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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GALLEY

Reference: Operation E19/0569

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 6 JULY, 2022

AT 10.00AM

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: Do we have Mrs Hindi's representatives online?

MR PARARAJASINGHAM: Commissioner, if it assists, my instructor who is unwell was hoping to dial in by AVL. He says that he can't access the hearing room at the moment so I don't know if there's some technical problem or if we're in a private sitting or - - -

THE COMMISSIONER: All right.

10 MR ZHAO-CULPAN: Sorry. Hello, Commissioner.

THE COMMISSIONER: Yes.

MR ZHAO-CULPAN: Sorry. I'm Mr Zhao-Culpan representing for Mrs Hindi.

THE COMMISSIONER: Yes.

20 MR ZHAO-CULPAN: Oh, sorry, you just - - -

THE COMMISSIONER: All right. Thank you. I request that you contact your client and request that she provide you with a current address of her son, Malcolm. If she is unwilling or refuses to do so, I require her to be at the Commission premises by 12.00pm. Do you understand that?

MR ZHAO-CULPAN: Yes, Commissioner.

30 THE COMMISSIONER: All right. And I'd really appreciate it if you could perhaps email that address to Mr Baine. It won't be broadcast publicly but I need to know.

MS HEGER: Commissioner, could I ask that that address be provided by 11.30am?

THE COMMISSIONER: I said 11, didn't I?

MS HEGER: I'm not sure you said a time at all, 11.00 or 11.30.

40 THE COMMISSIONER: No, 11.00. And if she is unwilling or refuses to provide it then, she's got to be here by 12.00. Thank you. Now, I think we're going to go into private session, aren't we?

MS HEGER: That's right.

THE COMMISSIONER: Sorry, Mr Pararajasingham.

MR PARARAJASINGHAM: Yes. That was my understanding, Commissioner but if there's a way that my instructor can still dial in for the application that would be preferable.

10 THE COMMISSIONER: Sure. There's no problem with that. Who else do we need to have in here?

MS HEGER: Yes. I think everybody else who needs to be here is physically present, unless I'm told otherwise.

THE COMMISSIONER: But is anyone who shouldn't be in here physically present?

MS HEGER: No.

20

THE COMMISSIONER: All right. Can I just have the names of the witnesses they represent, just so I get it straight in my own mind?

MS HEGER: Yes. Representatives for Philip Sansom are here.

THE COMMISSIONER: Yes.

MS HEGER: As well as for Philip Uy and of course Mr Badalati.

30 THE COMMISSIONER: Right. I direct that the following persons may be present at this public inquiry, which is now moving into private session, and I do so pursuant to section 31A of the Independent Commission Against Corruption Act 1988. Namely, Commission officers, including transcription staff; the legal representatives for Philip Sansom, Philip Uy and Vince Badalati; and Counsel Assisting. I also propose to make a suppression order. If there's anyone online who's watching this, if you're not connected to the representation of Mr Sansom, Mr Uy or Mr Badalati, you should turn off.

MS HEGER: I understand, Commissioner, we will need to take a short adjournment in any event to ensure the technology is in place to ensure a private hearing.

THE COMMISSIONER: All right. Shall I make a non-publication order now?

MS HEGER: Yes.

10 THE COMMISSIONER: Yeah. Being satisfied that it is in the public interest to do so, I direct pursuant to section 112 of the Independent Commission Against Corruption Act that the contents of the private session which is about to commence shall not be published or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission.

20 **SUPPRESSION ORDER: BEING SATISFIED THAT IT IS IN THE PUBLIC INTEREST TO DO SO, I DIRECT PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT THAT THE CONTENTS OF THE PRIVATE SESSION WHICH IS ABOUT TO COMMENCE SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION.**

30 MR KUTASI: Commissioner, it's Mr Kutasi here for Mr Hindi.

THE COMMISSIONER: Yep.

MR KUTASI: I was wondering if it's intentional that Mr Hindi's representatives are not entitled to be present at this?

THE COMMISSIONER: That's correct, you're not.

MR KUTASI: Thank you, Commissioner.

40 THE COMMISSIONER: We'll adjourn and let me know when it's sorted out. Thank you.

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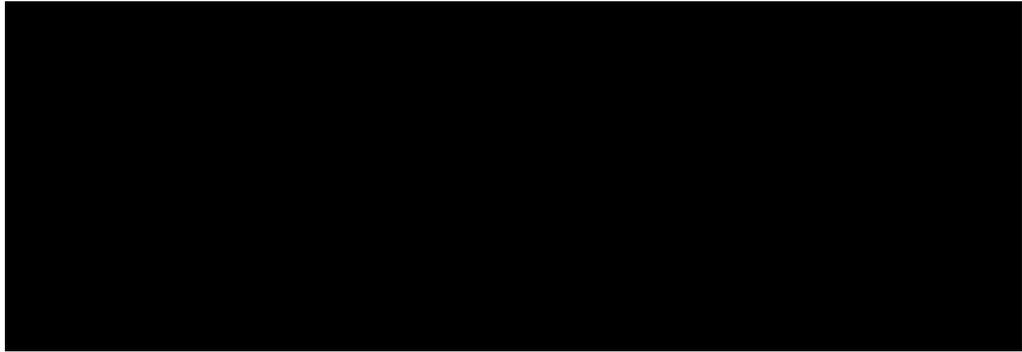
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THE COMMISSIONER: Take a seat. The affirmation that you took yesterday continues to bind you.

<PAK WING LEE, on former affirmation

[11.15am]

MS HEGER: Mr Uy, you remember I asked you yesterday about meeting up with Mr Badalati in China and Hong Kong?---*Yes, I remember.*

And your evidence was “Sometimes when he rang me I was in Hong Kong. Sometimes when he rang me I was in China.” Correct?---*Yes.*

10 And your evidence was “He rang me to check on whether I was in Hong Kong and then, yeah, he met me.” Is that right?---*Yes. Oh, and by the way he also had his other friends.*

Yes, I’ll ask you about that in a moment. And just for the record, I was reading from page 1058 of the transcript. And Philip Sansom, when he travelled to Hong Kong or China, would call you sometimes as well?
---*Yes.*

20 And then sometimes you’d meet up with Philip Sansom in Hong Kong or China, correct?---*Yes.*

And Philip Sansom has had that practice – that is calling you when he travelled to Hong Kong or China – for a long time, hasn’t he?---*I don’t know about that.*

Well, he has called you when he’s travelled to Hong Kong or China for at least 15 years or so, that is from 2007, does that sound right?---*Can you elaborate a little bit about this practice of Philip Sansom?*

30 I’m referring to the practice of him calling you up when he travelled to Hong Kong or China. And he’s done that for a number of years, hasn’t he?
---*I do now know, I do not know when it, I can’t recall when it begin but whenever he rang me, I would pick up.*

I’m not asking you to say exactly when it began, Mr Uy, I’m just trying to get a sense of how long he’s had that practice. Do you understand?---*I cannot remember.*

40 THE COMMISSIONER: Ask the question again.

MS HEGER: My question was, when Mr Sansom has travelled to Hong Kong or China he's called you up and he's done that for a number of years, hasn't he?---*Yes. He, he did call me.*

And he's done that for a number of years, correct?---*What do you mean by a number of years? I don't quite get it.*

Well, how about you tell me, Mr Uy? You've met up with him from time to time in Hong Kong or China. Over what period of time have you done that?
10 I'm not asking for specific dates. I just want to get a rough sense of over what period of time you've met up with Philip Sansom in China. Do you understand?---*I can't remember the years, but he did ring me.*

And I'm trying to understand, Mr Uy, how long he's had that practice. Do you understand? That hasn't just been in the last year or two. He's done that for 10 to 15 years, hasn't he?---*Yes.*

And the same applies to Mr Badalati, doesn't it?---*Yes. A lot of people rang me. Like my friends, a lot of friends in Australia, they also do that.*
20

THE COMMISSIONER: Mr Uy, we're talking about Mr Badalati, not other friends. Can you ask the question again, and I direct you to answer it.

MS HEGER: Before I ask the question, can I just ask you, Mr Uy, to listen carefully to the question that I'm asking and just try to answer that question, because otherwise we're going to be here for a very long time. Do you understand?---*Understand.*

My question was Mr Badalati has had the practice of calling you up when
30 he travelled to China or Hong Kong for a number of years, hasn't he?
---*Yes.*

Roughly about 10 to 15 years he's done that, called you up when he travels to China or Hong Kong, correct?---*Yeah, well, roughly. 10 years or 15 years, roughly.*

Thank you. And so you've met up with Mr Badalati and Mr Sansom together or separately in China or Hong Kong a number of times over the
40 last 10 to 13 years, is that right?---*Yes.*

Right. Sometimes you met up with them together or sometimes you met up with them separately, correct?---*Yes.*

And sometimes Clifton Wong was there as well?---*Yes.*

You've also met up with him in China or Hong Kong a number of times over the last 10 to 13 years or so, correct?---*You mean the past 10 years?*

10 Yes.---*No, for the past 10 years I didn't see him in China or in Hong Kong, not in the past 10 years. I'm meaning Clifton Wong.*

All right, but you met up with him before that, did you, say in the last 15 or 20 years, is that right?---*Yes.*

All right. And sometimes you and Mr Badalati and Mr Sansom and Mr Wong would go out to lunch or dinner either together or separately, is that right?---*Yes.*

20 And sometimes you did karaoke either together or separately, is that right? ---*Yes.*

All right. Mr Sansom bought an apartment in China, correct?---*Yes.*

That was in about 2009?---*I can't remember.*

You helped him with that, didn't you?---*In what way did I help him?*

30 Well, you introduced Philip Sansom to the real estate agent, is that right? ---*Yes.*

And the apartment that Mr Sansom bought is in the same building as an apartment that you own, is that right?---*Yes.*

All right. You also know Con Hindi, correct?---*Yes.*

And when did you meet Mr Hindi and where, for the first time that is?

THE INTERPRETER: What was that?

40 MS HEGER: For the first time.---*I cannot remember the time.*

Can you say roughly what year it was?---*I really can't remember.*

Was it about 2012 or earlier than that?---*I really can't remember.*

Well, can you tell me where it was?---*At a social function in China. Sorry, at a social function in Hurstville.*

10 All right. Well, Mr Wong's evidence is that he introduced you to Mr Hindi at a function in maybe 2011 or 2012. Is that what happened?---*No, not correct. Not an introduction.*

Well, are you denying you met Mr Hindi at all through Mr Wong's introduction?---*Oh, I disagree with that.*

All right. Well, which part do you disagree with? Do you disagree that Mr Wong introduced you?---*Because I have been in, in Hurstville for a long time and before that sometimes we knew each other already. Like we met each other while we attend some functions in Hurstville.*

20 All right. So now you do say you met Mr Hindi at a function in Hurstville, is that right?---*Because when they were out and about, these councillors, they often introduce themselves to us, telling us they're the councillor of Hurstville, and should we have any problem, approach them.*

And do you have a recollection of meeting Mr Hindi for the first time at this function?---*I cannot remember.*

30 So then how do you know whether or not Mr Wong introduced you?
---*Because when they have elections in, council election, they often came down to my store to give me some leaflet.*

And you have a recollection of Mr Hindi doing that, coming to your store, I assume you mean your real estate agency.---*Yeah, my shop, yeah. Not only him but also other councillors, asking us to support them in their vote.*

40 THE COMMISSIONER: Mr Uy, what we're trying to find out – and you must know – is for how long, roughly, have you known Mr Hindi. Simple question. Would you please answer it?---*I really can't remember. A long time.*

A long time?---*Yes.*

MS HEGER: Well, let me ask you this. Did you meet Mr Hindi before Mrs Hindi?---*I believe so.*

Yep. And you met Mrs Hindi in 2014, is that right?

THE INTERPRETER: Mr Hindi or Mrs?

MS HEGER: Mrs Hindi.---*I cannot remember the time.*

10

Well, you recall, Mr Uy, and we'll come to this in more detail, you arranged for Mrs Hindi to enter into a buyers' agency agreement with Wensheng Liu, correct?---*Yes.*

And that agreement was signed in July 2014, correct?---*Yes.*

Yes. And you obviously met Mrs Hindi around that time, or had a meeting with Mrs – I withdraw that. You had a meeting with Mrs Hindi around that time regarding the agreement, correct?---*Yes.*

20

Yes. And how long before that agreement was signed did you meet Mrs Hindi for the first time?---*Maybe about one or two years before. I really can't remember.*

All right. So maybe 2012 or 2013, correct?---*Yeah, I can't remember properly.*

Okay, which – and it must follow, then, that you met Mr Hindi in 2012 or earlier, correct?---*You mean the husband, Mr?*

30

I mean Mr Hindi.---*Yes.*

And the position is you can't really remember your first meeting with Mr Hindi, is that right?---*Yeah, can't remember.*

And it's possible that Mr Wong did introduce you at some Chinese function to Mr Hindi, you just can't remember, is that right?---*I, I can't remember really.*

40 All right. Can I show you a document? Volume 2.1, message number 6. It will come up on screen in a moment, Mr Uy. If we scroll up a little bit to

message number 5, we'll start with that. This is a message from yourself, Mr Uy. We'll just make that a bit bigger, please. Scroll down to message number 5. This is a message from yourself, Mr Uy, to Philip Sansom. It's on 11 September, 2013 and it says "How are you? Everything is okay?"
---*Who, from whom?*

That's from you to Philip Sansom. Do you accept that?---*No. I do not accept that because I am, I am bad in writing English.*

10 All right. Well, I can tell you, Mr Uy, these messages were taken from your mobile phone. Do you understand that?---*But I didn't write that. I think you, you should understand that my, well, English is very poor.*

I understand that, Mr Uy, but you have a basic understanding of English, don't you?---*Basic, but in terms of grammar I am very bad.*

Yes, I understand that. And you can see the grammar in this message isn't very good either. It says "How are you? Everything is okay?"---*Well, I just, I can say that this is not from me.*

20

All right. You're denying this is a message from you, is that right?
---*Yeah. I deny that I wrote that.*

THE COMMISSIONER: Can I ask you this? It's on your phone. Can you think of anyone else who would have written it apart from you?---*I really don't know but I, I was, I was not writing that. Yeah, I, I deny that.*

MS HEGER: All right. You understand, Mr Uy, that the Commission has examined your phone and looked at a number of text messages that you've sent?---*I, I, I know that.*

30

And I can tell you a large number of those messages are in English. Do you understand that?---*Well, most of the time I wrote in Chinese, I wrote the messages in Chinese.*

Yes. But when you communicate with Philip Sansom you communicate in English, don't you?---*Yes.*

40 Yes. And you accept you've written him text messages from time to time, don't you?---*Yes.*

Yes.---*But very short message. Only a few words.*

Okay. I'll take you to the next message and things might become a little bit clearer, Mr Uy. Message number 6 is on the next day, 12 September, 2013, at 8.58am and this is a message from Mr Sansom to yourself.---*Oh, okay. Sorry, I misunderstood that it was this message that you want me to provide answer, the, the current message that you provide, ask me to provide an answer.*

10 Well, Mr Uy, I read out message number 5 to you and asked you whether you wrote it. You didn't understand I was referring to message number 5, you thought I was referring to message number 6, is that what you're saying?---*Yes.*

All right. So do you now accept message number 5 is a message that you wrote?---*You're talking about number 5 or number 6?*

I asked you about message number 5. It says "How are you? Everything is okay?" Did you write that message or not, Mr Uy?---*It was from my
20 phone. It was written by me, yes. But it's a long while ago, I can't remember.*

All right. I'm going to ask you about message number 6 now and I'm going to read it out in English but obviously the translator will translate it into Mandarin for you. Do you understand that?

THE INTERPRETER: In Cantonese, yeah.

MS HEGER: Sorry, I'm sorry. In Cantonese. I apologise. It says, "Philip, I
30 am okay but last night didn't go to plan. Vince didn't get the mayor but Con did get JRPP along with me."---*Yeah.*

"I think two of the Labor councillors and Con voted against Vince, giving him five votes to Jacovou seven votes, but Vince was in a bad mood so no point trying to talk to him last night. I had my phone on silent and left the council after the meeting."---*I cannot remember this.*

Yeah, I haven't asked you a question yet, Mr Uy. Just wait for my question, please. Mr Sansom refers to the JRPP, on your understanding that's a
40 reference to the Joint Regional Planning Panel, correct?---*Yes.*

And on your understanding Mr Sansom is referring to a council meeting that took place the previous night, correct?---*Are you explaining to me the background of this message?*

I'm asking what your understanding is of this message. I know it's not your message, but I'm asking what your understanding of it is. And I'll ask the question again. The question is you understand this to be a reference to a council meeting that took place the previous night, correct?---*I can't, can't remember.*

10

I'm not - - -?---*Sometimes I didn't read.*

I'm not asking you to remember, Mr Uy. I'm asking you to read the text message now and tell me what your understanding is of it. If you need me to read the text message again, please say so.---*Yeah, I don't quite understand.*

So you don't know whether this is a reference to a council meeting that took place the night before on 11 September, is that what you're saying?

20 ---*Yeah. I don't understand.*

All right.

THE COMMISSIONER: But that's what it says. So what do you think it's referring to?---*I just don't know. I don't understand.*

MS HEGER: I'll ask you this. Mr Sansom says, "Last night didn't go to plan." You'd had a discussion with Mr Sansom about this council meeting before this message was sent, hadn't you?---*You meant before this

30 message I have a conversation with Mr Sansom?*

Yes.---*No.*

Are you denying that you had any discussion with Mr Sansom about this council meeting?---*I did not.*

All right. Mr Sansom says, "Last night didn't go to plan." I suggest to you that you and Mr Sansom had some sort of plan regarding this council meeting. Do you deny that?---*I deny that.*

40

All right. And why, on your understanding, was Mr Sansom telling you about who got onto the JRPP?---*I don't understand.*

All right. Well, I suggest to you that you had had a discussion beforehand with Mr Sansom about the JRPP membership. That is, before this message was sent. Do you deny that?---*I deny that.*

THE COMMISSIONER: Do you understand what Joint Regional Planning Panels do?

10

THE INTERPRETER: JRPP?

THE COMMISSIONER: JRPP, yeah.---*I don't quite understand.*

MS HEGER: You understand that the JRPP has a role in deciding development applications, don't you?

THE INTERPRETER: He nod his head.

20 THE COMMISSIONER: Please answer.---*I believe so.*

MS HEGER: Yes. And you understood that as at 2013, didn't you?---*I can't remember.*

THE COMMISSIONER: What this message seems to be suggesting is two things. First, that it was not good news in the sense that Mr Hindi hadn't been – I withdraw that. Well, he was saying two things and one of them was this, can I suggest, that it was good news that Con did get the, appointed to the Joint Regional Planning Panel.

30

THE INTERPRETER: Sorry, Your Honour, can you - - -

THE COMMISSIONER: What this is suggesting in part is conveying the news that Con had been appointed to the Joint Regional Planning Panel. ---*So that, what do you want to get from me? I don't understand.*

Well, do you agree that this says that Con did get appointed to the Joint Regional Planning Panel?---*I don't understand the suggestion, why I have to agree about this message.*

40

Very well.

MS HEGER: Well, can I just put this to you, Mr Uy? On your understanding the reason why Philip Sansom was telling you about the membership of the JRPP is because you had told Mr Sansom you might have some developments coming up before the JRPP. What do you say about that?---*No.*

You deny that you had any such conversations with Mr Sansom, is that right?---*Is it back in 2013?*

10

Yes.---*I didn't, I didn't have this conversation.*

All right. Around this time you considered Mr Sansom a friend, didn't you?---*A very ordinary friend.*

What do you mean by ordinary friend?---*As I, yeah, told you before, different levels of friendship, and he belong to the very common friend.*

20 All right. Can you just explain the three levels of friendship again, please. ---*Level one, what I consider to be a casual acquaintance, level one. Level two is among Chinese-speaking friends. I mean mostly Chinese people that were communicating in Chinese. The third level is family, relatives.*

And you say Mr Sansom around this time, 2013, was level one, a casual acquaintance, is that right?---*Yes.*

All right. Can we scroll down to message number 11, please. That's – I'm talking about message number 11. Do you see that?---*Yes, I can see that.*

30 That's a message from Philip Sansom to yourself on 22 September, 2013. ---*Yes.*

It says, "Philip, maybe coffee tomorrow. I am relieving manager for the next two weeks. Send me a message tomorrow with the time. Regards, Philip. Smiley face. XXX." That message, and in particular Mr Sansom signing off with "XXX", suggests you're more than a casual acquaintance. Rather you're friends, aren't you? And quite close friends.---*I disagree.*

40 All right. Could I take you to message number 15. This is a message from Philip Sansom to yourself on 22 February, 2014. It says, "Philip, my wife passed away yesterday morning." And you respond on the same day at

message number 16. It says, “Hi, Philip. I are very sad to hear of the passing of your family. I send my sincere condolences and want you to know I am thinking of you at this time. Please know I am here as your friend, and please let me know if there’s anything I can do for you and your family at this sad time.”---*Yes.*

Well, you must accept, based on those messages you and Mr Sansom at this time were more than casual acquaintances, you were friends?---*I disagree.*

10 All right. Can I show you another document? I’ll mark volume 2.1 for identification, MFI 43.

THE COMMISSIONER: Thank you.

#MFI-043 – VOLUME 2.1

20 MS HEGER: Can I show you volume 3.18? This is an email from Direct Link Travel to Philip Sansom on 12 March, 2014 and it is a passenger itinerary receipt and it records flights for Philip Sansom, first from Sydney to Hong Kong on 23 March and then from Hong Kong to Sydney on 5 April. Have you see this document before?---*I can’t remember.*

All right. So it’s possible you have you just can’t remember?---*I can’t remember.*

All right. I’ll mark that for identification, number 44.

30

#MFI-044 – VOLUME 3.18

MS HEGER: And then I’ll show you volume 3.20. This is another email from Direct Link Travel to Philip Sansom on 13 March, 2014. This time it contains flight details for Wang Hui, again from Sydney to Hong Kong on 23 March and then from Hong Kong to Sydney on 5 April. Have you see this document before?---*I can’t remember.*

40 All right. That will be MFI 45.

THE COMMISSIONER: Thank you.

#MFI-045 – VOLUME 3.20

MS HEGER: You understand that around this time Wang Hui was Mr Sansom's girlfriend?---*I know.*

10

Yeah. And you met her around this time, March 2014, is that right?---*I believe so.*

All right. But was that your first meeting or you think you might have met her earlier?---*Well, I believe it was the first time. It happened a long time, I can't remember.*

All right. Mr Uy, you understand the Commission has looked at your travel records and Mr Sansom's travel records, you understand that?---*Yes.*

20

That is it's looked at when you've flown in and out of Sydney. You understand that?---*Yes.*

Yes. And those records show that you flew to Hong Kong on 21 March and that Mr Sansom flew to Hong Kong on 23 March. And you don't have any reason to dispute that, do you?---*I, I don't deny that.*

All right. And the travel records also show that Mr Sansom returned to Sydney on 6 April and you returned on 9 April. I assume you don't dispute that either?---*I don't deny that.*

30

All right. Did you meet up with Mr Sansom in Hong Kong on this occasion in March or early April 2014?---*You meant in Hong Kong?*

Yes, in Hong Kong.---*Yes, I did.*

Okay. And can I show you another document, volume 2.5, page 5. Message number 5. Next page, please. Thank you. Do you see message number 5 at the top there? Could we make that a bit bigger, please. I want you to assume this is a message from Direct Link Travel to yourself. And

40

the date of the message is 12 March, 2014.---*You're talking about the 12th, the 12th?*

I'm talking about message number 5, which is dated 12 March.---*Yes.*

Yes, and it says, "Sansom ticket, 23 March, Sydney-Hong Kong. Dep., 22.20pm. Arrive, 5.00am." Then "5 April, Hong Kong-Sydney. Dep., 23.55pm. Arrive, 11.05am."---*Yes.*

10 In other words it contains flight details for Mr Sansom. Do you accept that?---*Yes, I accept that.*

Then it goes on to say, "Ticket change fee, \$120. The other ticket – Wang Hui, Ms – needs to be issued by the 15th. Let me know once confirmed. Thanks."---*Yes.*

All right. Can you explain why Direct Link Travel was sending you these details at this time?---*Because I introduced them to purchase ticket from this travel agency.*

20

Well, it also suggests that you made the booking for Mr Sansom. Do you accept that?---*Did book a ticket for, for him.*

You did book the ticket for Mr Sansom, is that right?---*I, I believe so.*

And you also booked it for Wang Hui, correct?---*Yes.*

And did you pay for it as well, that is the tickets for Mr Sansom and Wang Hui?---*I paid for ticket and they return the money to me.*

30

Oh, Mr Sansom gave you some money for these tickets, did he?---*Yes.*

Yes. And how did he give you that, EFT, cash, cheque?---*Cash.*

All right. And when did he do that?---*After ticket was issue, sorry, after the ticket was issue he returned me the money and I brought the money, I, I brought the money back to Hong Kong.*

40 All right. How much money did he give you?---*Can't remember. A long time ago. Quite a long, long time ago.*

All right. He gave you the money in Sydney and then you took it to Hong Kong, is that right?---*Yes.*

Okay. Can I show you another document? I'll mark 2.5 for identification, MFI 46.

THE COMMISSIONER: Thank you.

10

#MFI-046 – VOLUME 2.5, PAGE 5

MS HEGER: Volume 2.25, page 2. Message number 1, can we make that a bit bigger, please? Now, this is a message from Wensheng Liu to yourself. Do you accept that?---*Yes, I accept that.*

20 Now, I'm going to read out the English that's on the page and I want you to tell me whether that's what your message said. Sorry, whether that's what Wensheng Liu's message said. It says "Brother Faye, please advise me of the time when Chubby returns from Shanghai to Sydney so I can book the air ticket from Qingdao to Shanghai. Thanks, Liu."---*Yes.*

That's what the message says?---*Yes.*

And who's "Chubby" a reference to on your understanding?---*It's the name Badalati, Vince, Vince Badalati.*

30 All right. So here it appears that you and Wensheng Liu are arranging Mr Badalati's trip to China. Did you in fact make some arrangements for Mr Badalati to travel to China on this occasion?---*I didn't make arrangement.*

All right. So why, on your understanding, was Wensheng Liu asking you about his travel details?---*Well, actually, Mr Liu didn't bother too much about the running of the company. He left things to me. He's just interest in playing ping-pong.*

All right. Which company are you referring to now?---*His own company.*

Is that GR Capital Group or One Capital Group or some other company?
---*Yeah, both. GR and One. Yeah, he, yeah, didn't bother about the
running. He just don't care about the running.*

Okay, so are you saying this trip had something to do with Treacy Street or
Landmark Square?---*Can you repeat the question?*

You accept that this trip to China in January 2014 had something to do with
Treacy Street or Landmark Square?---*I accept that.*

10

Yes. And Mr Liu's evidence is that he was in China in January 2014 to
meet with some potential purchasers of 1-5 Treacy Street. As far as you
know that's what Mr Liu was doing in China on this occasion?---*I'm not
sure.*

Well, why, on your understanding, was Mr Badalati travelling to China on
this occasion?---*You ask Mr Liu.*

20 Yes, my last question was about Mr Liu and now I'm asking about Mr
Badalati. Why was Mr Badalati travelling to China on this occasion as far
as you know?---*Maybe he took the opportunity to go to China to let the
Chinese people know about the development in Hurstville.*

All right, well, Mr Liu's evidence is that he and Mr Badalati met up in
China in January 2014 and they met with some potential purchasers of 1-5
Treacy Street. Were you there for that meeting in China?---*No.*

All right. But you don't dispute that that's what they were doing in China,
do you?---*I don't know.*

30

All right. I'll ask you the question again. Did you book Mr Badalati's flight
for this trip?---*No.*

40 Well, can I take you to message number 9? Actually, sorry, I'll take you
back to – bear with me one moment. I'll take you back to message number
2. All right. Message number 2 you say to Mr Liu “Okay. He is arriving
into Shanghai at 6.00pm on 18th (or is he staying until 21st to return to
Shanghai?) Back three nights would be enough. Mr Liu, I don't want to
make it too hard for you. Returning to Shanghai 2.00pm on 21st, that's my
opinion.” And then message number 3 Mr Liu says “Okay. Will let you

know when the air ticket is changed.” So is it your understanding that Mr Liu booked these tickets for Mr Badalati to China?---*I don’t know.*

Did you pay for Mr Badalati’s tickets to China on this occasion?---*No, absolutely not.*

All right. Did you invite Mr Badalati to China on this occasion?---*No. No, I didn’t.*

10 Well, you were obviously communicating with Mr Badalati about this trip, weren’t you, around this time?---*I just can’t remember.*

Who did invite Mr Badalati on this trip?---*I don’t know.*

Well, Mr Uy, you must have some understanding of why Mr Badalati attended this trip and met with potential purchasers of 1-5 Treacy Street. What’s your understanding?---*I just don’t know.*

20 Well, you were working together with Wensheng Liu on 1-5 Treacy Street at this time, weren’t you?---*No, I am just the investor.*

You were an investor in 1-5 Treacy Street by this time, is that right, January 2014?---*Yes.*

30 Can I ask you about another message in this chain? Now, message number 11 is a message from Wensheng Liu to yourself. It says, “Brother Faye, Chubby is about to board. Everything went well. Liu.” And message number 12. You respond, “Thanks for your hard work, Mr Liu.” What were you referring to when you said “hard work”?---*This is sort of a normal social pleasantries in China, in Hong Kong.*

Well, are you saying you meant nothing by that comment, is that right?---*It doesn’t mean, yeah, anything.*

And what work did you understand Mr Wensheng Liu had done on this trip? Any work?---*I, I don’t know. I was not there.*

40 Well, you do know, Mr Uy, as you said earlier, that he’d met with potential purchasers of 1-5 Treacy Street, correct?---*Yes.*

Yes, well, is that the work you were referring to?---*No, when I said “hard work” I just, as I said before, pleasantries, some sort of exchange of pleasantry.*

Mr Uy, I’ll ask you about the development application for 1-5 Treacy Street. Now that was lodged in October 2014, correct?---*Yes.*

10 And around that time, GR Capital Group also made an offer to enter into a voluntary planning agreement, correct?---*I don’t remember. I don’t understand.*

Well, you know that a voluntary planning agreement is an agreement between a developer and the council where the developer agrees to provide money or infrastructure, for example?---*Yes.*

All right. And GR Capital made an offer to enter into such an agreement when it lodged the Treacy Street DA, didn’t it?---*Yes.*

20 And GR Capital Group also briefed some planners to work on 1-5 Treacy Street, correct?

THE INTERPRETER: Sorry, can you repeat the question?

MS HEGER: GR Capital Group briefed some planners to work on 1-5 Treacy Street?---*Yes, they’re, they’re looking for, yeah, architects, architectural professional, yeah.*

That was Dickson Rothschild, correct?---*Yeah.*

30 And you said earlier that Mr Liu was not too involved in the work of GR Capital Group, is that right?---*Yeah. Very often he didn’t bother much about, yeah, the running. Even we talked to him, he didn’t, yeah, express a great care.*

It was your job to communicate with the planners about 1-5 Treacy Street, is that right?---*Builder, you mean? You mean builder? Do you mean the architecture professional?*

40 I’m talking about Dickson Rothschild. It was your job to communicate with them?---*Me together with the builder.*

Sorry, what was that?---*Me together with the builder.*

And the builder is Kurt Vegners, is that right?---*Yes.*

And it was also your job to progress the development application and the VPA offer, correct?---*Yes. Upon consulting and getting advice from the architectural professional.*

10 All right. And you understood in 2014 that because this was a large development the JRPP would have to determine it, didn't you? That is if the council couldn't determine it, the JRPP had to?---*Yes.*

All right. And I suggest to you that you discussed – I withdraw that. I suggest to you it's because you understood the JRPP would have to determine it, that you then spoke to Mr Sansom about the membership of the JRPP. Is that what happened?---*No.*

20 Did you have any discussions with him about the membership of the JRPP in 2013 or 2014?---*Okay, I go along with my architect to, yeah, to talk to them.*

All right. But not with Mr Sansom, is that right?---*I, I actually, I talk with a lot of people, not only one person.*

All right. So now you're saying it's possible that you spoke to Mr Sansom about the membership of the JRPP around this time, 2013/2014?---*I talk, I talk to, yeah, a number of people.*

30 So the answer to my question is, yes, it's possible you did so?---*Yeah. Maybe include this person, yes.*

All right. And around the time that GR Capital Group lodged the DA for Treacy Street in October 2014, did you discuss the DA with Mr Sansom? ---*Yeah, talked to a number of people. Yeah, and I brought along my architect when I talked to them.*

40 Mr Uy, you understand I'm asking you about whether you had discussions with a particular person, that is Mr Sansom, you understand that? ---*Because it's not limited to one person that I talked to.*

Yeah, I'm not asking you about other people at the moment. I just want you to tell me did you walk to Mr Sansom around October 2014 about the Treacy Street DA?---*Yes.*

All right. So around this time Mr Sansom understood that you were involved in 1-5 Treacy Street in some way?---*Okay, he told me as an agent. Didn't know that I was involved. Maybe – I, I don't know whether he knew that I was also involved.*

10 Did you explain to Mr Sansom around this time, October 2014, that Gencorp was going to build 1-5 Treacy Street?---*No.*

Well, do you deny that happened or you just can't remember?---*I deny that.*

All right. Did you explain to Mr Sansom that you were working with Wensheng Liu on 1-5 Treacy Street?---*No.*

20 Then you deny that you had such a conversation around October 2014, is that right?---*Yeah, I deny it.*

All right. So what did you discuss with Mr Sansom in relation to the Treacy Street DA around this time?---*Because my architect, I, I got advice from the architect because the Treacy Street development was so, was lower, lower than the two adjacent building, so it is not right. So the suggestion is to raise the height of the Treacy building to level with the height of the two other adjacent buildings.*

30 Are you now talking about the modification that was lodged in 2015 for an extra five storeys?---*Because my idea at that time was to have the height level to the other two adjacent buildings, but my architect advised me that it was not possible to be of a same height as two other adjacent buildings. That's why I got my architect along with me to discuss with them.*

To discuss with who?---*Several councillors. I, I also talk to the council. And the architect has also talked to the council.*

40 All right. So the answer to my other question was yes, you are talking about the modification for the extra five storeys now, aren't you? And can you please answer my question yes or no.---*No, no.*

You're talking about the original DA in October 2014, is that right?

---*Yes.*

All right. So you say that you and your planners met with some councillors about that DA, is that right?---*Yes.*

And one of those councillors was Mr Sansom, is that right?---*Yes.*

10 And did you also meet with Mr Badalati and Mr Hindi about the Treacy Street DA?---*Yes.*

And when were these meetings?---*I can't remember. Normally I would take along my planner to these meetings.*

Well, was this around the time the DA was lodged, October 2014, that these meetings took place?---*I can't remember when.*

20 Well, the modification for the extra five storeys was lodge in December 2015, so it must have been before that. Is that right?---*Because I, I get confused about the sequence of the event. You're talking about the regional application or, or you are referring to the late modification of the plan?*

I'm asking you about meetings with councillors that you said occurred. Do you understand that?---(NO AUDIBLE REPLY)

And you said those meetings related to the height of the building compared to other buildings. Is that right?---*Oh. Before the development application, application, I had talked to the council about this.*

30 All right. So this is before the DA was even lodged in October 2014 that these meetings took place. Is that what you're saying?---*Before, it were, they were, I mean, the, the planners who talked to the council before that.*

No, but I'm asking about meetings that you've said occurred, Mr Uy. Do you understand that? With you and some councillors. Do you understand that?---(NO AUDIBLE REPLY)

40 And I'm trying to work out when those meetings occurred. Do you understand that?---*I can't remember the dates.*

All right. But I asked you whether you were talking about the modification application that was lodged in 2015 and you said quite clearly you were talking about the original DA in October 2014. Do you remember your evidence in that regard?---*Yeah.*

Yeah. So these meetings with councillors must have been before the modification application was lodged in December 2015. Do you accept that?---*By mediation, are you referring to the levelling or the height of the, the buildings?*

10

I'm talking about the modification application that GR Capital Group lodged for an additional five storeys. Do you understand that?---*Yes.*

And you know that was lodged in December 2015?---*I can't remember days. I remember this thing happened.*

Well, I want you to assume that that modification application was lodged in December 2015 in answering my next question.---*Yes.*

20 Yeah. Did these meetings with councillors that you attended happen before that modification application was lodged?---*Yes.*

All right. And you say Mr Sansom, Mr Badalati and Mr Hindi attended the meetings you're referring to, is that right?---*Yes.*

Was it all three of them together or did you meet with them separately?
---*Separately, together with my planner.*

30 So you had a meeting with Mr Badalati on one occasion, Mr Hindi on another occasion, and Mr Sansom on another occasion, is that right?
---*Yes.*

And where did these meetings take place? Was it at the council offices?
---*Outside.*

All right. So starting with the meeting with Mr Badalati, that didn't happen at the council office, it happened somewhere else, that's your evidence?
---*Yes.*

40 Where was that, at a coffee shop in Hurstville or somewhere else?---*I can't remember.*

Well, I'll just give you a moment to reflect on that. Think about it. Do you have a recollection of this meeting, where it took place?---*No, because I, I was involved to a lot of things. I, I can't recollect.*

Okay. You had another meeting with Mr Hindi and that took place somewhere other than the council office, is that right?---*Yes.*

10 Can you remember where it took place?---*In a Japanese restaurant in the city.*

Right. Are you referring to a meeting in a Japanese restaurant on 18 May, 2015, that Mr Dickson attended?

THE INTERPRETER: 2015, is it?

MS HEGER: Yes.---*Yes, but I can't remember, cannot remember exact day.*

20 All right. And you say Treacy Street was discussed at that meeting, do you?---*Yes.*

All right. And you explained to Mr Hindi that Gencorp was the builder for Treacy Street?---*I myself didn't say that. The most likely would be the planner who explained to them.*

The planner explained to Mr Hindi that Gencorp was the builder, did they? ---*I cannot remember.*

30 Well, did someone mention that you were involved in the construction of 1-5 Treacy Street?---*I don't believe so. Because nobody knew that I was Gencorp because I never, yes, say to people that I am Gencorp. This is to me as an agent, they just, yeah, as an agent.*

You must have explained why you were there talking about Treacy Street and what your involvement was, didn't you?---*Yes.*

40 Yes. And what did you tell Mr Hindi on this occasion?---*I told him that I was an agent and also some sort, a lobbyist.*

Okay. You explained you were an agent for Wensheng Liu, is that right?
---*I didn't mention Mr Liu.*

All right. And you explained you were an agent for GR Capital Group, is that right?---*Well, during this occasion most of the time the planner did the talking. I didn't get involved in the talking a lot.*

Yes, but you explained you were an agent and I'm asking you who did you say you were an agent for?---*I just told him I, I am from GR Capital.*

10

THE COMMISSIONER: I think the witness also mentioned that he was lobbyist.---*Yeah.*

MS HEGER: And what did you mean by that?---*By lobbyist I, I meant to, to let the council know about the development of the project and also to let the councillors to know about the development.*

Yes. And as a lobbyist you were explaining to Mr Hindi why the development was a good idea, weren't you?---*I, I said it was unfair that my project was lower than other, yeah, building and just asked the planners to explain the reason for that to them.*

20

Yes. And you explained that to Mr Hindi because you hoped he would make a decision in your favour on Treacy Street, is that right?---*Yeah. Can you repeat the question? This is a very important question. I just want to hear it again, from you again.*

You explained that to Mr Hindi because you hoped Mr Hindi would make a decision in GR Capital Group's favour on Treacy Street, correct?---*It wasn't me who explained, it was my planner who explained to, to them, to him.*

30

Yes, and did they do so at your request?---*Because it was advised from the planner it was unfair that our, yeah, project was lower.*

And so is the answer to my question, yes, you did ask the planners to explain this to Mr Hindi?---*It was the planner who, based on experience, explained that to me and said he will explain that to Mr Hindi.*

All right. You didn't ask the planner to explain that, is that your evidence?
---*No. I just left it to my planner to do that.*

40

All right. And did you invite Mr Hindi to this meeting at the Japanese restaurant?---*Yes. Because the planner was located in the city and it just happened that Mr Hindi was also in the city. So we just, yeah, take advantage of this, yeah, to use the city as a meeting spot.*

Is the answer to my question yes, you invited Mr Hindi to this lunch? Could you please answer the question just for the transcript?---*Yes.*

10 All right. And Mrs Hindi was there as well, is that right?---*Yes. Mr. Mr Hindi.*

I'm asking about Mrs Hindi. Was Mrs Hindi at this meeting?---*No.*

All right. Was Landmark Square discussed at this meeting as well?---*No.*

Well, by this point, May 2015, One Capital Group was preparing a planning proposal for Landmark Square, wasn't it?---*You mean 2015?*

20 Yes, you said this meeting was about May 2015, is that right?---*Are you referring to the DA, the application?*

I'm referring to the application for the planning proposal for Landmark Square. The application to rezone the land.---*Yeah, I believe so, yes.*

Yes. And you understand that that application was lodged in June 2015, but the planners were preparing it in May 2015 and earlier, you understand that?---*Yes.*

30 And so my question is did you discuss that application for the rezoning for Landmark Square with Mr Hindi at this meeting at the Japanese restaurant? ---*I can't remember.*

All right. Well, Mr Dickson's evidence is that Landmark Square was discussed at that meeting. You don't dispute that, you just can't remember, is that the position?---*Yeah, I just can't remember.*

All right. I might take you to Mr Dickson's evidence after the lunch break. Is that an appropriate time?

40

THE COMMISSIONER: It is, thanks.

LUNCHEON ADJOURNMENT

[12.59pm]