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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GALLEY

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 6 JULY, 2022

AT 2.00PM

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

THE COMMISSIONER: Take a seat. Thank you.

MS HEGER: Mr Uy, before the break we were talking about some meetings in May 2015 but now I want to go back to 2014 when the Treacy Street DA was lodged and I'm going to show you a document. It's volume 1.3, page 2, which is Exhibit 126. Previous page, I'm sorry, page 1. All
10 right. This is the VPA offer made by GR Capital Group for the Treacy Street development application. And if you go to the next page you see it's signed by GR Capital Group and it's dated 30 September, 2014. Were you involved in preparing this offer?---*I believe I have been.*

Okay. If we go to the previous page, please, page 1, you will see at point 9 it says, "The developer intends to dedicate a 27.6 metre square strip of land along the western boundary of the site, design and construct a new wider footpath adjacent to the avenue, provide new landscape works and planting adjacent to the footpath and undertake kerb and gutter upgrade works."
20 ---*Yes.*

And before I ask my next question I'll show you a different document. It's at volume 1.3, page 65. This is GR Capital Group's amended VPA offer for Treacy Street and it's dated 29 October, 2014 and it says that "GR Capital Group will now also include the dedication of a ground floor retail tenancy with an area of 82 square metres and an at-grade car space."

THE INTERPRETER: Which paragraph are you talking?

30 MS HEGER: It's the third paragraph, about halfway through. Were you involved in preparing this amended VPA offer?---*I, I had knowledge of that but it was Kurt and the architect who organised this because a lot of time I was in Hong Kong, not in here.*

All right. Did you speak to Mr Sansom about this amended VPA offer, and that is around this time, October 2014?---*I believe no.*

Well, you said you had some discussions with Mr Sansom about the Treacy Street development application around October 2014, didn't you?---*Yes.*
40

Yes. But you didn't talk to him about the VPA at all, did you?---*No. I just checking with him whether I need to have some commercial properties on the ground floor because it's supposed to be a residential block or building.*

Well, on the commercial property on the ground floor, when you say that you're referring to the ground floor retail tenancy that was proposed in this amended VPA, aren't you?---*I just want, want to check with you, check with him that, to have a residential property on top, do you need, is it necessary to have some commercial, yeah, premises on the ground floor.*

10

Yes, and it was proposed in this amended VPA offer that there be some commercial premises on the ground floor, wasn't there?---*Yes.*

And you spoke to Mr Sansom about whether that was necessary or not, that's what you're saying?---*Yes.*

So in that way you did speak to Mr Sansom about the content of this amended VPA offer, didn't you?---*At that time, at that point in time, the VPA was not in, in real shape yet.*

20

So are you saying these discussions occurred prior to GR Capital lodging a VPA offer?---*Yes, ask him, yeah, before.*

So that is even before the first offer that I showed you at the beginning, the 30 September offer? That's when these discussions occurred?---*Yes, before, yeah, yeah, first.*

All right. And what did Mr Sansom tell you?---*Yeah, I was told by Sansom now it is necessary to have some commercial premises at the bottom.*

30

All right. Did you speak to Mr Badalati or Mr Hindi about the VPA offer or the amended VPA offer?---*No, because it wasn't necessary for us to talk to them. My planners have organised that and talked to them.*

Well, are you aware that your planners talked to Mr Badalati and Mr Hindi around this time, October 2014?---(NO AUDIBLE REPLY)

Are you aware that your planners did speak to Mr Badalati or Mr Hindi about the VPA offer at this time, October 2014?---*They talked to council.*

40

Are you saying they talked to council staff or they talked to councillors?
---*The council staff.*

Okay.

THE COMMISSIONER: But you spoke to Mr Sansom, you said? You spoke to Mr Sansom?---*I only asked him about the commercial premises at the bottom of the complex.*

10 And where did that conversation take place?---*Before the VPA.*

Yeah, but where? Where did it take place?---*Sometimes in a coffee shop.*

Yeah. And who arranged to meet in the coffee shop to discuss the VPA?
---*I just ask him whether it is necessary to have commercial premises at, at the bottom of the complex.*

Yes, I understand that but who arranged to meet? Did you ask him to meet or did he ask you to meet?---*I asked to meet him. I, I recall that I, I
20 brought along my planners to meet him.*

And when you say your planners, who are you referring to?---Michael Dickson, Dickson - - -

MS HEGER: Dickson Rothschild?---*Michael at Dickson Rothschild.*

Are you referring to Michael Gheorghiu?---*Yeah. Because I, I am not expert in this area so I need to bring them along to discuss that, to talk that.*

30 THE COMMISSIONER: Thank you.

MS HEGER: And what about Nigel Dickson, you were working with him as well?---*I also asked, yeah, him whether it is, is necessary to be, to have commercial.*

And did he come to the meeting with Philip Sansom or not?---*I remember only Michael.*

All right. Can I show you another document? Volume 1.3, page 70. So
40 this is a report prepared by council staff in relation to the Treacy Street VPA offer, and under the heading Author Recommendation the staff recommend

that council decline the offer from Gadens Lawyers, acting on behalf of GR Capital Group, to enter into a VPA. And I want you to assume, for the purposes of my next question, that council then voted on the Treacy Street VPA offer on 19 November, 2014. Were you aware before council voted on 19 November, 2014 that the staff had recommended against accepting the VPA offer?---*I wasn't aware of that.*

10 All right. Did you have any understanding of which way Mr Sansom was likely to vote on 19 November, 2014? That is, did you have that understanding prior to the council meeting?---*I, I was, I wasn't aware of that. It was all handled by the architect. Sometimes I was away from Australia, a lot of time I was not in Australia.*

Yes, but you spent part of the year in Australia, correct?---*Sometimes when they were having discussion of, of that I may not be in Australia, I may be in Hong Kong or in China.*

20 All right, well, when you met with Mr Sansom about the commercial tenancy on the ground floor, did Mr Sansom indicate that if you included one, he'd support the VPA offer?---*He didn't say he will support.*

Yes, but you then did include – well, GR Capital then did amend its offer to include a ground floor retail tenancy, correct? As you saw in that letter I showed you.---*At the time when we lodged the DA, we have include commercial at a ground floor already.*

30 All right. And the reason you included that commercial space is because you thought it would improve the prospects of the DA being approved, correct?---*No, it was the law. It was, I mean, the, yeah, stipulate by the government, by the council, that you need to have this as part of the construction.*

Yes, and you understood that if you included it, you had more chance of getting the DA approved, didn't you? Yes or no? Can you start by answering yes or no? And then if you wish to add something, feel free to do so.---Yes. *Yes.* Yes.

40 Yes is the answer to my question? All right. Now go ahead and explain that.---*It was the council who stipulate that commercial must be included.*

Well, Mr Sansom told you that, didn't he?---*No, the planners also said so.*

Mr Uy, I'm going to ask you to listen very carefully to my questions again and please just answer the question. Mr Sansom told you that, didn't he? I'm not asking about whether the planner also told you that. I'm asking did Mr Sansom tell you that. And your answer must be yes 'cause you've already given that evidence, haven't you?---Yes, yeah.

10 Yes. All right. And you understood from what Mr Sansom said that if you included that commercial space, it would improve your prospects of the DA being improved, didn't you?---*No.*

THE COMMISSIONER: Well, let me put it another way. You understood, didn't you, that if you didn't include the commercial space, the VPA was not going to be approved?---*Entire construction would not be approved.*

MS HEGER: All right. I'm now going to ask you about Landmark Square again. Do you need to take a break, Mr Uy?---(not transcribable)

20 All right.---Yeah. Because slowly, slowly, yeah. Yes. Sorry.

All right. In mid-2014, you became aware that the Landmark Square property was available for sale, correct?---*Yes.*

And Mrs Hindi told you that it was available for sale, correct?---*Mrs.*

Mrs.---*Yes.*

30 Yes. And what did she tell you about Landmark Square at that time?---*As an agent she told me there's a – as a, as an agent-to-agent basis, she told me there's a piece of land available for sale.*

Yes. And she asked you whether you knew anyone who would be interested in purchasing it, correct?---*Yes.*

And you then spoke to Wensheng Liu about that opportunity, didn't you? ---*Yes.*

40 And Wensheng Liu said that he was interested in purchasing the property? ---*He said that he would take that into consideration.*

Well, he ultimately did, well, One Capital Group ultimately did enter into options for Landmark Square, correct?---*Yes.*

Yes. And at this point, when you had this discussion with Wensheng Liu, he had expressed some interest in the property, didn't he?---*Yes.*

And then you went back to Mrs Hindi and said Wensheng Liu is interested, correct?

10 THE INTERPRETER: To Mrs?

MS HEGER: Mrs Hindi.---*I told him [sic] I had a buyer who was interested in it.*

You told Mrs Hindi that you had a buyer?---*Yes.*

Yeah. And then what happened?---*Then I work out the amount of money involved and how many tenants, tenancies are available and then I explain that to Liu.*

20

Okay. And did you give a suggestion as to how much the Landmark Square land was worth?---*It was, the, the lender who, several landlords who made an offer of about, yeah, made an offer of about – and several landlords offer a price for selling the property.*

One Capital Group made an offer to several landlords, is that right?---*No. It was the other way around. It was the landlords who offer the price for purchasing the properties.*

30 And that price was \$36 million in total, was it?---*More or less. 35 or 36.*

All right. And they came up with that amount, did they?---*Yes.*

Okay. You then suggested to Wensheng Liu that he enter into a buyers' agency agreement with Mrs Hindi, correct?---*Yes.*

And did the three of you have a meeting, Wensheng Liu, yourself and Mrs Hindi, about that?---*I remember I had met Mrs Hindi but I cannot remember whether she had met Mr Liu.*

40

All right. And was Mr Hindi involved in those discussions at all?---*No.*

All right. Can I show you the agreement, which is Exhibit 196, volume 3.22. Mrs Hindi gave you a copy of this agreement with the details completed, is that right?---*Yes.*

And this is the agreement she gave you, correct?---*Yes.*

It says the agent's name is Malcolm James there. Do you see that?---*Yes.*

10 At the time did you know who that was?---*No.*

Did you ask Mrs Hindi, "Who's Malcolm James?"---*No.*

No. All right. You'll see on the second page the agent's fee is \$500,000 plus GST. Do you see that?---*Yes. Yes.*

Did you come up with that figure?---*No, they work off the percentage of the price.*

20 And was it you who proposed the \$500,000 or Mrs Hindi or someone else? ---*Not me.*

So was it Mrs Hindi, then?---*I have no idea.*

All right. So by this point all Mrs Hindi – and I should just note the agreement was signed on 24 July, 2017, you see that on the last page? Go to the last page of the document, please.---*I can't remember. More or less around this time.*

30 Yeah, you recognise Wensheng Liu's signature there?---*Yes.*

By this point in time all Mrs Hindi had done was tell you that Landmark Square was up for sale, correct?---*Yes. It's for sale in the market at that time, yeah.*

Did Mrs Hindi help you negotiate with the landlords before this time? ---*I believe so.*

40 And did she do any further work on Landmark Square in terms of the purchase of Landmark Square after this time, 24 July?---*No.*

All right. So \$500,000 is a fairly generous payment for the works that she'd done up to that point. Would you agree?---*It's based on a standard percentage of the agent fee set by the agents.*

Well, it might be a standard percentage but it produces \$500,000, which is a fairly generous payment, wasn't it?---*No. Out of \$35 million, a commission of 500,000 is an ordinary one.*

10 All right. And you recommended to Wensheng Liu that he enter this agreement to pay Mrs Hindi \$500,000 if the sale went ahead, correct?
---*Yeah. Once you sign the paperwork, you have to pay the, the fee, a commission.*

Yeah, but I'm asking you, you recommended to Wensheng Liu that he sign this agreement, correct?---*Yes.*

20 And why did you consider it was a good idea to enter this agreement?---*As a, as an agent, real estate agent for many years, well I have good idea whether a block of land is good or not and I thought it was a good block of land.*

Yeah, but why did you think it was a good idea to pay Mrs Hindi \$500,000 at this point in time?---*Because normally you pay the agent 1.5 per cent, 1 per cent or 2 per cent. It is quite a normal practice.*

30 Yes, but you're a real estate agent, you could have negotiated this sale on your own behalf, you didn't need Mrs Hindi, did you?---*Because it is a, a practice in, in the industry, you cannot get into other people's business. Yeah, because she was the listing agent, we can't, yeah, get, dip into it.*

But she wasn't the listing agent for Landmark Square, was she, it was Taylor Nicholas?---*Because it is not, it's immoral to get around and stole somebody's business. We, we can't do that. It is not all right. Somebody offer you business, you cannot go around and, yeah, steal their business.*

40 Well, all Mrs Hindi did was tell you that Landmark Square was up for sale. At that point you could have said, well, thanks for that information but I'm going to deal directly with Taylor Nicholas, couldn't you?---*I mean, because it is against our practice to do that. I'd rather not, yeah, take the business, take the job, rather than doing this. I will receive a bad reputation.*

All right. So it was because she - - -

THE COMMISSIONER: What about Taylor – is it Taylor - - -

MS HEGER: Taylor Nicholas.

THE COMMISSIONER: Nicholas. Were they paid anything?---*I don't know.*

10

MS HEGER: Well, Taylor Nicholas did ultimately receive a commission from the sale. You're not aware of that? From the sale of Landmark Square, that is.---*I wasn't aware of that.*

All right. So you considered it appropriate because Mrs Hindi told you it was up for sale that she should get \$500,000 as a reward for that, is that right?---*Okay. It was only written on the agreement. You can add a ticket, add a ticket or leave it.*

20

Well, what I'm suggesting, Mr Uy, is that there was something else going on here. There was another reason why you considered it was a good idea for Mr Liu to agree to pay \$500,000 to Mrs Hindi. And just let me finish asking the question. And the reason for that was because you knew Mrs Hindi was married to Mr Hindi, who would have a role in determining any planning proposal for Landmark Square, is that right?---*I disagree.*

All right. Can I show you another document. This is volume 2.7, page 1.

30

THE COMMISSIONER: At the time that agreement was signed, you did know though, didn't you, that Mrs Hindi was Mr Hindi's wife? You knew that they were married?---*Yes, I knew that.*

Thank you.

MS HEGER: And you knew at that time he was a councillor on Hurstville City Council, correct?---*But not approved by them. It was the State Government who approved that.*

40

But you understood that Hurstville City Council first had to vote in favour of the Landmark Square planning proposal before it went to government? You understood that, didn't you?---*That's why we have the idea of

constructing hotel there, you know, to attract more people to Hurstville from around the world. Normally councils will be very supportive of people building a five-star hotel in their local government area. And also it will, well, increase, it will add 500 to 1,000 job.*

10 Mr Uy, I'm going to ask you once again just to listen to my questions and answer my question only, all right? And my question was, at the time this agreement was signed, you understood that Hurstville City Council would need to vote on any planning proposal for Landmark Square, correct?---*It didn't come across my mind at that time.*

All right. Well, I suggest to you, you understood very well that if a planning proposal was lodged for Landmark Square to rezone it, Hurstville City Council would need to vote on it. Do you deny that?---*That means to vote for or against the proposal?*

20 Well, they would have to vote one way or the other. Hurstville City Council would have to vote for or against any planning proposal that was lodged. ---*Yeah. I, I, yeah, I am aware of that.*

All right. And you understood that as at July 2014, didn't you?---*Not in 2014.*

All right.---*No, not in that year.*

30 Okay. This is a photograph that was found on your mobile phone, Mr Uy, and it's dated 8 February, 2015. And you understand 8 February is after the Treacy Street DA was lodged in October 2015? '14, I'm sorry.---(NO AUDIBLE REPLY)

All right. And that's Mr Sansom in the photograph on the left, correct? ---*Yes.*

And that's Wang Hui next to him, correct?---*Yes.*

And you were with Mr Sansom in China or Hong Kong on this occasion, correct?---*Yes.*

40 And then if we go to page 3, please, keep going. That's another photo of you and Mr Sansom and Wang Hui, correct?---*Yes.*

And this was on the same trip, correct?---*Yes.*

And was this in China to Hong Kong?---*I, I am not certain. It looks like Hong Kong. Hong Kong.*

And by this point you had briefed Dickson Rothschild to start work on the Landmark Square planning proposal, correct?---*What time are you talking?*

10 February 2015.---*I can't remember but it was in progress.*

Yes. And did you discuss the Landmark Square planning proposal with Mr Sansom on this trip?---*No.*

Well, the planning proposal was being prepared and you knew that it would be lodged with Hurstville City Council, correct?---*Because I left that to my planners. So - - -*

20 Can I just ask you again to start by answering by answering yes or no? My question was at this point the planning proposal was being prepared and you knew that it was going to be lodged with Hurstville City Council at some point?---*No.*

You didn't know the planning proposal was going to be lodged at some point?---*No.*

30 So you were instructing Dickson Rothschild to prepare a planning proposal but you had no idea whether it would ever be lodged with Hurstville City Council, is that your evidence?---*Yes.*

All right. Well, I suggest to you the whole reason you briefed Dickson Rothschild is because you knew that it would be lodged at some point. You deny that?---*I don't know. It was Kurt who liaise with him.*

THE COMMISSIONER: But you were aware, weren't you, that Dickson Rothschild had been engaged to do the planning work for Landmark Square?---*Well, because I didn't, well, pay attention to that. I left it to them to handle. Me and Mr Liu both did not, yeah, bother about the running of it.*

40

But what work did you think they were doing?---*I didn't pay much attention to that. I was in Hong Kong and China most of the time. Didn't ask them, yeah. I don't, yeah, bother too much about that.*

But you must have known that they were doing work so they could lodge a development application in relation to Landmark Square.

MS HEGER: Sorry, before you answer, it was a planning proposal at this point, as opposed to a development application.

10

THE COMMISSIONER: Sorry, planning proposal, yeah. Planning proposal.

THE WITNESS: *Yeah, because with Kurt handling this, I was reassured.*

MS HEGER: Mr Uy, Mr Dickson has prepared a statement for the purposes of this investigation. Do you understand that?

THE INTERPRETER: Sorry?

20

MS HEGER: Mr Nigel Dickson has prepared a statement for the purposes of this inquiry. Do you understand that?---*Yeah, I know.*

Yes, and his evidence is that he met with you on 22 October, 2014, along with Kurt Vegners and Wensheng Liu, about the Landmark Square planning proposal. Do you accept that or do you deny it?---*I cannot remember what time. The exact date.*

30 All right. Mr Dickson also says he met with you and some others on 13 November, 2014 regarding the Landmark Square proposal. Do you accept that or do you deny that?---*I cannot remember.*

THE COMMISSIONER: Well, do you accept this, that just putting the precise date to one side, late in 2014 you met with these planning consultants?---*Yeah, I believe I have.*

Thank you.

40 MS HEGER: All right. And so on this trip to China with Philip Sansom in February 2015, you must have taken the opportunity to discuss Landmark

Square with him at some point in that trip. Do you accept that or do you deny that?---*I deny.*

All right. Can I show you page 8? No, I withdraw that. Can I show you volume 2.7, page 11? Can we make that a little bigger, please? I can tell you this is also a photograph found on your phone, Mr Uy, and it's dated 8 February, 2015 and you can see it says Miramar Travel at the top?---Yeah, yeah.

10 And it says "Receipt".---Yeah, yeah.

It says "Mr Sansom, Philip Rolleston".---*Yes.*

And on the right-hand side you can see a date, July 2014?---*Yes.*

Why did you have a photograph of this receipt on your phone?---*It was my habit to take a photo on receipts. This is a sort of very, yeah, a common sort of receipt. What's the, yeah, purpose of that?*

20 Well, it seems to be receipt issued to Mr Sansom. Do you accept that? ---*Yes.*

And, well, I suggest to you that the only for this to be on your phone is because you had some sort of arrangement to reimburse Mr Sansom for this expense. Do you accept that or do you reject that?---*I disagree.*

All right. Well, what explanation do you have for this photograph being on your phone then?---*Because if you participate in a tour, I think the safest way is to have a receipt, a copy of receipt in case something happened on
30 the way, I can have something to fall back to.*

All right.

THE COMMISSIONER: I don't understand that.

MS HEGER: So whenever you travel with Mr Sansom in China you take a photograph of all of his receipts, is that what you're saying?---*Because this travel agency was based in Hong Kong and because since they joined a, a, a tour around the place I think it is best for me to take some receipt,
40 something, some paperwork in case something happen, I can produce these to, to show to the relevant people. To trace them, yeah.*

Why couldn't Mr Sansom do that himself, he could take a photograph and take it with him if he needed to?---*Oh, I, I still, as I am, yeah, to, to play safe, as a double guarantee, yeah.*

Well, I find that very difficult to believe, Mr Uy.---*Oh well, well, by taking a photo of the receipt doesn't mean that you pay the person the money.*

10 All right. So you're denying you made any payment for this expense, is that right?---*No.*

THE COMMISSIONER: Who gave you the receipt so that you could take a photograph?---*Sansom gave it to me.*

MS HEGER: And where did he give it to you? In Sydney or in China? ---*This is from, it's Hong Kong. This is in Hong Kong. Not China, no, Hong Kong. They joined a one-day tour.*

20 Well, the receipt's dated July 2014, so is it your recollection that some bookings were made in July 2014 for this trip in February 2015, is that your evidence?---*Because, I mean, in Hong Kong it's very common for people, when they're travelling in Hong Kong, to join a one-day group tour to go to a certain place to have food, have fun and all that. Hong Kong, a lot of these agency, they organise a one-day or two-day tour to China, a short trip to China. Food, yeah.*

All right. I'll mark that for identification. I think that's MFI 47.

30 THE COMMISSIONER: Thank you.

#MFI-047 – VOLUME 2.7, PAGE 11

MS HEGER: Now in the same volume can I show you page 13? This is also a photo that was found on your phone, Mr Uy. It's dated 11 February, 2015.---*Yes.*

40 So you met up with Mr Badalati in China in February 2015, is that right? ---*I can't remember.*

Are you saying you don't recognise that hotel? Could it be in China or somewhere else?---*I can't remember.*

That could be in Sydney, is that what you're saying?---*I just can't remember.*

All right. Well, on this occasion in February 2015, did you take the opportunity to discuss Landmark Square with Mr Badalati?---*No.*

10 You're denying that, are you?---*Yes, I deny that.*

Mr Uy, you can't even remember where this meeting was. How can you remember what was discussed?---*Yeah, because I didn't mention the things about Landmark Square at all.*

All right. You accept you were friends with Mr Badalati by this point, February 2015, correct?---*Level one.*

20 A casual acquaintance, is that right?---*Yes.*

Well, Mr Badalati's evidence is that he was friends with you in 2015 and even 2014. Do you deny that?---*I disagree. All the time I treat him as level two. Level one, sorry, level one, the acquaintance.*

THE COMMISSIONER: That looks a bit too friendly to be a level one. Do you agree?---*Yeah. It's just, well, to take photo and to, to be together when you take a photo. It's very common to do that. Yeah, when you take a photo you just get close to – it was the photographer, yeah, to ask you get closer.*

30 Who was the photographer?---*I can't, I can't remember, a friend.*

MS HEGER: So you can't remember who the photographer was or where this was but you remember the photographer telling you to put your arm around Mr Badalati. Is that your evidence?---*So for, yeah, for people when you take photo for people, I, maybe in Asian, Hong Kong culture, to ask people to get closer to take the, yeah, photo.*

40 Okay. Can I show you – I'll just mark that for identification, number - - -

THE COMMISSIONER: 48.

MS HEGER: 48

#MFI-048 – VOLUME 2.7, PAGE 13

MS HEGER: I'll show you volume 1.3, page 239, Exhibit 126. Mr Uy, this is the decision that the Joint Regional Planning Panel made on the
10 development application for 1-5 Treacy Street, Hurstville on 1 April, 2015
and you'll see that the members of that panel included Con Hindi and Philip
Sansom. Did you discuss the Treacy Street development application with
Mr Sansom on that trip to China in February, 2015?---*No.*

All right. Did you discuss the DA with Mr Sansom between February and
April 2015, that is before he voted on it?---*No.*

Did you discuss it with Mr Hindi before Mr Hindi voted on it on 1 April,
2015?---*No.*
20

And were you aware before this vote of what the council staff had
recommended regarding the Treacy Street DA?---*No.*

Can I show you volume 2.3, page 3? Pause there a moment, I've given you
the wrong reference. It's 2.4, page 2. Mr Uy, this is an image found on
your phone. You can see it's dated 28 March, 2015. You see it's a
photograph of a hard-copy document and it says "Joint Regional Planning
Panel East." It refers to 1-5 Treacy Street, Hurstville and if we go to the
next page, do you see there it says "Recommendation, approval subject to
30 deferred commencement"?---(NO AUDIBLE REPLY)

So is it still your evidence you didn't know what staff had recommended
prior to this vote on 1 April, 2015?---*No, no. Well sometimes I wasn't
even in Australia. I was in Hong Kong or China. Because - - -*

THE COMMISSIONER: What's – sorry. Go on.---*Because every one or
two months I would fly out.*

What's that got to do with this image being on your phone?---*Well,
40 because since I saw it there, I just took a photo of it. It is, well, normal.*

Right. And who - - -?---*As a record.*

Who gave you that document so that you could take a photograph?---*I believe it may be the builder or Nigel. Just can't remember.*

MS HEGER: Did a councillor give it to you?---*Oh, no.*

You're denying that a councillor at Hurstville City Council gave you this document, is that right?---*Yes. Yeah, I deny that.*

10

All right. I will mark that for identification, MFI 49.

THE COMMISSIONER: Thank you.

#MFI-049 – VOLUME 2.4, PAGE 2

MS HEGER: I'll go back to volume 2.4 and show you page 1. Could we
20 make that a bit bigger, please. Mr Uy, this is another image found on your mobile phone.---*Yes.*

You see the booking, the name is listed as Mr Philip Sansom?---*Yes.*

And you'll see it records details of his flights. "Fly out 8 April, 2015. Fly back 15 April, 2015."---*Yes.*

And I can tell you Mr Sansom did in fact fly to Hong Kong and return on those dates. And I can tell you that you flew to, you had flown to Hong
30 Kong on 6 April, 2015, that is two days before Mr Sansom. And you returned to Sydney on 23 April, 2015. That is after Mr Sansom.---*Yeah, I fly in and out all the time. Every one and a half months, I fly.*

Please just wait for me to ask my question and then you can say what you want to say, all right? You met up with Mr Sansom in Hong Kong on this occasion, correct?---*Yeah, I believe so.*

All right. And why do you have a picture of his travel details on your
40 phone?---*It was given to me by the travel agency.*

And which travel agency was that?---*I can't remember. Well there are several travel agencies.*

Well, this appears to be a record generated from the Qantas website that Mr Sansom himself has prepared. Do you accept that or do you reject that?
---*Maybe because this happened seven years ago, I, I, I may, yeah, I can't recall.*

10 All right. Well, do you accept that Mr Sansom might have given you this record?---*Yeah, probably.*

And why was he giving it to you on your understanding?---*Yeah, because, well, he went to Hong Kong and probably he would do some shopping and I, and I just happened to be arriving in Hong Kong, I can, yeah, take him around to do some shopping.*

Well, this is dated March 2015, that is before the trip. Do you see that?
---(NO AUDIBLE REPLY)

20 Are you saying that Mr Sansom just showed you these travel details so that you would know when he was going to be in Hong Kong, is that right?
---*Just, yeah, repeat your question.*

Is your evidence that Mr Sansom showed you this document just so that you would know when he was going to be in Hong Kong?---*Yes.*

Well, he could have just told you that, couldn't he? He didn't need to give you the record.---*Well, because I easily forgotten, maybe he will tell me.*

30 Well, the more likely explanation for this is that you had some agreement to reimburse Mr Sansom for his travel expenses on this occasion. What do you say about that?---*I disagree.*

All right. So you didn't pay for Mr Sansom's flights for this trip to China?
---*No.*

All right. I'll take you back to Mr Dickson's statement. I will mark that page for identification, if I haven't already.

40 THE COMMISSIONER: 50.

MS HEGER: 50.

#MFI-050 – VOLUME 2.4, PAGE 1

MS HEGER: Paragraph 26 of Mr Dickson’s statement. Bear with me a moment. I’m trying to move through these events in chronological order, Mr Uy, in the hope that that helps you to remember things. Do you
10 understand that?---*I, I get confused.*

I understand there’s a lot to keep track of.---*My mind is confused.*

All right. Can I show you page 26, paragraph 26? If at any point you don’t understand my question just please say so. Mr Dickson says here that he met you – I’ll start again. He says, “I believe I have only been to this Japanese restaurant with Philip on very limited occasions as outlined in this statement.” And back at paragraph 25 he says his diary shows that on 18
20 May, 2015 he had lunch with you at a Japanese restaurant on George Street in the Sydney CBD. But he goes on to say in his statement that he thinks he had another lunch with you at this restaurant later in 2015. Now, earlier in your evidence you referred to a meeting at a Japanese restaurant with Mr Hindi, correct?---*Yes.*

Was it this Japanese restaurant on George Street in Sydney that you were referring to?---*Is it in the vicinity of Chinatown? Near to Chinatown?*

I don’t actually know, Mr Uy. I think that’s likely. But if it helps he says in paragraph 26, “It’s quite a difficult restaurant to find because it’s upstairs
30 and access through an office lobby that may be an office tower.”---*Yes.*

So this is the Japanese restaurant you were referring to earlier in your evidence?---*Yes.*

All right. And if we go over the page, he says that when he arrived he saw you sitting with Councillor Hindi. And is that your recollection, that you were there with Mr Hindi before Mr Dickson arrived?---*I can’t remember.*

40 He also says that “I can’t recall specifically if a woman I now know as Mireille Hindi, who I understand to be Councillor Hindi’s wife, was present

at this meeting or at a subsequent meeting at this Japanese restaurant.” But then he said in his oral evidence at the inquiry that he’s fairly certain Mireille Hindi was at this meeting on 18 May.---*There wasn’t, in paragraph 27, there wasn’t a date, there is no date there.*

He's talking about the 18 May, 2015 meeting in this paragraph.---*Are you talking about 27 or 28?*

10 I was reading from 27 just then. And Mr Dickson here is still describing the meeting on 18 May, 2015. Do you understand that?---(not transcribable)

All right. And my question to you is was Mrs Hindi at that meeting on 18 May, 2015?---*I can’t remember. I really can’t remember.*

All right. Well, if she was there, it’s likely you invited her, is that right? ---*I can’t remember this, yeah.*

20 Well, you had meetings with Mrs Hindi from time to time, correct, over, well, the period 2015 to 2018? You met Mrs Hindi from time to time, correct?---*On an agent-to-agent basis. We just, yeah, exchange, yeah, I mean introduce clients to each other.*

Well, sometimes those meetings concerned Landmark Square, didn’t they? ---*No. I left this to my planners to do that. There’s no need for me to get involved.*

30 Well, Elaine Tang has given evidence that you asked Elaine to meet with Mrs Hindi regarding Landmark Square from time to time. Is that what happened?---*Yes. Yes. Because my English is not good enough and, well, after all these things are all open, yeah. Everybody can check on it. I don’t need to be sneaky about this. I just, yeah, ask her to go ahead to get to her and talk to her.*

And those meetings were about Landmark Square, weren’t they?---*No. They are sometime not, because I wasn’t present in here, yeah, all, all the time. I just ask them, yeah, to do it, to, left them to their own devices.*

40 THE COMMISSIONER: What were the meetings about?---*I cannot remember. Well, as female friends where they can become friends to each other.*

MS HEGER: Yes, but you attended sometimes the meetings with Mrs Hindi and Ms Tang, correct?---*I can't, I really can't remember.*

All right. Well, we'll come back to the detail of some of those shortly but one last question on the 18 May, 2015 meeting. Mr Dickson said that you discussed Landmark Square at that meeting. He says that in his statement. Do you have a recollection of that?---*I can't remember.*

10 All right. So it's possible this meeting concerned both Treacy Street and Landmark Square, is that right?---*I can't, just can't remember.*

All right. And explain to me again, you invited Mr Hindi to attend that meeting, is that right?---*Yes.*

And why did you do that?---*Because I wasn't involved much in this matter so I just asked Hindi to discuss with my planners.*

20 Why didn't you invite Mr Badalati as well, or Mr Sansom?---*To where, invite them to?*

To this meeting.---*I, we, we are not doing it in a dodgy manner because this is all open. As the councillors they have the responsibility to let us know what, what happened and I just asked my planner to discuss with them.*

That's not an answer to my question, Mr Uy. Shall I ask it again?---(NO AUDIBLE REPLY)

30 My question was, why didn't you invite Mr Badalati and Mr Sansom to this meeting as well, why only Mr Hindi as councillor?---*It happened that Con Hindi and Dickson were both working in the CBD, the city area, and are both busy persons and I just take advantage of the one-hour lunch to get them together. Mr Dickson is a very busy person. It's hard to invite him to something. Because they both happened to be in the city, so I can get them together so they can exchange these, discuss with each other.*

40 And how did you know Mr Hindi was going to be in the city? You'd been talking to him beforehand, presumably?---*Before he told me he was working in the city.*

Okay. And is that the first time that you met with Mr Hindi about Treacy Street or had you had meetings beforehand?---*You mean Mrs Hindi?*

Mr Hindi.---*Yeah, before, no, even before.*

Okay. Can you tell us about some of the other meetings that you had with him? When were they and where?---*Sometimes a lot of people in the local government area need to ask the councillors personally. Because if you ring the council, people never pick up the phone, so you need to ask them
10 personally to come to check on their gutters, many other issues on their, on their properties. Yeah, sometimes if a burst water main, nobody care about that and people rang me to ask me to help out.*

Mr Uy, I wasn't asking you about burst water mains. I was asking you about Treacy Street. But I won't ask the question again. I'll just move on. The planning proposal for Landmark Square was lodged in June 2015, correct?---*Yes.*

All right. And I'll show you another document, volume 2.10, and I'll just
20 give you a page reference. It's page 1. Thank you. This is another picture that was found on your phone. That's you there in the black T-shirt with Mr Badalati, correct?---(NO AUDIBLE REPLY)

Is that you, Mr Uy, to the left of the girl in the photograph? Yes or no?
---*Yes.*

All right. And that's Mr Badalati to the right of the girl in the photograph, correct?---*Yes.*

30 And the gentleman who is second from the right, is that your brother?
---*Yes.*

His name is Wong Ching Ho, correct?---*Yes.*

Also known as Tommy Wong?---*Yes. A couple of Christian names. Sometimes Simon, sometimes, yeah, Steven.*

Yeah. But also Tommy Wong, right?---(NO AUDIBLE REPLY)

40 Is that a yes?---*Yes.*

All right. So Mr Badalati obviously met, I'll call him Tommy Wong, on this trip, correct?---*Which trip are you talking about?*

Well, this occasion in October 2015 of which this is a photograph of?---*I remember this occasion is a, a birthday party of a friend. Apart from this bunch of people there are 30 or 40 people around. It was a big party, yeah. This all happened, he was there, I invite him.*

Was the party in Hong Kong or China?---*I believe it is in China.*

10

Tommy Wong is based in China, is that right?---*Hong Kong. Sometimes, well, between Hong Kong and China. Sometimes Hong Kong, sometimes China. Well, he is 70-ish years old.*

All right. Mr Uy, please just focus on answering my question, all right? Okay. Mr Badalati met Tommy Wong on this occasion, correct?---*Yeah. They, they didn't know each other. Actually a lot of people, we cannot introduce them one-by-one.*

20 Mr Uy, I'll ask the question again. Did they meet on this occasion? And the answers are "yes", "no" or "I don't know." Which one is it?---*In, in, in here?*

THE INTERPRETER: He point to the picture.

MS HEGER: At this birthday celebration, which you have described, did Mr Badalati meet Tommy Wong?---*Yeah, they, yeah, saw each other but there is no introduction to each other.*

30 Okay. And had they met each other on previous occasions in China or Hong Kong?---*I, I can't remember but sometimes, yeah, this all happened, it was a group of people, of friends together.*

Yeah. From time to time when you met up with Mr Badalati you would invite your brother, Tommy Wong, along. That's right, isn't it?---*No. I got my friends together. Yeah, maybe they, they, they met but I can't remember but it, it was, we were with a group of friends.*

40 Well, again, the answer is "yes", "no" or "I can't remember." From time to time when you met up with Mr Badalati in China or Hong Kong, you would

invite Tommy Wong along? Yes, no or I don't remember?---*I can't remember.*

All right. I'll make that for identification, MFI - - -

THE COMMISSIONER: 51

MS HEGER: 51.

10

#MFI-051 – VOLUME 2.10, PAGE 1

THE COMMISSIONER: We might adjourn five minutes early this afternoon?

MS HEGER: Yes.

20 THE COMMISSIONER: Yeah. And I get the impression that Mr Wensheng Liu may not be required tomorrow.

MS HEGER: That's looking like a distinct possibility, Commissioner.

THE COMMISSIONER: Well, if that is the case, and we can discuss it later, I think we should let Mr Hood and his instructing solicitors know.

MS HEGER: Yes. We'll do that this afternoon. I have reached the end of a topic. Should we just adjourn now, Commissioner?

30 THE COMMISSIONER: Yeah, that's fine.

MS HEGER: All right.

MR FAHD: Commissioner, It's Mr Fahd, sorry, Commissioner.

THE COMMISSIONER: I'm sorry?

MR FAHD: Commissioner, this is Mr Fahd, solicitor for Mrs Hindi.

40 THE COMMISSIONER: Yes.

MR FAHD: I just received an email from ICAC (not transcribable) informing me that Mrs Hindi is also not required tomorrow. Can I take that as the position as well?

THE COMMISSIONER: Yes, yeah. That, that, you can assume that that's correct.

MR FAHD: Thank you, Commissioner. Obviously that doesn't change the requirement to produce documents tomorrow and that will be done via
10 email.

THE COMMISSIONER: Yes, thank you.

MR FAHD: Thank you.

THE WITNESS STOOD DOWN **[3.50pm]**

20 **AT 3.50PM THE MATTER WAS ADJOURNED ACCORDINGLY**
[3.50pm]