this is all about?---I can't remember but it looks like from this one he's saying propose 35 storeys.

10 Well, what were you proposing at that stage to build?---46.

46. And what Mr Tsirekas was saying look, put your proposal in at something less, that is 35 storeys, otherwise you might have to pay more money for 1 Marquet Street?---Ah hmm.

That's what he's saying, isn't it?---Yes.

Yes. So you discuss the plan or the proposal, the development proposal with Mr Tsirekas at breakfast.---Ah hmm.

20

You say look, we're thinking about building 46 storeys.---Ah hmm.

He says, well, why don't you propose at this stage 35 because B1 who own Marquet Street they might come back to you and ask for more money for that site. Is that right?---Yeah.

That's really what that's all about, isn't it?---He want us to buy number 1.

30 Mr Tsirekas wanted you to buy number 1?---Yeah, because they had a council meeting before we purchase the site. They want to, whoever to purchase this option to buy the corner block in case for the isolation.

What - - -?---So that was the incentive in the meeting, council meeting minutes if we purchase more.

What he was, what he, Mr Tsirekas was saying to you look, you have to buy B1 or he wants you to buy, sorry, 1 Marquet Street?---Mmm.

40 But I suggest that you don't put in a plan for 46 storeys, put it in for something less because if you do put it in for 46 and B1 - - -?---Will be more expensive.

They'll ask you for more money.---Yep.

Yeah. Do you remember whether you, when I say you, I mean I-Prosperity Waterside Rhodes, whether you took on board that advice from Mr Tsirekas? When I say took on board, did you do what he suggested?---I can't remember. Need to check the planning we submitted. I think we did 46.

10 Now - - -?---I can't remember.

Then it says "Stephen will propose further uplifting by providing reason of support affordable housing on the other side of Rhodes Railway Station." Is that something that Mr Tsirekas discussed with you at the breakfast meeting?---I think it's different, it's not, it's not Angelo.

No.---No, it's the architect, coordinate a proposal.

20 Was the architect with you at this breakfast meeting?---I can't remember.

Do you remember whether anyone else was with you?---I can't remember this meeting, but from what I write it here, I think it's Stephen is just trying to see what's uplifting and what's the possibility to having affordable housing. That's satisfy the rules.

THE COMMISSIONER: Just to be clear about it, the Stephen being referred to is who?---Huh?

30 Who is Stephen?---Stephen is architect coordinator for the design competition.

What's his full name?---Stephen Brower.

Yep. And he proposed, he said he will propose further uplifting by providing reason of support affordable housing. What did you understand he meant by proposing further uplifting?---To providing affordable housing, it's one of the strategy satisfy the council's rule or the planning rule to have further uplifting, because - - -

40 Further uplifting, meaning?---Have more, more - - -

More levels?---More floor space or more height.

MR DARAMS: Now, Ms Li, I know it appears in this meeting from your record, which you say is correct or the truth, that Mr Tsirekas suggested that I-Prosperity propose 35 storeys at this stage.---Ah hmm.

10 Did Mr Tsirekas indicate that he would be prepared to support more height that 35 storeys at a later date?---I think at that time council's main intention is don't want us to isolate, they want push us to purchase the corner block to avoid isolations.

THE COMMISSIONER: Yeah, but I don't think you've answered the question.---Oh, I can't remember.

MR DARAMS: Because you say at this stage, being at that point in time, that's what you understood Mr Tsirekas was saying?---Ah hmm.

20 So the question was that, did Mr Tsirekas indicate that at that point in time in this meeting, or around this time, that he would support a building of further storeys than 35 at a later date?---He didn't say to me.

He didn't say that to you? Did he give you any indication otherwise, any other way that he might do that?---I can't remember.

Okay. Now, you then say, "We need to fully prepare to run fast to reach before the amalgamation." So referring to this council amalgamation, is that something that Mr Tsirekas told you?---No.

30 Who told you?---Normally council spending the time for do the election, amalgamation and everything just stopped. For us it's big suffer. So for me, normally, the time is money.

THE COMMISSIONER: Well, why did you believe you needed to move quickly because of council amalgamation? Why were you concerned about doing it before council amalgamation?---That's just from my experience. When council have an election or any of the amalgamation sort of political things, it's just damage all the developer, just waiting.

40 Well, did you act on the basis that it would be in the interests of I-Prosperity to get this proposal through before amalgamation because your prospects of getting it through would be greater?---Yeah. Quicker always be better.

Before amalgamation.---Yes.

And why did you think it would be quicker to get approval before amalgamation?---Because when amalgamation, which means the staff might change, there may be no one is arranging, actually looking at developers' case and they're just busy with themselves to, to select whoever become the councillor or whoever becoming the main positions, so for us, will be a damage.

10

So there could be a change in staff and could be changing councillors and - - -?---Yeah. So they will be busy themselves, putting our case aside.

MR DARAMS: They wouldn't be focusing attention on your proposal but focusing on all sorts of other things and that was a concern to you. Is that right?---Yeah.

Yeah. Now, just, you then say, "Also during the meeting, Angelo suggested David Furlong become our town planner." Now, so, do you remember Mr  
20 Tsirekas having a discussion about Mr Furlong and why he suggested or recommended Mr Furlong?---Mmm, I can't remember but if I'm writing it here, I think he must have talked with, talked with me about David Furlong.

Did you have a discussion with Mr Tsirekas and say to him, "Look, Mr Chidiac has recommended Mr Furlong. What do you think?"---I can't remember. Possibly.

Yeah. Well, why would you be having that conversation with Mr Furlong, sorry, Mr Tsirekas?---I just mention it. I don't know why I, why I talk this  
30 topic. I can't remember.

THE COMMISSIONER: Well, just to be clear about it, why did Angelo suggest David Furlong become the town planner?---Are you asking me?

Yes.---Why Angelo suggested David Furlong?

Did he explain why he was recommending Mr Furlong?---No. I, I don't know why he selected David Furlong.

40 Well, he gave no reasons? He just said, "I recommend David Furlong as town planner for the project"?---I can't, I can't remember if he explained the

reason or not but I just search on this guy because he got experience, so I choose to continue.

MR DARAMS: Isn't it the case that at this meeting, Mr Tsirekas gave you Mr Furlong's contact details and told you to contact him?---I can't remember.

But is that a possible or likely event, that is, you've got Mr Furlong's information from Mr Tsirekas?---Sometime people give me contacts.  
10 Sometime I just searching it.

Well, just, yeah, but you used the word "possible" or "probable" that Mr Tsirekas gave you Mr Furlong's contact details?---Possible.

And if Mr Tsirekas did do that, that is, give you those contact details, would it be likely that you would have then followed up and contacted Mr Furlong?---Yeah.

Because the recommendation had come from Mr Tsirekas. Is that right?---If  
20 the people recommend me someone, I always contact and then I see what they can do.

But in this particular case, you're sitting down with breakfast with the mayor of the council, talking about your, when I say "your" I mean I-Prosperity's development at Rhodes, Mr Tsirekas, the mayor, suggests a town planner who you should contact, and if he gives you the contact details of Mr Furlong, you're going to contact Mr Furlong, aren't you?---Yes. Possible.

30 Now, just before we break for the luncheon adjournment and we'll finish your examination - - -?---Please.

- - - for today at the luncheon adjournment, I just want to run through a number of messages very briefly and quickly. Could the witness be shown volume 6.8, page 14? Now, these are all messages between you and Mr Chidiac.---Ah hmm.

Now, I just draw your attention, again these are messages in March 2016. You say, "Stephen wants a meeting with State Planning Department because  
40 David is very conservative." Do you see David? That's a reference to Mr Furlong. Is that right?---Ah hmm.

Then Mr Chidiac says – sorry, you say, “I think I better talk to you this idea first. Maybe you and Angelo have a chat with the state planner to have an idea before we decide how tall we go.”---Ah hmm.

See that? You’re involving Mr Tsirekas with Mr Chidiac in March 2016. Do you accept that? You’re saying to Mr Chidiac look, we should, meaning you and Mr Chidiac, talk to Angelo about this. You agree?---Yeah.

10 So you say to Mr Chidiac, “Mr Chidiac, you and Angelo should talk about this matter with the state planner.” Do you see that?---Ah hmm.

What I’m suggesting you’re involving Mr Tsirekas in this matter with Mr Chidiac. Correct?---Ah hmm.

So when you said “Ah hmm” you meant to say yes and agree with what I was suggesting to you. That’s right?---Sorry, which one?

20 Please when you give an answer can you please say yes or no because some of these ah hmm, mmm, I just need - - -?---I didn’t understand your question. What is your question?

My suggestion was that in this stage in March 2016 you’re involving Mr Tsirekas in matters involving or dealing with the Rhodes development through Mr Chidiac. Correct?---Ah hmm.

So when you say “ah hmm”, can you please say yes or no.

30 THE COMMISSIONER: That’s a yes I take it, is it?---Yes.

MR DARAMS: Yes. If we please go to page 38. Just draw your attention, these are messages from 10 May, 2016. See the message in the middle of, so top of the page, “Joseph, have you confirmed Angelo for next Thursday night?” Next message, “Joseph, have you confirmed time with Angelo?” Next message on the 11<sup>th</sup>, “Joseph, I have VPA”, that’s voluntary planning agreement. Correct?---Ah hmm.

40 “Draft ready to submit to council. Who should we submit to? Do we need to show Tony or Angelo first?” Again, you’re writing to Mr Chidiac involving Mr Tsirekas in your discussions with him. That’s correct?---Yep.

Can we please go to page 43. Go down to the bottom of the page, the message at the bottom of the page. You say on 20 May, 2016, “Joseph, have you confirmed Angelo’s time and when are we going to Ryde Council sometime next week?” That’s a different matter but, “Joseph, have you confirmed Angelo’s time?” that’s about questions about the Rhodes development. Correct, Ms Li?---I’m reading it. Where is this one coming from?

10 Down the bottom. All this is between you and Mr Chidiac.---(NO AUDIBLE REPLY)

THE COMMISSIONER: Yes, put the next question.

MR DARAMS: Yes. So, Ms Li, can we please go to page 44, the top of page 44.---Ah hmm.

20 Mr Chidiac’s response, “Waiting for Angelo to give me a time and still waiting for Ryde.” Now, if we go to page 46. Down at the second-last message. This is on 23 May, 2016. “Joseph, can Angelo do next Tuesday? Furlong can’t do this Thursday.” So again you’re trying to arrange, aren’t you, a meeting between Mr Furlong and Mr Tsirekas and Mr Chidiac, correct?---Ah hmm.

Can we please – so when you say “Ah hmm”, you mean yes, that’s what you’re trying to do?---Yes.

30 Please go to page 70. If we go to the second message on the page. So this is a message from you on 20 July, 2016, to Mr Chidiac. You’re telling him “Michael”, being Mr Gu, “will go with you and Angelo on 1 August.” Do you see that?---Yep,

That’s to Shanghai?---No idea.

1 August, 2016. Where else is Mr Gu going to go with them to?---No idea.

40 No idea. I suggest to you it’s Shanghai. Can we please go to page 94? Top of the page, this is Mr Chidiac now sending you a message on 21 August, 2016. He says, “Could Angelo and myself catch up 9.30am tomorrow morning?” You respond, “Okay.” “Okay. See you in the food court.” So that’s Mr Chidiac. And you say, “Okay, thanks.” Now, again, this is

another example, this time, of Mr Chidiac writing to you asking to catch up with you with Mr Tsirekas, correct?---Ah hmm, yes.

Right. If we go to 133, please. Sorry, please start at 132, I apologise. So I'll draw your attention to the second from the bottom message. This is a message from you to Mr Chidiac. Again, you're talking about a pick-up time for dinner, if you look a few messages above. You say, "6 o'clock." Mr Chidiac says, "Okay. See you at 6.00." And then if we go to the next page, Mr Chidiac then sends a message, "Okay. And Angelo as well." You respond, "Okay, maybe I come to you at 5.40." And this is a message from 10 28 December, 2016.---Ah hmm.

Do you agree?---I can't remember but if it's there, yes.

Yes. If we go to 141. In the middle of the page there's a message, "Have you spoken to David yet?" That's from Mr Chidiac to you. You respond, "Yes, he said he would call Angelo this morning." And then you say, "I called him straight away this morning." And then Mr Chidiac responds, "He will call Angelo tomorrow morning." Again, this is another example, 20 you would agree, of Mr Chidiac involving Mr Tsirekas and on this occasion Mr Furlong, that's right?---Ah hmm.

This was all in relation to the Rhodes development, wasn't it?---Should be.

Yes. Go to 144, please. Then you send a message to Mr Chidiac in the middle of the page, "Furlong will call you one hour." This is on 1 March, 2017. And then you then follow up and say, "Did Furlong call?" And then you say, "He didn't pick up my call but I left a message." And then Mr Chidiac says "Ring Angelo." Again, another example, you agree, of Mr 30 Chidiac involving Mr Tsirekas in - - -?---Ah hmm, yes.

- - - this conversation with you - - -?---Yes, yes.

- - - when you're referring to Mr Furlong. It's all about the Rhodes development, isn't it?---Yes.

Go to 154. Another message down the bottom of the page from Mr Chidiac. Down the bottom, "Angelo will join us around 12.00pm. Will confirm in the morning." Then if we go to the next page, and then you have Mr 40 Chidiac again, three messages down, "Waiting for Angelo to finish his

meeting. Once he ring me, I call you back.” That’s another example of Mr Chidiac involving Mr Tsirekas, correct?---Yes.

So if we go to 162, please. I draw your attention to the second message, sorry, the first message on the page. You say to Mr Chidiac, “Any chance I can catch up with AT?” You mean Mr Tsirekas, that’s right?---Possible.

Do you know any other persons by the initial name AT?---Should be Angelo.

10

Yes.---Mmm.

Then you say, “Joseph, are we able to go to workshop next Tuesday night?” Then Mr Chidiac says, “We’re still trying to find out. Angelo speaking to Furlong.” Again, another example of Mr Chidiac involving Mr Tsirekas, that’s correct?---Ah hmm, yes.

20 Yeah. Go to 180. Two more messages, Ms Li. I then draw your attention to the message, second from the bottom of the page. This is Mr Chidiac on the 8<sup>th</sup> of May, 2017. “Hi, Belinda. Angelo and myself will not be available this Friday night. We forgot we are invited to the football. Do you want to join us?” You respond, “How about Thursday?” And then if we go to the next page, Mr Chidiac says, “I booked Furlong and Stephen already.” He’s referring to Mr David Furlong and Mr Bower, correct?---Yep.

30 Okay. And then if we go down the page, middle of the page, “Do you want to go to the football?” Now if we go over to page 186. Just draw your, so the message on the 23<sup>rd</sup> of May, third one from the page, “Are you available with Angelo and myself for coffee tomorrow?” See that?---Ah hmm.

30

You respond, “Yes, what time?” You tell him that tomorrow’s your birthday. If we go over the page, he says, “Happy birthday,” at the top. Then you say, “Yes, where do we meet?” And he says, “In your office building,” and you set up a time. Now, we go to page 210. We go up to the top of the page. Mr Chidiac says, on 14 August, 2017, “Sorry, Belinda. Angelo asked if we can meet at Zeus.” Gives you an address. “I’m happy to pick you up.” And then you respond, “Okay.” And then, so you noted those text messages, Ms Li? Going to take you to one last one. Now, Ms Li, can I show you page 296. Another message from Mr Chidiac on the 20<sup>th</sup> of December, 2017, where he says, “Angelo’s appointment at 9.30am somewhere else.” This again, it’s another exchange where you’re trying to

40

arrange a meeting or Mr Chidiac's trying to arrange a meeting involving Mr Tsirekas as well, is that right?---I can't remember. You read the text.

Yeah. So what I want to suggest to you, Ms Li, is that there are a large number of interactions between you and Mr Chidiac which you seek to use Mr Chidiac to arrange meetings or the like with Mr Tsirekas, that's right?  
---Ah hmm, yes.

10 Likewise there's Mr Chidiac telling you when Mr Tsirekas was available or not available, that's right?---Yeah.

This is because you understood that one of the things that Mr Chidiac could do or provide to I-Prosperity through his services, which I-Prosperity was paying him a lot of money, was to get access to Mr Tsirekas, wasn't it?  
---Mmm, key persons, yes.

Yes, the key person or one of the key persons being the mayor, Mr Tsirekas.---You mean before the engagement or after engagement?

20 Well, that's the reason why he was engaged, one of the reasons why he was engaged.---After engagement, yes.

Yes.---Mmm.

Chief Commissioner, I note the time. As I indicated, that's the balance or the end of this part of Ms Li's - - -

THE COMMISSIONER: That's the examination today of this witness.

30 MR DARAMS: For today, that's correct.

THE COMMISSIONER: Very well. Ms Li, you come here under summons issued by the Commission. That summons is still open. I can't discharge you yet from that summons. Accordingly, you're free to go today but you may be contacted in the future by the Commission about any other matters that you need to attend to. Very well, I'll adjourn today. I'll resume at five past 2.00.

40 **THE WITNESS STOOD DOWN**

**[1.07pm]**

**LUNCHEON ADJOURNMENT**

**[1.07pm]**