

GALLEYPUB00906
04/07/2022

GALLEY
pp 00906-00963

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GALLEY

Reference: Operation E19/0569

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 4 JULY, 2022

AT 2.00PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Take a seat, thank you.

MR WONG: Thank you.

THE COMMISSIONER: I might just have you re-sworn.

THE COMMISSIONER: And I continue the section 38 declaration I made the other day. Mr Corsaro and others, I take it you've seen the compulsory examination?

MR CORSARO: I have.

10 THE COMMISSIONER: Yeah. And I think it's common ground between all of us that the witness gave a version that's not consistent with the position he takes now. I'm going to allow some cross-examination on that but it's a given that there's a credit problem. Would you like to go first?

MR CORSARO: I'm happy to go first, Commissioner, if that's convenient.

THE COMMISSIONER: Thank you.

20 MR CORSARO: Mr Wong, I want to go back to the period between 2008 and September 2012. In September 2012 there were council elections, is that right? I'm sorry, it was in 2012. Can you remind me of the month when the council elections were held that year?---Should be in September, but I, I can't remember exactly what day.

And you didn't run in those elections, did you?---No.

You told the Commissioner that last week.---Yep.

30 In the period between 2008 and 2012, the council had a Labor majority, is that right?---From memory, yes.

And it had six Labor councillors, including yourself, Mr Sansom, who was then a Labor councillor, Mr Badalati and the mayor, whose name I just can't recall, correct?---Ah hmm, ah hmm.

Do you agree?---Yes.

40 And it had three Liberals, Mr Hindi being one of those three councillors, correct?---Yes.

The other two were a Mr Jakovich, is that right?---Jack Jacovou.

Jacovou, thank you. And someone called Estefan, is that right?---Yes.

And those three Liberals were often not unified, were they?---Not that I'm aware of. They do caucus before the council meeting.

Jakovich and Estefan often went head to head with Hindi, didn't they?
---Well, they may have some disagreements sometimes, at times, but not all the time, not that I can see myself.

10

And there was a Green by the name of Wagstaff, is that right?---Yes.

There was one Unity member by the name of Liu?---Yes.

And she was a councillor who was rather quasi Labor, Unity in those days was quasi Labor, right?---Ah hmm, yes.

And one Independent by the name of Pickering, true?---Yes.

20 You and Hindi, in those years, were at the opposite ends of the political spectrum, correct?---You mean belonged to different parties?

Yes.---Yes, that's correct.

And you describe your association with Hindi as cordial. Correct?---Yes.

But hardly close. Correct?---Yes.

You're agreeing with me?---Yeah.

30

And the relationship was always subject to the political rivalry and you and he had. Correct?---Can you be more specific in your question, please?

You were political rivals and that relationship demonstrated itself in the affairs of council. You were at opposite ends and were rivals. Correct?
---Yes. Politically, yes.

40 And am I right that in July 2012, the council had no general consensus between the councillors, the discussions were often emotive. Correct?
---Yes, you can say so. Yes. I remember there was, yeah, different councillors have different opinion, yeah.

And often heated discussion. Correct?---Well, I cannot, I can't recall that it is very heated but different councillors did express different opinion, that's all I can say.

And there was great animosity, wasn't there, in those days, between Hindi and Badalati. Right?---Can you repeat your question, please?

10 In those years, there was great animosity between Hindi - - -?---Yes. Yes.

They literally hated each other, didn't they, so to your observation?---Based on my observation, yes.

And if I recall what you said to the Commissioner, last week, you went to China with Badalati while you and he had a close relationship in those years. Correct?---Yeah. A long time ago. Yeah.

And also with Sansom, Philip Sansom. Correct?---Yes.

20 And to the extent that you ever went with Hindi to China, it was to do with council business. Correct?---Yes. We have been to sister city, yes.

They're the only times that you went to China with Hindi. Correct?---No. No. There was, I can't remember exactly when. I went with Hindi to China to attend a friend's son's wedding.

Now, on the occasion that you went with Mr Badalati and Mr Sansom, that was not always on council business, wasn't it?---Not always.

30 Did you go there for the purposes of getting donations for the Labor Party? Is that what you did?---Well, I recall that, yes, we spoke to one or two, you know, business people there.

And in those days, the Labor Party looked to China to get political donations, didn't it?---I won't, well, I can't speak on behalf of the Labor Party.

40 Speak on behalf of yourself. That's what you did. Correct?---Yes, and I, well, and my two colleagues back then, I mean, my two fellow councillors back then.

Stands to reason, doesn't it - - -?---I'm sorry?

Stands to reason, doesn't it, this is the start of my question, that if between 2008 and September 2012, you wanted something done in council, you had to convince the Labor bloc because they controlled council. Correct?

---Well, I think you need to be more specific in your question, sir. When you say, you know, want something done, what sort of things?

Well, I'll make it plain. For a decision to be carried at council, because
10 Labor controlled it, you had to persuade the Labor councillors to vote for it. Correct?---Well, we'd discuss in the caucus, whether, you know, they will, how they make their decision is up to them. I won't say, you know, try to convince them because different people may have different opinion. But, eventually, of course, you know, we need to come to a, a consensus before we go to the council meeting.

And without carrying the Labor vote, the decision was not passed, correct, whatever it was? You agree, don't you?---Six Labor and then, and then six,
20 just six other councillors, yes, then, yeah. If, if the Labor Party did not endorse it, then, yes.

It wasn't passed, right?---Mmm.

Correct?---Yeah.

Hindi didn't control Labor, did he?---Nuh.

No. Was there anyone in the Labor Party section of council that controlled that block?---Controlled the Labor Party?
30

Was there anyone within the Labor councillors in the council at that time who controlled the Labor vote?---No, no. You can't control the Labor vote like that.

Now, you heard the Commissioner a moment ago refer to your compulsory examinations that were held in private, correct?---Ah hmm, yep.

Now, you agree, don't you, that on each occasion that you gave evidence before this Commission you were sworn?---Occasionally - - -
40

You gave evidence before this Commission on the 4 November?---Yeah.

Then again on 5 November.---That's correct, yes.

And then again the last week, correct?---Yes.

On each of those occasions you took an oath, didn't you?---Yes.

And you were warned on each occasion about telling the truth, correct?
---Yes, yes.

10

And on each occasion there was a section 38 declaration made, correct?
---Ah hmm, yes.

And you were given, weren't you, a warning as to what that meant,
correct?---Yes.

When the investigation commenced on 4 November, you were aware,
weren't you, that you were a person of interest?---Yes.

20 And it was about you, Badalati, Sansom and Hindi exercising your official
functions dishonestly, correct?---Ah hmm.

Yes?---That's what it says on the summons, yes.

But you understood that, didn't you?---Yes, I understood.

And the questions that you were asked on 4 November you knew fell within
the realms, the extent of the inquiry which concerned the actions of you,
Hindi, Badalati and Sansom, correct?---Correct.

30

So you knew that when Counsel Assisting was asking you questions and
when the Commissioner was asking you questions, they were asking you
about the affairs of yourself, Hindi, Badalati or Sansom, correct?---Ah
hmm, correct.

And do you say to the Commissioner that you approached giving your
evidence on each occasion knowing that you had to turn your mind to
whether or not the question involved one or other of those people?---Come
again? I don't quite follow.

40

When you were asked questions on 4 November, 5 November, you had to turn your mind as to whether or not what you were being asked involved you, Hindi, Badalati or Sansom, correct?---Well, I just, I just answered the question, whatever put to me but I, I, well, I don't follow your, your, your, your remarks that I had to turn my mind against other councillors, something like that.

10 The context in which that investigation on the 4th was taking place was in the context of an investigation involving your actions, Hindi's actions, Badalati's actions or Sansom's actions, correct?---Correct.

So you knew, didn't you, that any question you were asked was really addressed towards the actions of either you, Badalati, Sansom or Hindi, correct?---Either one of us, yeah.

20 And when you were asked questions and you were thinking about those questions, you must have been thinking about whether or not it involved the actions of you, Hindi, Badalati or Sansom, correct?---Well, depends on the nature of the question. If it is just about myself, then I just, you know, give the answer about myself. If it is about other councillors, I give the answer about other councillors.

When were you first told that you were no longer a person of interest?---I, I wasn't told that, you know. I wasn't formally told that I was not a person of interest by any party.

When did you first realise you weren't a person of interest?---When I, when I read the, read the, the, the investigation list on the ICAC website.

30 When was that?---That must be, well, a bit more than two weeks ago, I would say, when this public inquiry started.

So that was the first occasion you realised you weren't a person of interest anymore?---Ah hmm.

Is that a yes?---Yes.

40 Now, do you recall I asked you a moment ago that in the context of the private examination, the compulsory examination, you were doing so in the context of turning your mind as to whether what you were being asked

involved your conduct or Hindi's conduct or Badalati's conduct or Sansom's conduct? Do you recall I asked you that moment ago?---Well - - -

Do you recall I asked you that a moment ago?---Yeah. You, you keep saying turning my mind, I, I don't follow you. Turning my mind? I do my recollection of, of facts and then, and then answer the questions.

10 And the answer you gave me was, "If it concerned me, yes," but otherwise you had to consider whether it involved the actions of Hindi, Badalati or Sansom?---No, my exact wordings is if the question is about myself, about me, then I told them my answers about myself. If it is the question about other, other persons or other councillors, then I tell them, you know, the answer about other councillors.

And so if you were asked a question about a third person - - -?---Yeah.

20 - - - you knew the context of that question required you to consider who that person was and whether it was Hindi, Badalati or Sansom. Correct?---Well, that depends on the questions, whether the question is about Hindi, about Sansom or about Badalati.

Let's go to the transcript. I want to take you to 4 November, please.

THE COMMISSIONER: Can we get that on the screen, please?

MR CORSARO: 110, please, Commissioner.

THE COMMISSIONER: Thank you.

30 MR CORSARO: I'm sorry. Can I go to 109, first, please, Commissioner? Do you see on 109, you were asked about some messages, some text messages that you were asked about also last week?---Yes.

So at line 28, "Big brother, hope you can help". Do you recall you were asked a number of questions about that on the 4th?---Yes.

40 I want to go back slightly in that transcript to page 87, please? At that page on the transcript you were asked about Mr Hindi's knowledge of Mr Uy. You see at line 41?---41? Yes.

And the question was, "And Mr Hindi knew Mr Uy as well, is that right?"
---Yeah.

"Yes, they do, they do." "Do you know when or how they met?" "No, I don't." Was that true?---Well, at that moment, I can't recall, I could not recall at that particular moment on that day, I mean, all of a sudden, you know? I don't come to ICAC every day.

No.---No.

10

But was it true?---Well, I would say that's inaccurate after I thought about it and so on, and I, and then I recall because that was, look, more than 10 years ago, okay? So at that moment, at that moment, I answered truthfully.

You didn't say, "I can't recall," did you?---No, I didn't say, "I can't recall." I said "I don't" but, look, as I said, I was a bit nervous. That was my first time to ICAC. That was, that was my first, first experience to participate in, in an inquiry like that. So all of a sudden, you know, ask something that I wasn't prepared to answer, something that happened more than 10 years
20 ago, I got nervous, you know? I can't recall at that moment. But I gave the answer truthfully at that time, really, you know?

All right. What was it that caused you to reflect on that answer and either change your mind about it or amplify it?---Well, it was afterwards, after the inquiry - - -

When? When?---That night. I start to - - -

30 Yes, what happened that night?---Yep, I start to recall, you know, exactly what this is about and so on, you know, then I start to - - -

What was it that caused you to think back, saying, "Oh, no, I know when you met Hindi"?---Yeah, the messages. The messages.

The messages?---Yep.

Are they the same messages that you were shown on 4 November?---Yes.

40 Well, let's look at what you said on 4 November about the messages.
---Okay, yep.

Go to page 110. If you could go back one page, please. You see that you're being asked at line 40 on that page about a message?---Ah hmm.

Message from you back to Mr Uy.---Yep.

You say, "I left an oral message and sent a message and I will certainly pursue it. I am responsible to you." Do you recall that message?---Yep.

You were shown it last week, weren't you?---Yep, that's right.

10

And you were shown it for the first time on 4 November.---That's correct.

In the context of an investigation about you, Badalati, Hindi and Sansom, correct?---Yes, yes.

Look at your answer on the next page.---Yep.

20

"Can you remember why you felt responsible to Mr Uy in some way?" "I can't remember what it was about." That was false, was it?---That was not false. It was my truthful answer at that time. I can't recall because these messages are more than 10 years ago, then all of a sudden, you know, show, show it to you, you know, on-screen, small print. And then I was in the witness box the first time. I was nervous. I couldn't recall that.

How often have you ever seen money paid to a councillor who is a co-councillor on a council that you've actually been an official of?---Yep, that was the only time.

30

Did you tell the Commissioner last week it was shocking to you?---Yes, it was.

"I couldn't speak about it anymore to anyone else."---Yes.

THE COMMISSIONER: Mr Corsaro?

MR CORSARO: Yes?

THE COMMISSIONER: There's no jury here.

40

MR CORSARO: Yeah. "I couldn't speak to anyone else about it," correct?---Yep. Correct.

Explain how it was so shocking, yet on 4 November you couldn't recall it?
---Well, as I said, you know, that was my first time coming up here to ICAC and in the, in the witness box. I was nervous, you know. And then with all these messages and so on. Actually, at that time they asked me a lot of questions about in the past, more than 10 years ago, before they showed these messages. So all the information in my mind are just confusing.

10 So is this what you say to the Commissioner, that on 4 November, in the context of an investigation involving you, Hindi, Badalati or Sansom, you were asked a question and you didn't turn your mind as to whether it was Hindi, Badalati or Sansom? Is that what you honestly tell the Commissioner?---Yes, I was honestly tell the Commissioner truthfully at that, at that moment, and then as I said, on the same night, when I thought about all this again, then I start to recall information.

20 Was it like this – I'm sorry.---And I call, hang on, and I call, I immediately call my legal representative and told him about it. And I said I, I, how, how should, what should I address, how to address it, because I, I, you know, I didn't answer correctly.

So was it a bit like this, Mr Wong? That you told the Commissioner truthfully "I can't remember" and then you went home and went, "Oh, I remember, I had this shocking incident where someone was paid \$10,000 in my presence"? Is that how it went? Seriously?---Well, if you put it in that way, yes.

30 Are you seriously on your oath telling the Commissioner that that's what happened?---Yes.

I want to suggest to you that's arrant nonsense and that what you said on 4 November was false. What do you say about that?---No, that was not false. At that particular moment on that particular day, it was my truthful answer.

40 Look at the next question. If we go over to the next page, Mr Uy says to yourself, "He had done me a great deal of harm" – I'm sorry, if we could go back one page. Maybe at the top of the page. "A big loss. Thank you." And you respond, "I am the introducer, I have responsibility, this is a big lesson for me, trusted the wrong person."---Yep.

Now, let's just go to the trust.---Ah hmm.

What did you trust Hindi to do?---Look, in the circumstances, in the circumstances, when I, first of all, when I say I, I felt responsible to him is because I introduced these two, these two gentlemen in a function, okay?

That's not my question. What did you trust Hindi to do?---No, hang on. I, I am coming to that, I am coming to that. Please be patient with me. Okay. Now, secondly, secondly I said that this was a big lesson for me, trust the wrong person. Actually it should be plural for wrong persons. Okay. Big
10 lesson for me, well, these two person did what they did, okay, and, and money given, money taken. Trusting the wrong persons, well, I don't think I can trust them anymore just because of this.

What did you trust Hindi to do, which he broke? What is the breach of trust?---Well, the so called breach of trust is, look, he accept what Philip Uy offered to him, okay? And then, well, I personally suspected he did, he did do, you know, with another developer, and so did Philip Uy believe that. Okay. I suspect, I suspect.

20 Look at the question and look at your answer. "This is a big lesson for me. Trusted the wrong person." That's you trusting the wrong person, correct? ---Trusting the wrong persons, yes.

What did you trust the wrong person to do?---Well, not that I trust them to do something but that they have done something that I don't conform. So I find it hard to trust them again.

And look at what you were asked. "Do you know which person you're referring to there?" So you were asked about a third person, weren't you?
30 ---Look - - -

Were you asked about a third person?---Hang on. Back on 4 November as I said, you know, I was nervous and so on. I couldn't recall exactly what this is about, okay?

You were being asked about a third person, weren't you?---Come again, third person?

That question asked you to consider who the third person there is, correct?
40 ---Yep.

Who is the third person that you trusted, correct?---Well, that was the question, yeah.

So you must have been able to think, well, I'm here dealing with an investigation involving Badalati, Hindi and Sansom, is it Badalati, Hindi or Sansom? Surely your mind must have done that.---Well, too nervous to, to come up with an answer at that moment. My mind was confused at that, I find it very confusing at that moment. As I said, all this information, we're more than 10 years ago. I wasn't prepared to look at them. I wasn't
10 prepared that I would be asked about this and then all of a sudden showing it to me.

So did your mind do this? Oh, it's a third person, who is the third person there that I didn't trust?---I can't remember.

Even though you're there dealing with an investigation involving your councillors, co-councillors Badalati, Hindi and Sansom? Are you seriously saying that on your oath, is that your serious evidence?---Yes. That was my, as I said, at that moment on that particular date, that was truthful
20 answer.

And I'm going to again suggest to you, you're making this up today and that was arrant nonsense.---No, I am not.

All right. Did Hindi betray you?---Well, look, I used the word "betray" to apologise to Philip Uy, okay? Because the way I felt for him is, look, a Chinese and a Chinese, I introduced this Chinese gentleman, okay, both of us are Chinese descendant, to a person, okay, and now, you know, well, the situation become like that and my issue is, my issue was Philip Uy thought
30 that I was part of it. I was dealing with other developer and so on. So I need to use all these strong words to, to, to keep his trust, to let him know that, no, I am not part of it. You want your money back? I will help you to get your money back.

What is the answer to my question? Did Hindi betray you?---Well, as I said I used the word "betray" just to indicate to Philip Uy that, you know, I feel sorry for him, I apologise to him. It, it wasn't, it wasn't used, at that time I sent that message, the word used was not intentionally to say Hindi betrayed me. I just want, I just want Philip Uy to, to, to believe that, you know, I
40 wasn't part of it.

I won't be a second, Mr Wong. I'm looking for something.---Yeah. Lots of messages there.

Would you go, please, to Exhibit 192? Go to message 14, please, on page 5, and would you blow it up a little, please? Do you remember being taken to this last week?---Yes.

Message 14.---Yeah.

10 This is what you wrote. "Just can't leave it like this"?---Yeah.

"He has already betrayed us"?---Yeah.

How did he betray you and whoever else you were talking about?---As I said, I used the word "betray" to just indicate my sympathy and I want to apologise to Philip Uy, you know? And I want him to understand that I wasn't part of it. I did not do any deal with any other developer, okay. Yeah. So that's, that's, that's, that's my intention, to use this word.

20 "Must pressure him otherwise he will go on and harm other people"?
---Yeah.

Pressure him to do what?---To return the money.

Harm people how?---Now, remember, okay. I don't believe you recall what Philip Uy said before - - -

Harm people how?---No, hang on. Hang on.

30 THE COMMISSIONER: Can you let him finish, please?

THE WITNESS: I'm trying to answer the question. A few message back, Philip Uy said that he caused me great harm, okay. So, well, I have, I just used the same word to him, you know, you know, I don't want him to harm other people because that's said, that was said by Philip Uy before that he has caused me great harm. If you look back a few messages, you can find it.

MR CORSARO: And if we go back to - - -?---So I just borrow his word.

And if we go back to – I withdraw that. At that stage, you agreed a little while ago that to get something done, the Labor bloc had to vote and you had to get the approval of the Labor bloc. Correct?---Well, I think so, yes.

Mr Uy was a friend of yours, was he not?---Back then, yes.

And am I right in believing that when it came to voting on the car park tender, you voted for GR Capital's tender?---Yes, based on the merits of it.

10 Now, if you go back, please, to transcript 4 November, page 110, who was this third person who you're referring to, at line 11, Counsel Assisting asked, "Do you know which person you're referring to there?" "No, I don't." That was a lie, was it?---I said, okay, I'm reading the transcript, "I can't remember what this was about, no." Yep, that's, that's my word at that time, that's my answer at that time.

I'm referring to line 11. When you were asked about the person who did a great deal of harm, you were asked specifically, "Do you know which person you're referring to there?" in the context of an investigation about
20 Hindi, Badalati, Sansom, as well as yourself. And without compunction you said, "No, I do not." That's at line 9 on that page. That was a lie, was it? ---That was not a lie, no.

Tell the Commissioner what your thought process was when you were able to say you didn't have an idea what it was about in circumstances where you were shocked, being an honest councillor - - -?---I'm not a councillor.

At that stage you were, weren't you?---Yep.

30 Shocked, being an honest councillor, seeing a co-councillor receive money that you said to the Commissioner was so shocking you weren't able to speak about it ever again, yet you couldn't recall that it was Hindi when you were directly asked on your oath on 4 November. Explain that to the Commissioner.---Yeah. Yeah, I can explain to the Commissioner. Commissioner, at that moment, that particular day, when I was summoned up here, that was my first time dealing with ICAC. That was my first experience to be in witness box. That was shocking for me as well. Okay? So when I was – also Ms Heger will recall she asked a lot of questions about
40 back in 2007, 2008 and so on, and I have to squeeze my mind to recollect different things from different time. So when you show – I mean, when I was shown all these messages, at that time it is fair to say that, you know,

for me not to remember or confuse some of their, some of the points or some of the items, what they are related to. But I need to emphasise that as soon as I recall that, I call my legal representative, I request to have an opportunity to correct my, my, you know - - -

THE COMMISSIONER: I think you came in the next day, didn't you?
---Yes, yes, that's correct.

MR CORSARO: And - - -

10

THE WITNESS: If, look, if, if I am lying, I mean, we'll just leave it like, like that, you know. I don't have to, I don't have to correct myself. I don't have to come up here and, and, and, and request for another, you know, inquiry.

MR CORSARO: Not if it concerned a transaction that you wanted to hide and you knew that what you'd said was arrant nonsense and not true.---First of all I'm not hiding. Secondly, I'm not telling, I'm not telling things that, that wasn't true, okay? I just simply, as I've explained to the
20 Commissioner, at that moment I was confused with all these question, all these points already. Okay, my head was spinning.

Look at what the Commissioner asked you, though, just in case there was any misunderstanding, on the same page. At line 35 the Commissioner says this – this is the Commissioner asking you. “It looks pretty significant. You say, ‘This is a big lesson for me. Trusted the wrong person. I’m the introducer. I have the responsibility.’” “I can’t remember what it, what it was. I can’t remember.”---Yep. At that moment I can’t.

30 That was a lie, right?---That was not a lie. Actually, you have been keep repeating yourself and I have to keep repeating my same answer. That wasn't a lie. I was confused, okay. And at that moment, you know, I was tired after all these question. My, my head was spinning. I think I, at that moment, you know, I wasn't given enough time, you know, to really, you know, sit down and recollect, you know, all the sequence of events. As I said, it was only until I got home that night, sit down and calm down. Then I start to recollect all these things.

40 Are you honestly saying to the Commissioner that in the context of that compulsory examination involving Hindi, Badalati and Sansom and yourself, when you were asked about a third person, who it was, your mind

didn't say, "Well, is it Hindi, is it Badalati, is it Sansom?" Your mind didn't do that?---Or somebody else. My mind was doing that. I was still searching but I couldn't remember at that moment. As I said, I was tired at that moment. I was confused with all these points. And as I said, you have been asking, repeating your question over and over. My answer won't change. It's still the same.

10 So you say to the Commission, do you, that in the context of the 4 November examination, you actually did consider, well, is this person Hindi, Badalati or Sansom?---Or somebody else.

And you said – you did consider that?---Or somebody else, yeah.

You did consider that?---Yeah.

And you said after considering that in your own head, "I can't remember, I don't know." Is that right?---Yeah, at that moment, yep.

20 And so I'm going to suggest to you that's arrant nonsense.

THE COMMISSIONER: You've done that. I think it's time to move on.

THE WITNESS: Yeah, you have done that.

MR CORSARO: Mr Wong, look at the bottom of that page, Counsel Assisting asked you this question, "Then the next message he still does answer my call, has no reply. I will continue to look for him tomorrow." Now, that's a third person and Counsel Assisting quite properly put to you, "You don't know who you're referring to there?" and you said, "Can't
30 remember." So having thought, is it Badalati, Hindi or Sansom, you told Counsel Assisting - - -?---Or somebody else, yeah.

You said, "I can't remember who it is"?---Can't remember, can't remember, yeah.

40 And so when you went home, what was it caused you to remember, oh yes, I know on 4 November I thought about whether it was Hindi or not and now I remember it was Hindi?---Yeah, yep, yep. When I got home I, I have, at least I have a chance to sit down and relax a bit and calm my mind, my head stopped spinning and that, that's the time I can start to recollect logically.

Is that your evidence, is it?---Yes.

THE COMMISSIONER: I think you said you rang your lawyer, was that Mr Stanton?---Hey?

You said you rang your lawyer, was that Mr Stanton?---Mr Stanton, yes.

Thank you.

10 MR CORSARO: And I take it as at the date tenders for the car park were submitted, you knew GR Capital had submitted a tender, correct?---Well, when they, at that moment, at that moment, I would presume, I, I should say this, I should answer in this way, before I can see the, the, the, the information from council, from the council officers, I would presume GR Capital has submitted a tender because, because long ago, you know, Philip Uy has indicated to me that Mr Liu will be interested to submit the tender, will be interested to acquire the, the, the car park.

20 And by July 2012 you knew GR Capital was Uy or Liu's company, correct?---Can you repeat your question, please?

By July I'm sorry, I'll withdraw that. The time is this, isn't it? The expressions of interest went in with GR Capital having submitted an expression of interest in October 2011, do you recall that?---You mean the unsolicited EOI?

Correct.---Yep. Yeah, around that time, I believe.

30 And you knew that expression of interest was submitted by Uy or Liu's company, correct?---No. That's not Uy's company.

Well you knew GR Capital was associated with Uy in some way, correct? ---Well, that's, I, well, I can't be, I, I could not be certain if they have business relationship or things like that but apparently Philip Uy did, did, you know, run around and, and, you know, and did things for Mr Liu at that time but what his position or relationship with GR Capital, I don't know, for his official capacity.

40 Uy and Liu, you told the Commissioner, were friends, correct?---I'm sorry?

You told the Commissioner that Liu and Philip Uy were friends, correct?
---Yep. Back then, yep.

So it's logical, isn't it, that he would have expressed to you that he put in an expression of interest in October, 2011 in the name GR Capital, correct?
---He may have, he may not have. I can't remember now. That was, look, that was back more than 10 years ago.

You were part of council's resolution, weren't you?---Yes.

10

To go to tender rather than accept the GR Capital expression of interest, correct?---That's correct, yes. It has to go through normal procedures.

So you knew at that stage that GR Capital had been the company that put in the expression of interest and that GR Capital was in fact a Uy company. Correct?---Well, I won't call it I know it is a Uy company.

You knew Uy had something to do with GR Capital, right?---Yeah, something to do, yep.

20

And so you knew the expression of interest that had been submitted by GR Capital, which the council had considered and determined to go to public tender was something to do with Uy, correct?---Ah hmm, yep.

You agree?---Yeah, agree.

And on 30 March, 2012 tenders closed, didn't they?---Yep.

30 And as soon as they were opened, you realised what GR Capital's position was on the tender list, correct?---When you say "position", you mean - can you explain, you know - - -

I'm sorry, yes. You knew, didn't you, that GR Capital was one of the tenderers?---Yeah, one of the tenderers.

And was competing with others, correct?---Yes.

40 You spoke to Uy about that, did you?---Well, I don't have to because, according to one of the exhibits, council has already informed all the tenderers.

Now - - -?---I mean, we, we would have received the information more or less the same time because it was – see, tender close on 30 March, and they notified the, I mean the council notified the tenderers, you know, early next, the following week.

If I take you to the transcript of 5 November, 2021. 152, Commissioner.

THE COMMISSIONER: Thank you.

10 MR CORSARO: 5 November, I'm sorry. Page 152. At that point in the transcript, Counsel Assisting Ms Heger was asking you about the alleged event where you witnessed an envelope being handed over to Mr Hindi, you recall?---Which line is that?

The top of the page. She was asking about the timing of the so-called meeting that you say occurred between you, Hindi and Uy.---Mmm.

Do you see she asked you about the timing?---Yep.

20 “The tender process for that car park closed on 30 March, 2012,” says Counsel Assisting. Do you see that?---Yep.

“Do you think it's likely this meeting between Mr Uy and Mr Hindi, where the envelope was exchanged, was before the tenders closed?” “Could be before. Could be before, yeah.” “So it could be but you're not sure?” “I'm not sure, yeah.” Was that a truthful answer?---Yeah, truthful answer, yes.

So you've got no recollection one way or the other as to whether the meeting occurred before or after tenders closed?---Well - - -

30

Is that correct?---Putting in this way, I cannot recall the exact date and month when it happened.

What's the answer to my question? You can't recall whether it occurred before or after tenders were closed, is that correct?---Well, my, I answered your question already. I can't remember the exact month and date.

So the answer to my question must be yes, correct?---I can't remember the exact day and month.

40

I'm not asking you about the exact date and month. I'm asking you about whether it's before or after tenders closed. You can't recall one way or the other, is that correct?---Well, it could be before, actually. Could be before.

Or it could be after, correct?---Could be.

10 Right. Now, I thought last week you told the Commissioner that you had told Mr Uy that his tender had not been successful, is that correct? Is that what you told the Commissioner?---I think my – well, can you show me the transcript.

Well, what is your recollection?---My - - -

Did you tell Mr Uy that his tender had not been successful?---My recollection was I think I have told Mr Uy that, you know, his, his tender was not the highest. I think that's my, my answer to the, to the Commissioner.

20 So do you say that the meeting between Mr Uy, Mr Hindi and yourself, where the envelope was handed over, occurred before or after you told Mr Uy that his tender was unsuccessful, may not be successful?---Well, if, I would say it's before.

When you say you "would say", do you have a recollection one way or the other?---Mmm.

30 MR STANTON: Commissioner, in fairness, the witness is being now put to task in a manner that borders on harassing him. With no disrespect to my learned friend, he's already been asked was it before or after. He's now being led into a proposition that clearly, I mean, effectively, Commissioner, he's answered it several times.

THE COMMISSIONER: I thought he had, too. I thought he had - - -

MR STANTON: Yeah. But, anyway, Commissioner - - -

THE COMMISSIONER: I don't know. No repetition, thanks. Just move on.

MR CORSARO: Can I ask you to describe the so-called envelope that you saw Mr Uy hand over to Mr Hindi? Was it an ordinary letter envelope, was it?---No, longer.

Did it seal at the top? The sides? How was it sealed?---Well, I, I can't see exactly how it was sealed. I suspect it wasn't sealed or it wasn't sealed properly. That's why when, when, when Mr Uy hand it to Mr Hindi, when Mr Hindi was holding it, it flip open a little bit.

10 So he opened it? Is that right?---No, he, he did not really, you know? I don't think he really open it like that, but, you know, he hold it, hold onto it. It flip open a little bit.

Go to page 136 of this transcript that we have in front of us, please, Mr Wong,---Mmm.

Counsel Assisting at the top of the page asks you this question. "You said you saw Mr Hindi open the envelope and you said he took out cash, is that right?" "Well, he didn't take it out, he opened it". Was that a lie, was it?
20 ---No, that was not a lie. That was no lie.

Was that not inconsistent with what you've just said to the Commissioner a moment ago?---Well, what I mean by, you know, well, actually he did not really open it but when he hold onto it, what I was trying to describe that, you know, it flipped open, it opened a little bit.

What I'm going to suggest to you is you've again changed your account of what happened. What do you say about that?---No, I'm not changing my account.

30 Did you go in – I withdraw that. Did you go in one car or separate cars to see Mr Hindi?---Separate cars.

And did you arrive before him, that's Mr Uy, or did Mr Uy arrive first?
---From memory, from memory, when I, when they parked the car, he was already there, he was getting off the car, so I would say he just arrived a little bit earlier than me.

40 And how did you arrange – I withdraw that. So did he wait for you and you went in together, did he?---Well, I didn't ask him if, how long he wait or he, if, or he, if he was waiting or what, you know? When I arrived, I just saw

him getting off the car. I thought he just arrived, as well. But I, I didn't ask him, you know, how long you're, how long did you arrive or, or, you know, or have you been waiting long, no, I didn't ask him.

Now, as I understood what you told the Commissioner, last week, the money was handed over in an envelope. You saw the money in the envelope. Correct?---Mmm.

10 You left shortly thereafter with Mr Uy. Correct?---Come again?

You left the premises with Mr Uy shortly thereafter?---Yeah.

What day of the week was it?---No, I can't remember.

And you had a conversation with Mr Uy outside. Correct?---Yeah. Yes.

And you asked him about the money. Correct?---Correct.

20 Now, in circumstances where Labor controlled the council and Hindi did not control Labor and was in the minority, did you say to him something like, well, Hindi can't do anything, Labor controls the council? Did you tell him that?---No.

Did you tell, hey, you've thrown your money away because Hindi can't get anything done, it's the Labor guys that have to get the thing done?---No.

30 Why not?---Why should I? Why should I? He just, he just give the money to Hindi and I, and, and, and ask him not to help other developer. He didn't ask him to control council or, whatsoever, Moreover, moreover, this sort of thing, you and I know very well that it is not only immoral, it is illegal.

So you knew it was immoral and illegal by a political rival, correct?---Yep.

You didn't tell anyone in the party, correct?---No. I did not.

You didn't tell the authorities, correct?---Correct.

40 You took no act at all to bring it to anyone's attention?---I panicked and I was shocked and honestly I, well, as I said, you know, I didn't know how to respond.

The sort of shock that left your head - - -?---Especially, especially afterwards, you know, when Philip Uy told me, you know, oh, you know, you saw him took the money, you took me here, things like that.

Now, let's just talk about what then happened.---I, look, look, put it this way, Commissioner, I, I wish I had reported it back then but I didn't and now I regret it.

10 THE COMMISSIONER: Can you just remind me, I know you told me in the past, why didn't you report it?---As I said, I, I, I panicked. Yeah, I mean, look, as Mr Corsaro has pointed out, you know, at beginning of inquiry, you know, you don't see, you don't see people, you know, giving money like that, you know, on a regular basis or every day and that, look that was my first time and only time I, I saw this thing happen.

Yep.---And then I, I, I didn't know how to respond.

Thank you.

20 MR CORSARO: And I want to suggest to you if that had happened there was no way you were ever going to forget it. What do you say about that? ---Can you repeat your question?

If what you say happened had happened, there would have been no way you ever would have forgotten it. What do you say about that?---No, no. I have never, not, not forgotten it.

30 And more importantly, you voted for the rescission motion in favour of GR Capital, didn't you?---Yeah, I did. I, I, I did go in the meeting and, and, look, I, I didn't see, I didn't see any, any, any conflict at that time.

No conflict?---Yep.

You'd seen your friend pass money - - -?---Well, however - - -

Please let me finish.---Yep.

40 Pass money over to a councillor, it was a friend and you were voting on a rescission motion to rescind a Deicorp tender being accepted and you say you saw no conflict?---Well - - -

THE COMMISSIONER: Are you talking about conflict of interest, are you?

MR CORSARO: Yes.---Well, look, however now, you know, I, I wish, I wish I did declare interest. I wish I, I disqualify myself, you know, from voting and, and after, after all, you know, that rescission motion was not to do anything but to withdraw the, the tender and, and it wasn't, it wasn't aimed to, it, that rescission motion came up just because such a, a, a, a diverse opinion among the councillors. It wasn't aimed at, even GR Capital, whoever, second chance.

Can I take you, please, to transcript 4 November, 111? This is where Ms Heger, Counsel Assisting, was asking you about a message involving tea. ---Ah hmm.

Line 37. Just read to those to yourself and then I'll ask you some questions. "The last message there in translation is, 'Big brother, the tea you asked me to buy will be available next Thursday. Let us fix a time to meet on that day.' Is that an accurate translation of what you've written?" "Yep." "What's the tea you're referring to?" "Well, according to the Chinese version here is the Chinese tea, yeah." "You were talking about a Chinese tea in this text message?" "Yeah, yeah." "Do you think you were actually talking about Chinese tea or was that a code for something else?" "No. Well, it was Chinese tea there." Was that a lie?---No. It wasn't a lie. Back to this same, well, similar question you ask before. That was on 4 November and I told you already, at that moment, you know, my mind, my head was spinning. I was so confused and so on by different question already and I couldn't, if I have recalled, you know, exactly the sequence of events or what it is about and so on, I would have told the Commissioner already.

And I want to suggest to you that if what had happened had happened, it would have stayed in your memory and there is no way you would have given those answers that you gave on 4 November. What do you say about that?---Disagree.

You disagree?---Yep.

I going to suggested to you that that incident that you described with the envelope did not occur.---Yes, it did.

I'm going to suggest to you, you did not ever witness an envelope being handed over and money being received by Mr Hindi in the way you state?
---Unfortunately I did see it, I did see it.

Whatever those text messages are to do with have nothing to do with the event that you've maintained occurred. What do you say about that?---The text messages are here. You, well, besides this transcript on 4 November, I'm sure you have seen the transcript on 5 November. You have seen the transcripts of last week, okay? So - - -

You did not introduce Mr Hindi to Mr Uy? What do you say about that?
---Unfortunately, I did. That's why I felt so bad.

The person you described, where you describe yourself as the introducer who betrayed us, relates to a transaction that has absolutely nothing to do with Mr Hindi. What do you say about that?---Disagree.

Thank you, Mr Commissioner.

THE COMMISSIONER: All right, thanks, Mr Corsaro. I think there's another application, isn't there?

MR PATTERSON: Yes, I've made an application, Commissioner. I don't know if anybody else has.

THE COMMISSIONER: No, that's okay.

MR PATTERSON: I'm happy to go next unless somebody else wants to.

MR STANTON: Sir, I'll be re-examining so I'll be last.

THE COMMISSIONER: Good.

MR PATTERSON: Good afternoon, Mr Wong. My name is Patterson and I represent Philip Uy, or Uy. Could I just clarify one thing - - -?
---Excuse me, Mr Patterson, excuse me. Can you speak to the speaker, please? Yeah.

Is that better?---Yes, thank you.

A few moments ago learned Senior Counsel asked you some questions about GR Capital Pty Ltd - - -?---Yes.

- - - on the basis that that was Mr Uy's company. That's not correct, is it?
---I don't think that was Mr Uy's company, no.

Insofar as you know, GR Capital Pty Ltd was owned by Wensheng Liu, isn't that right?---That's what I thought, but I remember last week I was
10 corrected that it was owned by – I forgot the name, sorry. I think it was a lady's name, so, so Mr Liu I, I think I was told that he was only a general manager.

And insofar as you know, Philip Uy had no financial interest in GR Capital Pty Ltd, isn't that so?---No, I didn't know about that. I didn't know, I didn't know in depth his capacity or whether he has financial interests or whatsoever.

You don't know either way?---No.
20

And you've already said in answer to learned Senior Counsel that you did introduce Mr Hindi and Mr Uy?---Yep.

I put it to you that you did not or you may not have. I put it that you may not have introduced them. Are you sure about introducing them?---Yes. I introduced them in a Chinese function. I can't remember exactly when but it was a few years back, before this, before this tender things.

If I could take you to the transcript of 4 November, page 141, about line 38.
30 ---Can you wait? Because I'm waiting for the screen.

Yes, of course.---Thank you.

I might just read what you say, "I think I introduced them, it must be two or three years before, before this, this, this thing happened, yeah."---The transcript is not on, sorry, can you wait a little bit, please?

Certainly.

40 MS HEGER: Sorry, can I just confirm which page of the transcript you're going to, Mr Patterson?

MR PATTERSON: 4 November. Sorry, 5 November, page 141. 5
November, page 141. And you'll see at about line 38 you say, "I think I
introduced them, it must be two or three years before, before this, this, this
thing happened, yeah." That's your recollection?---Please bear with me for
a second. I'm looking for the line.

Just above line 40.---Line 40, yep. Yep.

10 That's your recollection?---Yep.

And if you turn over the page to page 142, about line 12, you say, "We
attend functions and so on, and dinner. It possibly, you know, is in one of
those functions, oh, this is so and so, this is so and so, yeah. Yeah. Could
be, could be, yeah."---Yep.

That's your recollection?---Yes.

20 And if you go to the transcript of last week, page 636, about line 38, well,
about line 35 Counsel Assisting has put to you "And indeed, you had
arranged the introduction between Philip Uy and Mr Hindi on this
occasion?" Your answer was "Oh, they knew each other already before
that."---Just, excuse me, Mr Patterson, they are still fixing up the, the
transcript.

Sorry. Page 636, 28 June, line 30.---Line 30.

30 Sorry, I withdraw that. About line 35 it commences "And indeed, you had
arranged the introduction between Philip Uy and Mr Hindi on this
occasion?" "Oh, they knew each other already before that." "How do you
know that?" "Because that was, I recall, that was in, in another Chinese
function that, you know, they were there and I just casually said that 'Oh,
this is Councillor Hindi' or 'This is Mr Philip Uy.'" That's correct?---Yes.

Can you explain to the Commission, they were casual introductions, is that
correct?---Yeah, yes.

In the context of a social function?---Yes.

Or maybe in the context of a Chinese community function with council, something like that?---Not with council but, you know, those, one of those Chinese community functions I would say.

And that sort of casual introduction would not impose a responsibility on you, would it?---What do you mean by “impose a responsibility”?

Well, you said in your evidence that you were taken to by Senior Counsel, you said something like “I have a responsibility for the introduction.”

10 ---Yeah.

I can take you to the transcript, if you wish.---Yeah, I, I, I, I remember, I know what you mean. I, I, I know which part you pinpoint.

“I have a big responsibility.” They were your words, weren’t they?---Yes, yes, because in that context it is, first of all, as I, as I, as I have already, you know, explained to the Commissioner before, Philip Uy was suspecting me that, you know, I have something to do with the, with, you know, with, he suspected that I dealt with other developer and so on. So that’s why, you
20 know, I, I just want to let him understand that, you know, well, no, not really and, and, look, you know, since you put it in that way that I took you to Mr Hindi’s house, I have the responsibility, you know, to get back the money for him.

In fairness to you, Mr Wong, I’ll put the exact words to you. “I’m responsible too, as the introducing person.”---Yes.

“This is another big learning of life for me. Trusted the wrong person.” That sort of relationship or responsibility couldn’t possibly arise from a casual introduction at a social function, could it?---Well, we are talking
30 about two different things. At the time - - -

Seems we are talking about two different things.---Yep.

THE COMMISSIONER: Let him finish, please.

MR STANTON: No, no. I ask that he answer the question, please.

THE WITNESS: Yep. At the time when I introduced them, it was in, on a,
40 it was during a social function when I introduced them. There was no intention to line them up together for business for whatever, for whatever

purpose, okay? Then after that incident happened, when Mr Philip Uy keep blaming me for, for, you know, well, dealing with other developers and so on, look, I have to use strong words to, to make him understand that I was not part of it, okay, and, well, yes, I introduce you to him as a Chinese to Chinese, okay, you know, I feel bad. I feel, I feel I have the responsibility to make it right for you, I will chase back the money for you. So that, that was my intention when I sent out that message to him.

10 MR PATTERSON: Anyway, insofar as you're aware - - -?---I mean, you, you are trying to mix two, two different statements under different circumstances together.

Thank you, Mr Wong. Insofar as you're aware, Philip Uy and Con Hindi have known each other for a long time. Isn't that so?---Well, a few years, yes.

Yes. And you've already told us that you were a Labor member of council and Con Hindi was a Liberal member. Correct?---That's correct.

20 So it's very unlikely that Philip Uy needed you to arrange a meeting with Con Hindi, isn't it?---Well, unfortunately, he asked, he, he has asked me to do it and, and I will be honest with you, Mr Patterson, I felt I was being set-up when he, you know, when I think back what happened.

And I'll put it to you that Mr Uy could have arranged a meeting directly with Con Hindi if he wanted a meeting. Isn't that right?---Yeah, he could. But when why he got me involved?

30 Now, you've know Philip Uy for many years as a businessman in Hurstville, haven't you?---Yes.

You've told us, I think, that you were with the HSBC Bank and you had your own business, Fastlink Mortgage. Isn't that right?---Well, after the, after I resigned from the bank, yes, I started my mortgage finance company.

And you told the Commission last week that you and Mr Uy had mutual customers, didn't you?---When I was in the bank, yes. I should say mutual customer between the bank and his real estate firm.

40 I can take you to the transcript if you wish?---Yeah.

But you accept that you told the Commission that you had mutual customers. Correct?---Yes.

People buying property through your real estate agency may have arranged housing loans – sorry. People buying property through Mr Uy’s real estate agency may have - - -?---Yeah.

- - - arranged housing loans from the bank or through your finance brokerage. Isn’t that correct?---Yeah.

10

And, generally, you did business together, didn’t you?---No, not together. Well, just, you see - - -

You had mutual business interests?---Well, mutual customers, mutual customers.

Yes, mutual customers.---Yeah. But, see, the customer doesn’t, it doesn’t mean that, you know, the customers definitely, you know, heard of me from them or vice versa.

20

Would you agree with me that you were introduced to Philip Uy many business contacts over the years?---Not really.

Did you introduce any? I put it to you that you did?---I don’t recall.

Do you recall whether or not Mr Uy introduced customers to you?---Not him directly, not him personally. Maybe his staff?

30

Right. Now, the sale of the Gloucester Street car park was to proceed through a tender process, wasn’t it?---Yes.

And this has already been put to you in a different way, but I suggest it’s unlikely that Con Hindi alone could have influenced the result of the tender process. Isn’t that correct?---Not an individual, no.

I didn’t hear you. Could you repeat that?---Not as an individual, no.

40

No. And if Philip Uy wanted to pay Con Hindi a bribe, as you allege, it’s unlikely he would want a witness present, isn’t it?---Well, I don’t know what exactly was in his mind at that time. Okay. The truth was he did call

me and ask me to arrange a meeting, not, well, not a formal meeting but arrange to meet with Mr Hindi and, you know - - -

As a general proposition, if Mr Hindi was going to commit a crime – sorry. I withdraw that. If Mr Uy was going to commit a crime, he'd hardly bring along a ready-made witness would he?---Well, I, I think, I think, on the contrary, he wanted to have a witness there. That's why he asked me to come along.

10 I see.---And that's why he asked me to arrange that, otherwise, yes, he could go straight, he could have gone straight, you know, to, to make arrangement himself.

I see. And isn't it unlikely that he would bring along as a witness a fellow councillor who would participate in the decision-making process?---Come again?

Isn't it unlikely that Mr Uy would bring along with him, as a witness to this alleged bribing of a council member, a fellow councillor who would
20 participate in the very decision-making process?---Well, he did but he did, okay, but he did.

Because that would fix you with knowledge that the process was corrupt, wouldn't it?---Yes.

And you knew that if you witnessed the payment of a bribe as a councillor, you should report it, didn't you?---As I said, yes, I should have reported it back then.

30 You didn't report it, though, did you?---No, I did not. I regret that.

Yeah, yeah.---Mr Patterson, I do regret that, believe me.

I'm sure you do. And that in itself was corrupt, wasn't it, your failure to report it?

MR STANTON: I object to that, Commissioner. That really is a matter for
- - -

40 THE COMMISSIONER: Where does this go to?

MR PATTERSON: Well, to the extent that it needs to go further to credit, it goes to credit, Commissioner.

MR STANTON: Commissioner, if I might just be heard, sir, while you're certainly making your own mind about it, which you're entitled to, obviously. How can that go to credit? Matters of law, where this witness is being asked to respond to what is a conclusion of law and ultimately a finding for this body, can only be determined by you on advice from Counsel Assisting and, more importantly, on the evidence thus far. There's
10 nothing that indicates any basis for this man being fixed with corrupt conduct and a proposition that says, "You knew it to be corrupt."

THE COMMISSIONER: I agree.

MR STANTON: Thank you.

THE COMMISSIONER: I disallow the question.

MR PATTERSON: You were aware of the provisions of the Council Code of Conduct, weren't you?---Yes.
20

Yes. And you knew that you were obliged under that code of conduct to report something like this, didn't you?---Yes.

And you didn't?---No, I didn't.

And that's something that you greatly regret?---Yes.

I see. Without agreeing whether or not it was corrupt. All right, well, let's
30 move on. After the payment of this bribe, according to your evidence, council rescinded the decision to deal with the successful tenderer Deicorp, isn't that right?---Yes.

And you sponsored that motion, knowing it would benefit GR Capital.
---Disagree. That, that will not benefit any other tenderer. As I said, you know, if you look at the motion carefully, it was not to take any further action on the car park. So how is it going to benefit GR Capital?

There was then an open tender process, wasn't there?---Yes, there was.
40

So the decision to proceed with Deicorp was rescinded?---Yes.

And that benefited GR Capital, didn't it?---Why, why particular GR Capital? How can it, how could it benefit any other tenderer?

So you're not agreeing with me?---No, I'm not agreeing with you. No, not at all. And, and, mind you, that motion, that motion was not trying to benefit any other tenderer. But as I have explained to the Commissioner before, a moment before, if you have listened carefully, that was because council, there was a very diverse opinion among the councillors. And there
10 was no general consensus among the councillors.

But the motion that you vote, that you propose was to rescind council's dealing with Deicorp, wasn't it?---Well, if you, if you don't rescind that, that motion, how are you going to not to take any further action?

Now, your evidence - - -?---But anyhow, in any case, by rescinding the motion, it won't benefit any other tenderer or any particular tenderer.

There was a further process after that, wasn't there?---No. What, what other
20 process you are talking about?

Perhaps, perhaps - - -?---There was, the motion was, the motion was no further action taken on the car park.

Very well. Now, your evidence is that you don't like Vince Badalati, isn't that correct?---Well, my, I recall what I said during the private inquiry or the compulsory examination summons, but, well, I, Badalati is a man that I don't have time for.

30 Thank you. And you say that Philip Uy badmouthed you after you ceased to be a councillor, isn't that correct?---Yes. I heard, I heard, it was repeated to me that he told people, you know, I dealt with other developer that cause him to lose out in the tender.

Thank you. Now, just briefly in relation to the text messages to which you've been taken by Senior Counsel, I put it to you that the entire conversation could have been in relation to legitimate business purposes, couldn't they?---Not really. As I have already explained, these messages overall, the aim is Philip Uy wanted me to get that, that one, \$10,000 back
40 for him, even though eventually, for some reason, I don't know exactly, he did not need it.

Yes.---Okay?

Well, that's what you tell the Commission. Now, I put it to you that the books that Mr Uy referred to could have been Chinese or Hong Kong magazines. What do you say to that?---Laughable.

Is it not the case that Philip Uy did not mention money at all during that whole exchange of messages except in response to your suggestion?---
10 That's not true. If you read the messages from the first one to, I mean, oh, wait, the first one on the list till the last one, it has all been about - - -

I assure you, Mr Wong, I have I read the messages.

MR STANTON: Commissioner, I object. Until he answers, please.

THE COMMISSIONER: Thank you.

MR PATTERSON: Please continue, Mr Wong.
20

MR STANTON: Thank you.

THE WITNESS: Yep. So it was about money.

MR PATTERSON: That's your conclusion.---Not my conclusion but that was the facts. You saw those text messages already.

I put it to you that Mr Uy did not use the word "money" once except for on 18 October at 7.28am he said "What money?" in response to your
30 suggestion.---Yeah, yeah. From, but from the beginning of the message he needs, "I need to pay tax."

Do you agree that he did not use the word "money"?---Well, yeah, he can't use books, he can't use books to pay tax.

Do you agree that he did not use the word "money"?---He indicated that - - -

All right. And your evidence is - - -?---Well, if it's not money, what else?

40 Well, that's a matter for the Commission, not for you, Mr Wong.---Yeah, okay. Of course, of course, of course. Yes, of course.

Now, can I take you to page 640 of the transcript, at about line 18? And you'll see there, you say in response to Counsel Assisting "Yeah, yeah, before these messages, he did call me, you know, and asked me to, to get back the money from Mr Hindi for him." That was your evidence?---That's correct.

And there's no transcript of that telephone conversation in evidence, is there?---No, no.

10

And that's because there was no such conversation, was there?---Oh, come on.

MR STANTON: Oh, I object that Commissioner. That just can't be right.

THE COMMISSIONER: Well, no, I reject that. Yeah. No, I reject that.

MR PATTERSON: So there's a lot more going on here than meets the eye, isn't there, Mr Wong?

20

MR STANTON: Sorry, Mr Patterson, what was that again?

MR PATTERSON: I said there's a lot more going on here than meets the eye, isn't there, Mr Wong? You initially were a person of interest of this inquiry, weren't you?---Yes. My understanding I was.

And now you're not. How do you explain that?

MR STANTON: Oh, he can't answer that.

30

THE COMMISSIONER: I reject that, I reject that.

THE WITNESS: Oh, it's not up to me.

MR STANTON: Sorry, Commissioner. He can't answer that.

40

MR PATTERSON: I suggest you've tailored your evidence to suit what you think this Commission wants to hear, haven't you?---I, I think this remark is absurd. I simply, I simply fulfil my responsibility as a witness in the witness box and I, I am not trying to tailor my answers, you know, into,

into whatever style or format to suit the, the, the, the ICAC and, Mr Patterson, don't underestimate the ICAC.

I assure you, Mr Wong, I don't do that. You didn't see Philip Uy pay money to Con Hindi as you allege, did you?---I did.

There was no such meeting as you allege, was there?---There was such a meeting.

10 You just made that up, didn't you?---No, I did not make up anything.

You saw this as an opportunity to settle old scores with Vince Badalati and Philip Uy, didn't you?---How can that, how can that settle old scores with Vince Badalati and, and, and Philip Uy?

You've fallen out with - - -?---I, I don't, I don't, I don't follow your argument at all. I mean, I didn't get along with Vince Badalati but how, how is it, how is all these messages, things and so on, or, or, or this meeting
- - -

20

To be a member of the Labor Party you have to be a good hater, don't you, Mr Wong?

THE COMMISSIONER: Oh, I reject that. Really.

MR PATTERSON: They're my questions, Commissioner.

THE COMMISSIONER: Thank you. Does anyone else have an application?

30

MR CORSARO: Commissioner, can I just – I've spoken to Mr Stanton. I just need to formally put one matter which probably falls out of what I've put, just as a matter of fairness.

THE COMMISSIONER: Yes.

MR CORSARO: You realise I've put to you that the conversation and the meeting that you've given didn't take place. I put that to you. Do you understand that, Mr Wong? I should also put at no stage did you and Mr

Hindi ever have a conversation concerning the payment of money or the repay of money? I need to put that formally to you.---No.

And that what you've said about that is quite false. What do you say about that?---Come again?

I'm putting to you that what you've said to the Commissioner about having a conversation with Hindi about repaying money or the payment of money is simply false. I need to formally put that to you.---That was not false.
10 That was true.

THE COMMISSIONER: I don't think he said that.

MR CORSARO: I'm sorry?

THE COMMISSIONER: I don't think he said that, did he?

MR CORSARO: I think he gave evidence on, last week in relation to Mr Hindi agreeing to repay the money.
20

THE COMMISSIONER: Oh, I see, yep, sorry.

MR CORSARO: I'm putting formally that that never occurred. I think as a matter of fairness I need to put that.

THE COMMISSIONER: Yes, that's fine.

THE WITNESS: He did agree to pay back, yep. And that's why you know I have that message, that next Thursday.
30

THE COMMISSIONER: Yeah.

MR CORSARO: That's all I needed to put, thank you, Commissioner.

MS HEGER: I understand there was another application from Mr Wensheng Liu.

THE COMMISSIONER: Yes.

40 MR HOOD: Mr Wong, can you see and hear me?---I can hear you. I can't see you.

Okay, well, we won't worry about the seeing part, as long as you can hear the questions I ask of you.---Yep.

You travelled on a number of occasions to Hong Kong and China and met with a Mr Philip Uy whilst you were there. Is that the case?---Well, occasionally I met him there.

10 Yes, okay. And what you - - -?---I mean, I've travelled, I've travelled many times to, to, to China or Hong Kong but I don't meet up with him every time.

Okay. Both council-related business and privately, is that the case?---Yes.

20 Yes. On occasions when you met Philip Uy in Hong Kong, did he explain to you his ownership of apartments in that location?---Okay, first of all, I never met with him in Hong Kong. I, I don't recall I met with him in Hong Kong. I met with him in China. Secondly, he never mentioned about location of his properties.

All right. So at no time did he tell you that he had a property in Hong Kong, is that the case?---No, he did tell me that he got properties in Hong Kong as well as in China.

Okay. But he didn't give you - - -?---But I've never been there and I have never asked for details.

30 Right. Okay. And he was no more specific than saying they were the general locations?---He, you mean the, he, well, I think your question is did he mention the locations, is it?

Yes.---Now, I recall, I recall that he did mention he got an apartment in Kowloon City, in Hong Kong, that's in Hong Kong, an area called Kowloon City. Other than that, no, he didn't mention locations.

Sorry, he didn't tell you where in China more specifically?---In China, no. No.

Nor did he tell you how many apartments he owned?---No.

40 Okay, thank you. So you said last week that you were exploring your own business opportunities in China, is that the case, or overseas?---Yes.

Okay. Did that give you some understanding of the value of real estate, firstly, in Hong Kong?---Not really, no.

Okay. And I take it the same applies to the value of property in China. Would that be the case?---No. No. Because at that - - -

Okay.--- - - - at that time my, I was exploring the business opportunity for exporting red wine. Nothing to do with properties or real estate.

10

All right. Okay, thank you. On 4 November, 2021, you were asked about contact with Mr Wensheng Liu and you were asked this question more specifically, “Are you still in touch with him?” and your answer was “No. Not after I left council. Actually, I hardly talk to him, I hardly see him, you know, even when I was on council.” Firstly, will you accept from me that is the evidence that you gave on that date?---Yes.

20 Thank you. And that was both an honest and accurate account of the position. Is that so?---Yes. I mean, I, I need to emphasise that, you know, I hardly saw him or met with him but maybe, maybe just once or, you know, maybe once or twice, that’s all, but, but, you know, over the years, hardly, hardly really see him or meet with him or talk with him.

Right. And the position is this, that those conversations, whatever they were, were so inconsequential that you have no recollection of what you spoke to him about?---Correct.

30 Thank you. All right. On 5 November, you were asked this. “Are you aware of Mr Wensheng Liu ever offering any payments to councillors on Hurstville City Council?” And your answer was this, “Not that I’m aware of, no.” Firstly, would you accept to me, that is the evidence that you gave on that occasion?---Could you repeat that, sir?

Certainly. “Are you aware of Mr Wensheng Liu ever offering any payments to councillors on Hurstville City Council?” “Not that I’m aware of, no.” That was your answer. Okay?---Yes.

Thank you. Do I take that to be an honest and accurate account - - -?---Yes.

40 - - - honest and accurate evidence? Did he say “yes”?

MS HEGER: Yes.

MR HOOD: Did you answer that?

THE COMMISSIONER: He did.

MR HOOD: He did? Thank you. All right. Mr Wong, is the position this, then? At any time, if you were disenchanted with what was taking place on council, it was open to you to simply resign?---What's that? Come again,
10 sorry?

Yes. Was the position this, that at a point in time, you became disenchanted with what was taking place in Hurstville City Council? Is that the position? ---Disenchanted? I, I don't understand the questions. Can you ask that again, please?

Were you unhappy about what was taking place in the Hurstville City Council?

20 THE COMMISSIONER: How does that affect the interests of your client?

MR HOOD: Well, I'm aware of a different answer that he's given, if it pleases, Mr Commissioner. I was just seeking to contrast the two.

THE COMMISSIONER: All right.

THE WITNESS: Sorry, Commissioner.

THE COMMISSIONER: But if you're, if you think it - - -
30

THE WITNESS: I, I don't, I don't quite understand his question. What was he asking again, sorry?

MR HOOD: That's okay. I'll withdraw it, Mr Commissioner. That's all I have. Thank you.

THE COMMISSIONER: Thank you very much. I think that's - - -

THE WITNESS: Sorry. It was a bit hard to - - -
40

No, that's okay. I think it's over to you, Mr Stanton.

MR STANTON: May it please, Commissioner. Mr Wong, at page 633, might that be shown to him, please, Commissioner?

THE COMMISSIONER: Sure.

MR STANTON: Line 29. The transcript for 28 June, please, sir.---Yes, I can see it now.

10 There's an answer there, sir, that says, in part, well, I'll read the last sentence. "But, you know, some councillors like, including myself, we need to argue that, you know, it's not just the height it will benefit the community and council, but what we get out of it." What do you want to say about that answer, sir?---No, it should be, it should be "it is not just the highest bid that will benefit the community" not "the height it will benefit the community". It should be, it should be "not just the highest bid that will benefit the community and council".

20 Mr Wong, if I could just take you squarely to what I want to put to you in re-examination, which is this. You told Mr Corsaro of Senior Counsel that you consulted your legal adviser - - -?---Sorry. Mr Stanton, can you speak to the speaker, sorry?

Yes, I know. It's a problem I have all the time, sir.---Thank you.

You told my learned friend Mr Corsaro that you gave your evidence on 4 November, 2021, went home and contacted your legal representative, namely, myself?---Yes.

30 Right. I don't want you to waive your privilege but as a result of that, I contacted the Commission on your behalf the next morning, did I not? ---Yes.

And as a result of doing that, possibly even sending an email earlier, the Commission reconvened, did it not?---Yes, it did.

And you understood that your evidence was different from 4 to 5 November, did you not?---Yes.

Yeah. And in giving that evidence, you further understood that whilst the section 38 declaration was given, the protection did not extend to false or misleading evidence. You understood that?---I understood, yeah.

On both 4 and 5 November?---Correct.

At no time did the Commission offer you an indemnity, did it?---No.

10 Nor did it indicate to you it would take a benevolent view of your testimony?---No.

More importantly, the Commission never invited you to come back, you sought to come back?---Correct.

And more particularly, you understood in coming back you were giving evidence that was, in part, contradictory to, or certainly at variance with what you said the very day before?---Correct.

20 Nevertheless it was your decision to come back and put on the record what you wanted to be placed on the record on 5 November?---Correct.

And you've maintained that evidence ever since?---Correct.

And finally, sir, I think that was your last term on council, was it not?
---Correct,

Shortly after July 2012 you ceased to be a councillor?---Well, my term end, end in the August of 2012.

30 Yes, so, as I say, shortly after July 2012, your term ceased as a councillor?
---Yep.

And if I could just conclude, sir, on this basis, not until 10 years later, on or about 4 November, 2021, did you have any opportunity, let alone any reason to recall what occurred almost 10 years earlier?---No.

Thank you. Oh, sorry, in excess of and almost to the point of 10 years earlier.---Yes.

40 Certainly.---Correct.

Yes. Thank you, sir.

THE COMMISSIONER: Thanks, Mr Stanton. You're free to go.---Thank you.

MS HEGER: Commissioner, I just have a couple of questions.

THE COMMISSIONER: Oh, sorry.

10

MR STANTON: Not so fast.

THE COMMISSIONER: I'm always missing somebody. Bad habit.

MS HEGER: Mr Wong, you were aware, were you, at the time of this alleged meeting between Philip Uy and Mr Hindi that Wensheng Liu was associated with GR Capital in some way, were you?---Yes. Yes.

20 And how were you aware of that?---Well, I can't recall exactly how I learned of that but, yes, I, I, I was aware of that.

You can't remember how you found that out?---Could, well, I am not 100 per cent sure but in this, in this particular point, I have a feeling that Mr Philip Uy would have told me, yeah, he is related to the company, yeah.

And at what point did he tell you that, can you remember?---Oh, I can't remember, I'm sorry.

30 Did Philip Uy mention GR Capital at this meeting with Mr Hindi?---No.

I have no further questions, Commissioner.

THE COMMISSIONER: Thank you. Now, you're free to go.---Thank you.

Thank you very much for your assistance.---Thank you, Commissioner.
Thank you.

40 MR STANTON: Commissioner, is he excuse from his summons, sir, so I can just let him know, please?

THE COMMISSIONER: Of course.

MR STANTON: Commissioner, I might withdraw as well, please, sir.
Thank you.

Yeah. You're free to go. Thank you.---Thank you.

THE WITNESS EXCUSED

[3.43pm]

10

THE COMMISSIONER: So what are we going to do now?

MS HEGER: The next witness is Elaine Tang, who is here today, as I understand it. We could use the next 15 minutes, Commissioner.

THE COMMISSIONER: Sure.

MS HEGER: Can I call Elaine Tang?

20 THE COMMISSIONER: Ms Tang, will take an oath or an affirmation?

MS TANG: Affirmation.

THE COMMISSIONER: Thank you.

THE COMMISSIONER: Take a seat, please.---Thank you.

Now, you're not represented, are you?---No.

Okay. Let me just explain to you your rights and obligations as a witness here.---Yep,

10

As a witness you must answer all questions truthfully and you must produce any item that I require you to produce during the course of your evidence. ---Yep.

20

I am empowered to make what's called a section 38 declaration, and I usually do so in respect of people who aren't represented. The effect of that declaration is that although you must still answer the questions put to you or produce any item I require you to produce, that answer or that item can't be used against you in any civil proceedings or, subject to one important exception, in any criminal proceedings. The exception is the section 38 declaration, the protection given by this declaration does not prevent your evidence from being used against you in a prosecution for an offence under the ICAC Act, and most importantly an offence of giving false or misleading evidence. I'm not suggesting for one moment you'll give false or misleading evidence, but if you were to do so you would commit a very, very serious criminal offence for which the penalty can be imprisonment for up to five years. Would you like me to make that declaration? I think I should.---Okay.

30

Yep.---I guess so.

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by her during the course of her evidence at this public inquiry are to be regarded as having been given or produced on objection, and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

40

DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST

CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HER DURING THE COURSE OF HER EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION, AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

10

MS HEGER: Ms Tang, could you please state your full name?---Elaine Tang.

And what's your current occupation?---I just work as a Commercial Property Manager in a real estate office.

All right. You know Philip Uy, correct?---Yes.

20 And you worked for Philip Uy at various companies over a number of years, correct?---Correct.

First you worked with Philip Uy at Hurstville Real Estate, is that right? ---Correct.

That was in about 1999 to 2000?---Yes, correct.

You then worked for his company IPC Constructions?---Yes.

30 Is that the same as P&I Constructions or are they two different?---They're two different companies.

Two different companies.---Yep.

Was Philip Uy a director of IPC Constructions at that time?---I believe he was.

All right. But it was actually Kurt Vegners who approached you to work there, is that right?---Correct.

40 And was he a builder at that time?---Yes, correct.

And he was a builder employed by IPC Constructions, is that right?
---Correct.

And you worked primarily with Kurt Vegners at that time?---Correct.

Was that around 2007 that he approached you to work there?---I don't recall. It might have been before because it was before I had my son in 2007.

10 All right. And then did you work there for a few years?---I believe so.

When do you think you finished up working there?---Just before I had my first son.

What year?---In 2007?

You finished up 2007?---Yeah, early 2007.

20 Okay. And then you later worked for a company called Gencorp, correct?
---Yes.

That was from about 2014?---Yes. End of 2014.

And Philip Uy was a director of that company at that time?---Yes.

And initially you worked primarily with Kurt Vegners again, is that right?
---Yes.

30 Doing administrative work, correct?---Yes.

The accounts for Gencorp?---Yes.

And then at some point you started to work more closely with Philip Uy, correct?---Yes.

From around the end of 2015.---Yes. I believe so.

40 And that involved working on a development at 1-5 Treacy Street, Hurstville?---Yes.

You're aware that the DA for 1-5 Treacy Street was lodged in October 2014?---I don't know. Was before my time.

That was before your time?---Yes.

All right. So were you then involved in subsequent modification applications made for 1-5 Treacy Street?---For the extra levels, yes, I was involved.

- 10 Yes. That was lodged about December 2015. Does that sound right?
---Probably, yes.

Okay. Were you also involved in preparing the voluntary planning agreement offer for that modification application?---I had to attend meetings, yes, for that.

Meetings with whom?---I believe it was the architects and it might have been council as well.

- 20 All right. And it was GR Capital Group that proposed that modification application, correct?---Yes.

Which is Wensheng Liu's company, of course.---Yes.

And GR Capital Group, when you mentioned architects, they engaged Dickson Rothschild in respect of 1-5 Treacy Street, correct?---Yes, yes.

And you also met with some people at council. Is that right?---Yes.

- 30 Who did that include?---The admin girls, I forgot their name, and I also met -- sorry. Can you give me some names of the, the, the people that were, the councillors that was there, like, there was a lady, there was two ladies that I worked with mainly and some girls that worked under them.

Did you meet with Meryl Bishop?---Yes. Correct.

Was that on Landmark Square or 1-5 Treacy Street?---I can't recall but it would have been one of those.

- 40 All right. Catherine McMahon?---Yes. Correct. Yeah.

Was that Landmark Square or Treacy Street?---I think it would have been one of those.

Okay. We can come those interactions later on.---Yeah. Sure.

And, of course, you did also work on the Landmark Square planning proposal. Correct?---Yes, I did.

10 And the planning proposal was lodged with Hurstville City Council in June 2015. Does that sound right?---I wasn't really involved at that stage.

Again, that was before your time?---Yeah, 'cause I was probably doing more admin.

Okay.---Yeah.

20 And so it was again late 2015 that you started becoming more closely involved in Landmark Square. Is that right?---I think it was around about that time, yes.

And you worked on, for example, arranging for the options for Landmark Square to be extended?---Yes. Correct.

That was in 2016?---It would have been if that's what the record shows.

And it was, of course, The One Capital Group that was the proponent of the Landmark Square planning proposal. Correct?---Yeah. Yes.

30 And The One Capital Group also briefed Dickson Rothschild on that proposal. Correct?---I believe so, yes.

And part of your role was meeting with Dickson Rothschild in relation to the planning proposal?---Yes.

And, again, meeting with council staff?---Yes.

Which included Meryl Bishop?---Yes.

40 And Catherine McMahon?---Yes, I believe so.

Were you actually employed by GR Capital Group?---No. I was employed by Gencorp.

Okay. Did you invoice your time to GR Capital Group?---I started invoicing my time to GR, I think it was 2017.

Was that when you set up your own consulting company?---Correct.

That was called E Creative Solutions?---Correct.

10

And does the same apply to The One Capital Group? You were never employed by them?---That's correct.

But you started invoicing your time around 2017?---Yes, it depended on, it, it – sorry. My invoicing depended on what work I was doing on behalf of Gencorp for those companies.

Sorry? On behalf of what who was doing?---So Gencorp. So, okay. How

20

Could you explain that again, please?---Sorry. How that really works is that I was technically employed by Gencorp and then I would do work for GR Capital or The One Capital Group and then previously Gencorp would invoice GR Capital or The One Capital but then when I had to set up my own company, I just invoiced them direct.

You invoiced GR Capital and The One Capital Group direct?---Yes. Correct.

30 All right. I think you said you did do the accounts for Gencorp. Is that right?---Yes, back then. Correct.

Well, does that apply from when you started working in 2014 all the way up to when you stopped working for them?---I did less and less of the accounts later on but I, I am aware of the, kind of, like, the invoicing between GR, The One and Gencorp.

Okay. When did you actually stop working for Gencorp?---Before I started my company in 2017.

40

Okay. So you were doing the accounts between 2014 and 2017 but over that period, you had less and less involvement. Is that right?---Correct. Yes. Around about then, yes.

Okay. And was somebody else taking up that responsibility?---Kurt usually had Luke doing all the invoicing and I would just double-check that it's correct at times, but most of the time, he, he's got it wright, and then they've got an accountant to do everything else.

10 Okay. And so in the early period, sort of '14/'15, was it you who was inputting the income and expenses into the accounting software for Gencorp?---No, I didn't always have to do that. I mainly just paid bills. Whenever there's bills, I just have to check them and then get them approved and then just write out cheques.

Okay. And whose responsibility was it to put it into the accounting software, assuming you had it?---It was another person named Rose Marie.

20 Okay. So you had some authority to make payments on behalf of Gencorp. Is that right?---Yes. Yes, I did.

You could make transfers out of Gencorp's bank account?---Yes.

How many bank accounts did Gencorp have around 2014/15?---One that I know of.

Okay. You could make transfers out of any amount or was there a limit on your authority?---There was a limit.

30 What was the limit?---I think it was about \$100,000, is what I could recall at the time.

So when a transfer was \$100,000 or more you had to get whose approval? ---I usually would run it past Kurt but I don't think I ever had to transfer more than \$100,000 to be honest, it's always been written as a cheque, so I don't quite recall, but yeah. I would have to get approval from Kurt.

40 Okay. And generally speaking, when you made payments from Gencorp's account, was that by cheque or EFT or a mixture?---Both, it's a mixture.

Did you ever withdraw cash from Gencorp's account to make payments?---I don't recall.

Is it unlikely based on your usual practices that you would have done so?
---Yes, yes. It's unlikely.

10 All right. So from late 2015 when you started working more closely with Philip Uy, at that point did you also work closely with Wensheng Liu?---It wasn't really closely, it was more I was working for Philip as the building company and Wensheng Liu had the development company, so we would have meetings to discuss what needs to be done for the building site and so on. So I would be involved in those meetings.

All right. So you met with Wensheng Liu from time to time?---Yes.

About both Treacy Street and Landmark Square?---Yes.

20 But day-to-day you took your instructions on Treacy Street from Philip Uy, is that right?---Yes. Either Philip or Kurt.

And does the same apply to Landmark Square?---Most of the time, yes.

Was that both Philip and Kurt or mostly Philip?---Mostly Philip would give me instructions.

Was Kurt involved in Landmark Square at all?---He was more of the, I think just the backend stuff, just doing the paperwork or, like, if we need specifics from him.

30 Okay. You also worked with Chris Yan, correct?---Yes.

And that applies from late 2015, correct?---Yes. I think probably more involved after the trip that I went to China.

After the April 2016 trip?---Yes. That's when I got more involved, yeah.

That's when you worked more closely with Chris Yan, is that what you're saying?---Yep.

40 Okay. In fact, you were based out of the same office at 124 Forest Road, correct?---Same building, different offices.

Same building, different office.---Yep.

Is that because GR Capital Group and One Capital Group had one office and Gencorp had another?---Yes, correct, yes.

All right. You were based in Gencorp's office?---Yes.

Chris Yan was based in GR- - -?---The GR Capital office, yep.

10

Which was the same as The One Capital Group office, correct?---I believe so, I think so.

Yeah, all right. And as you understood it, it was Chris Yan who managed the accounts for GR Capital Group and One Capital group, is that right? ---Yeah. So whenever we need cheques we ask him for it.

Okay. You had no authority to make payments out of GR Capital Group's or One Capital Group's accounts?---Not until we got the loan from Everest.

20

When was that?---When, when we had the construction loan, which was when we started construction. I, I don't recall but around about 2016/17.

Started construction on which development?---Treacy Street.

Okay.---I mean, they already commenced construction prior to that but we didn't get the loan until later.

30 Okay. So from 2016/17 you did acquire some sort of authority to make payments from GR Capital Group?---Yes. It was part of the requirement of the bank that they, they signed for it. So one, one person from, sorry, one person from the finance company and one person from our office could sign for it.

All right.---That was Chris and myself. So we both had to sign, so two different companies need to sign the one cheque for a cheque to be valid.

That's a cheque from the GR Capital Group account that you're speaking of?---No. We're talking about the loan account.

40

You're talking about the loan account?---Yeah, yeah. I don't have any authority to withdraw any money from the, the GR Capital's, like, general accounts.

Okay.---Yep.

And the same applies to the One Capital Group account?---Yeah, definitely not.

10 Okay. Did you ever pay invoices issued to GR Capital Group or One Capital Group, though?---Pay invoices from where?

From anywhere.---Sorry, could you repeat your question again?

If an invoice came in to GR Capital Group - - -?---Yeah.

- - - did you ever make payments for those invoices or was that someone else's responsibility?---Yeah, sometimes I do.

20 Okay. But you'd have to get permission from somebody else to do so?
---Yes. Yes, I do.

And who was that?---Usually it's Mr Liu.

All right. And does the same apply to One Capital Group? Sometimes you paid invoices?---Don't think I've ever written any cheques for the One Capital Group.

Okay.---Ever.

30

But if you did, you'd need to get Wensheng Liu's approval?---Yes, I would have.

Okay.---Yes.

And I imagine Philip Uy incurred expenses on the 1-5 Treacy Street development himself from time to time? That is him or his company Gencorp.---When you say "incurred expenses", we, so GR Capital would pay bills on – sorry. Gencorp would pay bills on behalf of GR Capital because how it worked was that we would invoice – so Gencorp would invoice GR Capital, we'll get some funding and then we'll use that money

40

to pay the upcoming bills and then we'll just tally up the expenses for the month and then we'll issue GR again and then they give us the money and we just pay. Yeah, so we do pay GR Capital invoices from Gencorp.

All right. So sometimes Gencorp got money in advance from GR Capital before Gencorp paid the expense?---No. No, no. It's always - - -

No, so Gencorp paid the expense and then would invoice GR Capital, is that right?---Invoice. Correct, yes. Correct.

10

Are you aware of Philip Uy personally ever incurring expenses for 1-5 Treacy Street for which he then sought reimbursement from GR Capital? ---Not that I'm aware of.

And what was the situation with Landmark Square and One Capital Group? Did Gencorp sometimes incur expenses for Landmark Square?---Yes.

And then it- - ?---Sorry. Sorry, could you repeat that again? Did - - -

20 Did Gencorp sometimes pay expenses in relation to Landmark Square? ---Yes.

So that would come out of Gencorp's bank account?---Yes.

And you said it only had one bank account.---Yes.

Did that apply across the entire time you were working there? Like 2014 to 2017?---As far as I'm aware.

30 One bank account for Gencorp for that time?---Yes. Yes. Yes.

Okay. So sometimes money would come out of Gencorp's account for a Landmark Square expense, correct?---Yes, correct.

And then Gencorp would invoice One Capital Group for that?---Yep. Yep.

All right. And again are you aware of Philip Uy personally incurring any expenses regarding Landmark Square for which he then sought reimbursement from One Capital?---No.

40

Or are you aware of him incurring any expenses for Landmark Square from which he sought reimbursement from Wensheng Liu personally?---Not that I'm aware of.

Are you aware of Philip Uy ever using cash to pay for Landmark Square expenses?---No, not that I'm aware of.

Are you aware of him ever using cash to pay for Treacy Street expenses? ---Not that I'm aware of.

10

Are you aware of Wensheng Liu ever providing cash to Philip Uy? That is physical cash.---Not that I'm aware of.

You never witnessed that occur?---No.

Philip Uy never told you he'd received cash from Wensheng Liu?---No.

Wensheng Liu never told you he'd provided some cash to Philip Uy?---No.

20 Right. Is that an appropriate time, Commissioner?

THE COMMISSIONER: It certainly is. So we'll start again at 10 o'clock. Who have we got tomorrow apart from this witness, if anyone?

MS HEGER: We'll be coming back to Wensheng Liu.

THE COMMISSIONER: Okay. Thank you.

30 **THE WITNESS STOOD DOWN** **[4.04pm]**

AT 4.04PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.04pm]