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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 THURSDAY 7 JULY, 2022

AT 10.30AM

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, please. The affirmation you took yesterday continues to bind you. You are required to tell the truth, the whole truth and nothing but the truth.---*Yes.*

10 Can I say to those present that we're going to adjourn at 1 o'clock today. Yeah, that's all I wanted to say. At 1 o'clock, so this afternoon we won't be sitting.

MS HEGER: Mr Uy, you recall the other day I asked you whether you hoped Gencorp would build the development at Landmark Square? Do you remember that?---*Yes.*

And you said you had some concerns that Gencorp didn't have the capacity to build the hotel, is that right?---*Yes.*

20 But you did hope that Gencorp would build the residential apartments in Landmark Square if the development went ahead, isn't that right?---*Yes.*

And you had that hope in June 2015 when the planning proposal for Landmark Square was formally lodged, correct?---*Yes.*

All right. Can I show you volume 2.30, page 3, message number 12? Page 3, message number 12, volume 2.30. Can we make message number 12 a bit bigger, please, and scroll down? Thank you. Can you see message number 12 there, Mr Uy?---*Yes.*

30 That's a message from yourself to Wensheng Liu, correct?---*Yes.*

It's dated 22 September, 2015. So that's after the Landmark Square planning proposal had been lodged at Hurstville City Council, correct?---*Yes.*

And it says "Mr Liu, don't worry, I'm planning to go and see Chubby." Is that right?---*Yes.*

40 And "Chubby" is a reference to Mr Badalati?---*Yes.*

Do you have a recollection of going to see Mr Badalati on this occasion?---
I can't remember.

Can you think of anything you would have been going to see Mr Badalati
about other than Landmark Square at this time?---*I really can't recall.*

All right. Can I show you the next message, number 13, which is a message
from yourself to somebody called Emily Ly. Do you see that? Emily Ly is
a travel agent. Correct?---*Yes.*

10

And you've set out the name of Mr Badalati and some travel details from
Shenzhen to Shanghai Pudong. Do you see that?---*Yes.*

And you were making a booking for Mr Badalati's flight from Shenzhen to
Shanghai on this occasion. Correct?---*Yes.*

And if we keep scrolling down, please? I'll tell you when to stop. Just
pausing there. You'll see at message number 19, Ms Ly says, "Can transfer
to me on WeChat. No need to travel to Shenzhen." Is that what it says?

20

---*Yeah, it's written, yeah, as such, yeah.*

Well, that's what the Chinese says. Is that right?---*Yes.*

Right. If we keep scrolling down, please? At message 21, Ms Ly says, "As
long as it is bundled to a bankcard."---*Yes.*

That's what the Chinese says. Is that right?---*Yes.*

30 Then at message number 23, you write to Ms Ly, "Very dangerous. I'll go
to Shenzhen this morning and call you. What is the price?" Is that what the
Chinese says?---*Yes.*

And then at message number 24, you say to Ms Ly, "Depositing to you." Is
that what the Chinese says?---*Yes.*

And so you paid for Mr Badalati's flights from Shenzhen to Shanghai on
this occasion. Correct?---*But I have an explanation. He pay me back.*

40

Yes. And how did Mr Badalati pay you back?---*In Australia.*

And how did he pay you?---*Cash. Cash.*

All right. And when did he pay you?---*I can't remember. When I returned from Shanghai, he pay me back.*

All right. And did you keep a receipt for this payment?---*I do not, I do not have a receipt. He pay me back on his return.*

And how much did he pay you?---*Because exchange rate at that time was different, it's about \$200-odd.*

10

Okay. And did you meet up with Mr Badalati in China on this occasion? ---*I can't remember.*

Can you remember why Mr Badalati was travelling to China?---*I really can't remember.*

All right. Can we just take that volume down for a moment but then scroll through to message number 52 in that same volume and then display that one, please. Do you see message number 52 there, Mr Uy?---(NO

20

AUDIBLE REPLY)

That's a message from yourself to Wensheng Liu. Correct?---Mmm.

And there's an English translation there which I'll read out and I want you to tell me if that's what the Chinese says. Do you understand?---*Yeah.*

It says, "Mr Liu, you are our leader, our light. Our project hasn't been approved yet and we are worried that someone might cause trouble at our back. Will explain and report to you clearly on our return. Chubby and Middle East told us to be quiet." Is that what the Chinese says?---*Yes.*

30

And "Chubby" is a reference to Mr Badalati again. Correct?---*Yes.*

And "Middle East" is a reference to Mr Hindi.---*Yes.*

Why did you refer to them by these names rather than their actual names? ---*It's just a sort of Chinese culture they use to, use people's nickname.*

All right. And which project are you referring to here when you say "our project hasn't been approved yet?"---*I cannot remember. I really can't remember.*

40

Well, it must have been either Treacy Street or Landmark Square. Correct?
---*I really can't remember.*

Well - - -

THE COMMISSIONER: There can be no other choices, can there? It was
either Landmark Square or Treacy Street. Isn't that the case?---*Yeah, quite
possibly.*

10

Not quite possibly. Listen to my question and I want a direct answer. It
could only be Treacy Street or Landmark Square. Correct?---*Yes.*

And which one was it, was it Treacy Street or Landmark Square?---*Can't
remember.*

Well, why was there a need – I withdraw that. Did you speak to
Mr Badalati and Mr Hindi about the fact that one of those projects had not
been approved?---*I believe I haven't, yeah, to them.*

20

MS HEGER: Well, you've said there, Mr Uy, that Mr Badalati and
Mr Hindi told you to be quiet. Correct?---*Yes.*

So you must have had a discussion with both of them about this project.
Correct?---*I cannot remember which project.*

Yes, but you accept you spoke to both of them about one of the projects.
---*I really cannot remember. It wasn't disapproval. Both projects were not
disapproved. There's no disapproval.*

30

Well, if it helps, at this point in November 2015 you understand the JRPP
had approved the DA for Treacy Street in April that year?---*Yes.*

That was in April and then you understand that GR Capital lodged a
modification application in December 2015, that is after this message?---
Yeah.

So it's unlikely to be Treacy Street, isn't it? Because you didn't actually
have an application before council regarding Treacy Street at that time. Do
40 you accept that?---*You are, I mean, referring to the matter regarding
JRPP?*

I'm telling you the JRPP approved the DA for Treacy Street in April 2015.
---*Yes.*

Actually, I should correct myself, Mr Uy. There was in fact a modification application lodge for 1-5 Treacy Street in September 2015 by GR Capital Group. That was a fairly minor modification to increase the lift size. Do you recall that?---*Well, it was applied by the builder.*

10 All right. And then December 2015 was the next modification application for the extra five storeys. Do you understand that?---*Yes.*

All right. So the position is you can't remember whether this was about Treacy Street or Landmark Square, is that right?---*Well, in that case it will probably be Treacy Street.*

Okay. And when you said you were "worried that someone might cause trouble at our back", who was that someone you're referring to?---*I really don't know who that was. I really can't remember.*

20

THE COMMISSIONER: Look, isn't this the fact, you were receiving advice from time to time from Mr Hindi and Mr Badalati how to get these approvals, correct?---*It, it was, it was actually regarding a conversation that our planners discuss with the council people, in relation to the fact that we want our building to level up to the two adjacent buildings.*

That's not an answer to made to my question. Isn't it the case that from time to time you, not your planners but you, were getting advice from Mr Badalati and Mr Hindi about how you could get the project approved?---

30 *They were discussing with my planner.*

I'm not talking about your planners, I'm talking about you. Do you understand that?

THE INTERPRETER---I repeat your, the next question.

THE WITNESS---*No.*

40 Is it your evidence, sir, that you never received advice from Mr Badalati, and I'm talking about you, or Mr Hindi in relation to how to get this project approved, is that your evidence?---*No.*

MS HEGER: I'll just take you through some concrete examples, Mr Uy, and we'll do it that way, shall we?

THE COMMISSIONER: Sorry, the "no" is you are saying that you never received advice from time to time from Mr Badalati or Mr Hindi?---*They give me advice but not regarding the approval of the project.*

10 What advice did they give you?---*They asked me whether I can seek to have the building levelled up with the two adjacent building.*

And that's the only discussions you had with them concerning the Treacy Street project?

THE INTERPRETER: He nod his head.

THE COMMISSIONER: So the answer to my question?---*Yes.*

20 The only discussions you had with them?---*Yes.*

Thank you.

MS HEGER: But you sought their advice from time to time on the Landmark Square planning proposal as well, didn't you?---*Yes.*

30 All right. And what sort of advice did they give you? Let's start with Mr Badalati. What sort of advice did he give you?---*Yeah. They asked me about the usage of this building, is it for, initially they ask me whether the purpose of this development was for residential only. I said, "No. I would rather have a five star hotel there" and hoping that they can consider this proposal. Because the five star hotel would create about 500 to 1,000 job vacancies. Because since it is close to the airport, it can attract a lot of people to stay in the hotel and create more prosperity for the Hurstville area.*

THE COMMISSIONER: But why was it necessary to deal with Mr Badalati and Mr Hindi directly?---*Well, we have also talked to the council themselves, there are record there.*

40 If you're dealing with council, and that is council staff, why was it necessary to deal directly with Mr Badalati and Mr Hindi?---*This project

actually had been dragging on for years by the council, four and a half years by the council people. And every time when we approach the council, they have different people talking to us, different requirements. Once we, like, propose something to them, two months later, they would send someone, other member of staff, to see us and rejecting the previous proposal and asking us to provide other proposal. And these changes can be seen in their records, different people offering different ideas to us. Yeah. And I've been to, IHAP four to five times. No one ever tried to, yeah, approach IHAP for four, five times. Even in council itself, it has been dragging on for four and
10 a half years.*

MS HEGER: Mr Uy, but when you were concerned about those delays, that was in sort of 2018/2019. Correct?---*Yes.*

Yes. But you sought advice from Mr Badalati and Mr Hindi much earlier, in 2016, didn't you?---*But their responsibility as elected councillors, they have to provide assistance to local people.*

Yes. And you sought that assistance even before council voted on the
20 Landmark Square planning proposal on 20 April, 2016, didn't you?
---*Because I need to explain to them and let them know whether this projects is of benefit to the council, yeah, to the Hurstville and entire St George area.*

Yes. And they gave you some advice on that topic before the vote on 20 April, 2016. Correct?---*Yes.*

All right. Can I show you volume 1.4, page 35. I've previously marked
30 volume 2.30 as MFI 5 for the record. Okay. Volume 1.4, page 35 which is
Exhibit 127. It should be an email from Nigel Dickson. All right. This is
an email from Nigel Dickson to Michael Gheorghiu and they were both
planners at Dickson Rothschild. Correct?---*Yes.*

It's dated 1 February, 2016 and the attachment is some DRP minutes, that is the Design Review Panel minutes of meeting. Do you see that?---(NO AUDIBLE REPLY)

Do you see that, Mr Uy?---*I have not seen this before.*

No, I'm just asking do you see it now? It refers to the DRP minutes in the attachments.---*Because I seldom handle this sort of stuff. I left this to Nigel to look after this.* (Speaks Cantonese)

Do you want to translate that bit.

THE INTERPRETER: Sorry?

10 MS HEGER: Did he have something to add?---*Yeah. About this thing they, they do not always talk to me about.*

All right. Mr Uy, can I ask you, please, to listen to my question again and just answer my question. And please try to answer with a yes, no, I don't know or I don't recall. Okay?---Mmm.

Sitting here today now you can see that this email attaches some DRP minutes. You can see that, can't you?---(NO AUDIBLE REPLY)

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

And you know that around this time the Design Review Panel considered the Landmark Square planning proposal and made some negative comments about it. You understand that?---*Because I, well, left all this to them I just can't remember. They don't always report the matter to me.*

30 All right. For the purposes of my next question I want you to assume the Design Review Panel did consider the Landmark Square planning proposal in January 2016 and made some negative comments about it. Can you just assume that for a moment and then I'll ask you this question. You can see Mr Dickson says he met with you and that you had been in touch with Councillor Hindi. Do you see that?---*Yes.*

Yes. And you did in fact get in touch with Councillor Hindi around this time about the Design Review Panel comments, is that right?---*About, regarding this email, did they imply that I will go with Nigel when I contact Councillor Hindi?*

40 Mr Dickson is saying that he spoke to you and that you said you'd spoken to Mr Hindi. And I'm asking you, did you get in touch with Mr Hindi on this occasion?---*Yes, yes.*

And you spoke to him about what the Design Review Panel had said regarding the Landmark Square planning proposal, correct?---*I cannot remember the subject of the discussion but I did meet him.*

All right. And you discussed Landmark Square, correct?---*Yes.*

And can you tell us what Mr Hindi said at that meeting, or the substance of it?---*I can't remember. I really can't remember.*

10 All right. Now, If we go to Mr Dickson's statement, please, which is in volume 8, his first statement. Paragraph 66, please. At paragraph 66 Mr Dickson refers to the email that I just showed you and then he goes onto say "Philip told me he had been talking to Councillor Hindi with some frequency about the progress of the planning proposal for Landmark Square."

THE INTERPRETER: Whereabouts, whereabouts?

MS HEGER: That's about six lines from the bottom.

20

THE INTERPRETER: Sorry, do you want me to - - -

MS HEGER: If you just translate that sentence and then I'll ask a question. Thank you.

THE INTERPRETER: Yeah. Starting with "At the meeting Philip told me"?

30 MS HEGER: Just "Philip told me told me he had been talking to Councillor Hindi with some frequency." That sentence, please. And that's right, isn't it, you had been talking to Councillor Hindi with some frequency about the progress of the Landmark Square planning proposal around this time, that is February 2016, correct?---*Yes.*

Mr Dickson says, "He would speak about his conversations with Councillor Hindi not by reference to his name but he called him "the fat man"". Did you, in fact, refer to Mr Hindi as "the fat man" in your discussions with Mr Dickson?---*No.*

40 Did you use the words "fat man" in your discussions with Mr Dickson?---*I just can't remember.*

Well, you've admitted earlier that you referred to Mr Badalati as "chubby" from time to time. Is that right?---*Yes.*

And did you use that term when talking about Mr Badalati with Mr Dickson?---*I can't remember, really can't remember.*

All right. Can I show you paragraph 75 of Mr Dickson's statement?

10 THE COMMISSIONER: Just before we go to that, can we just go back to that paragraph?

MS HEGER: Yes. Paragraph 66.

THE COMMISSIONER: You'll see there that Mr Dickson says that you told him that you had been talking to Councillor Hindi with some frequency about the progress of the planning proposal for Landmark Square?---*Yes.*

20 And you were talking with Mr Hindi frequently, weren't you, about the planning proposal for Landmark Square?---*In regard to the hotel development.*

But you were speaking with him frequently?---*Sometimes.*

I'm not sure what that means. Are you denying that you spoke to him frequently?---*Okay. Not frequently but from time to time.*

Mr Patterson?

30 MR PATTERSON: Yes, Commissioner.

THE COMMISSIONER: I, of course, don't want to know the content of any advice you've given this man but I'm proceeding on the basis that in explaining section 38 and the section 38 declaration to him, you informed him that if he gives false or misleading evidence, he could go to prison for a period of up to five years. I should also note that this Commission has now been in existence for over 30 years and many people, as you would know, have been prosecuted for offences under section 87. What I would ask you to do, we're going to adjourn at 11.30. And I don't want to see this man get
40 into trouble. Can you please tell him the limits to the protection he gets from a section 38 declaration?

MR PATTERSON: I will do that, Commissioner.

THE COMMISSIONER: Thank you.

MS HEGER: Can I take you to paragraph 76 of Mr Dickson's statement?
75, I'm sorry, the previous page. Mr Dickson says here he recalls a further
meeting with yourself, Mr Liu, that is Wensheng Liu and Councillors Hindi
and Badalati. He says "From memory I believe this was held on a Saturday
10 morning in the Novotel Brighton-Le-Sands sometime in February 2016.
Philip texted me to attend the meeting". You did attend a meeting at the
Novotel Brighton-Le-Sands in February 2016 with Councillors Hindi and
Badalati, correct?---*Yes.*

And Wensheng Liu was there as well?---*For this bit I can't remember.*

All right. And you discussed the Landmark Square planning proposal with
Councillors Hindi and Badalati, correct?---*Yes.*

20 And they gave you some advice about the Landmark Square planning
proposal, correct?---*Yes.*

And let's start with Mr Badalati, what did he say?---*I really can't
remember.*

All right. And what did Mr Hindi say?---*Can't remember.*

All right. Did you discuss the fact that the planning proposal was likely to
be voted on by council in the next couple of months?---*I can't remember
30 that but I took them to the hotel here, the Novotel hotel, to show them the
future development of this hotel in Landmark will be much better and more
beautiful than the one they are now, yeah, sitting in.*

Did you discuss the height or the FSR under the planning proposal? And
you understand when I say FSR I mean floor space ratio?---*They talked to
my planner because I, that's the reason I brought along my planner.*

So the height and the FSR was discussed at this meeting, correct?---*I can't
remember but I remember that they talked to Nigel about this.*
40

Did Mr Badalati and Mr Hindi indicate they would support a height of 60 metres?---*I can't remember because at that time sometimes I went away from my seat because I am not familiar with the subject and they were mainly talking to Nigel.*

All right. Did they tell you they would vote in favour of the Landmark Square planning proposal?---*They said to me if this project will create jobs. Will be of benefit to Hurstville. Increase reputation of Hurstville. They will consider supporting it.*

10

And they both said that to you. Is that right?---*Yes.*

Okay. Was Philip Sansom at this meeting?---*I can't remember. It seems he was not there. He was not there. I can't remember, yeah. Long time.*

Are you the one who invited Mr Badalati and Mr Hindi to the meeting?
---*Yes.*

20 But you didn't invite Mr Sansom. Is that right?---*I can't remember. I believe no.*

Okay. Why didn't you invite Mr Sansom?---*They do not need to be together necessarily. There's, I mean sometimes, since they're only talking to Nigel and also since this matter was open I don't have any worry.*

But did you also - - -

THE COMMISSIONER: Do you see – I'm sorry.

30 MS HEGER: Sorry.

THE COMMISSIONER: Do you see that Mr Dickson says that he contributed nothing to the meeting nor was he given any instructions. Is that true?---*Well, I don't know about that because the conversation is between, I mean they, they, between them, between themselves and my English, I'm not 100 per cent in it.*

40 MS HEGER: It also says, "The councillors talked about when the planning proposal could be put to council and I understood they were talking to council staff about this." Did Mr Badalati and Mr Hindi address that topic?
---*About what?*

Did Mr Hindi and Mr Badalati talk about when the planning proposal could be put to council?---*I can't, I can't remember.*

All right. Could I take you to paragraph 78 of the same statement. Here Mr Dickson says, "I recall that I received a request from" yourself "on his phone to attend a meeting near the Macchina Espresso at the forecourt area near Woolworths in Kingsgrove on Mashman Avenue." He says, "When I got to the location I saw Councillors Hindi and Badalati already seated."

10 ---*Yes.*

Then go over the page, please. Mr Dickson says, "I recall the councillors saying that they would ask the staff to look more fully at the amended planning proposal for Landmark Square." And Mr Dickson says, "They said they didn't, they, i.e. Mr Badalati and Mr Hindi said they didn't understand why the staff were reluctant to consider the hotel as they felt it was a great opportunity."---*Yes.*

20 And Mr Dickson's statement suggests this meeting occurred sometime around 1 March, 2016.---*I can't remember.*

Well, I'm just going to ask the question. Did you attend a meeting with Mr Badalati and Mr Hindi at this coffee shop in Kingsgrove around this time?--
-*It is a long time ago. I just can't remember.*

Right. So you're not denying the meeting happened. You just can't recall it. Is that right?---*Yes.*

30 Okay. Can I show you paragraph 83 of Mr Dickson's statement? He says, "My diary shows I had a meeting between 8.00am and 9.30am on 14 March, 2016" with yourself "at Albion and Crown Streets, Surry Hills, regarding Landmark Square."---*Yeah.*

And he says, "Councillor Hindi attended the meeting."---*Yes.*

Did you attend this meeting with Mr Hindi and Mr Dickson in Surry Hills?
---*Yes.*

40 Right. And it related to Landmark Square. Correct?---*Yes.*

And what was discussed at that meeting?---*It's, yeah, regarding Landmark Square but I, I do not have any specific, yeah, unless, I can't remember specifically what this, yeah.*

You can't remember what Mr Hindi said?---*It's long time ago. I can't remember verbatim what he, yeah, said to me.*

10 This meeting occurred on 14 March, 2016, and you accept you had met Mr Hindi in February 2016 at the Novotel. In those circumstances, sorry, I'll just finish the question.

THE INTERPRETER: Mmm.

MS HEGER: In those circumstances, Mr Hindi must have been saying something more than his general support for a hotel at Landmark Square. Correct?---*Yeah. He wanted to know clearly what sort of hotel development it was and what are the things within this hotel.*

20 And on your understanding, why did he need to know that?---*Because as councillors, he wanted to be clear himself about what sort of thing he was going to support, what sort of thing he would consider in supporting.*

But he could have got those sorts of details from council staff, couldn't he, because the planners had already lodged all the information about the Landmark Square planning proposal with council?---*Because different people have different ways of, yeah, dealing things, yeah. Yeah, some people may like to read the paperwork, some people would, would like to have some concrete ideas, yeah, from, from verbally*

30 All right. Well, on the next page in the same paragraph Mr Dickson says "Councillor Hindi was at the meeting to report to Philip Uy about the progress of Landmark Square at council."

THE INTERPRETER: Sorry. Which - - -

MS HEGER: So the last sentence in paragraph 85. Sorry, 83. Last sentence in paragraph 83.

40 THE INTERPRETER: Yeah. The last sentence?

MS HEGER: The last sentence, please. And that's what Mr Hindi did, didn't he? He reported about the progress of Landmark Square at council. ---*Not to report to me, but to explain to me about the progress.*

All right. So you do have a recollection of him doing that, do you?---*Yes, yes. Regarding the Landmark Square, yeah.

All right. Is that an appropriate time, Commissioner?

10 THE COMMISSIONER: Yes, it is. We'll adjourn for 15 minutes.

SHORT ADJOURNMENT

[11.31am]

THE COMMISSIONER: Take a seat, please.

MR PATTERSON: Commissioner, before we resume may I have your leave to say something?

20

THE COMMISSIONER: Of course.

MR PATTERSON: I have done as you directed and impressed upon Mr Uy the limits of the section 38 declaration. Could I say in fairness to him it seems to me that there may be some things lost in translation. For instance the word "frequently" he tells me was translated in a way that meant "very close". To him that meant daily or weekly. He tells me that he is attempting to be accurate. There also may be issues about how the word "advise" was translated in Cantonese. I can deal with that in re-examination at the end. I just wanted to mention it now in fairness to him. And also I should have taken objection but didn't at the appropriate time. When he was directed to Mr Dickson's statement about frequent meetings with Councillor Hindi there were then references to "Chubby" and "the fat man", who as I understand it is not Councillor Hindi. I believe that may have caused some confusion. I just wanted to put that on the record in fairness to Mr Uy.

30

THE COMMISSIONER: Thank you.

40 MS HEGER: I understand what Mr Patterson says about the reference to "fat man" in that paragraph but Mr Uy was specifically asked "Did you talk

to Councillor Hindi?" So there can be no confusion as to what the question was directed to, whether it was to Mr Badalati or Mr Hindi. But happy for Mr Patterson to ask whatever questions he wishes in re-examination of course.

THE COMMISSIONER: Yeah. Thank you.

MS HEGER: Mr Uy, you know Yuqing Liu, correct? Yuqing Liu.---*I, I was not familiar with him, close to him, yep. He is my boss for a short
10 time.*

You're referring to China Liu, correct?

THE INTERPRETER: China?

MS HEGER: Shall I just spell it for you? Y-u-q-i-n-g, Yuqing Liu, you know him, don't you?---*Yes. I know.*

You know him as China Liu, is that right?---*Yeah.*
20

All right. I'll call him China Liu to make things easier. Is that okay?---
Yes, yes.

All right. You met China Liu for the first time in 2015, is that right?---
Yes.

And where did that meeting take place?---*I just can't remember. Yeah, I, I met him. Yeah.*

30 It was in Sydney, wasn't it?---*Yes.*

Okay. And in March 2016 there was a meeting at Wensheng Liu's office in Forest Road where China Liu attended, correct?---*Which venue, in his office or where, whereabouts?*

It was a meeting at Mr Liu's office at Forest Road in March 2016.---*I can't remember the date but he did, yeah, go.*

40 Yeah. And China Liu was there, Wensheng Liu was there and you were there. Correct?---*Yes.*

And this was just before that dinner in Chinatown where the agreement was signed. Is that right?---*I believe so.*

All right. And at that meeting at Mr Liu's office he proposed that China Liu invest in Treacy Street and Landmark Square. Correct?---*No, they're, they're actually talking about Landmark Square mostly.*

There was also some discussion of Treacy Street. Correct?---*He, he said, "Are you going to lend money for the, for, for building at Treacy Street?"*

10

China Liu said that?---*Yes.*

Okay. China Liu also met Vince Badalati at the Hurstville City Council offices in March 2016, didn't he?---*China Liu talked to me about that. Yes, yeah, he, yeah, talked to me about that.*

You didn't attend that meeting?---*It's not for me. I mean he went by himself with his staff.*

20 All right. Did you organise the meeting though?---*I know, I didn't know he was there, he went there. I know, I don't know.*

All right. You then attended the dinner in Chinatown - - -

THE COMMISSIONER: Just before we - - -

MS HEGER: - - - on 18 March - - -

THE COMMISSIONER: Just before we move on there.

30

MS HEGER: Sorry.

THE COMMISSIONER: What did China Liu tell you about the meeting with Mr Badalati?---*No, just told me are they, he went to see the mayor.*

Yeah. Did he tell you why?---*He didn't say anything further.*

All right. Thank you.

40 MS HEGER: You then attended the dinner in Chinatown on 18 March, 2016.---*Yes.*

And at that dinner China Liu and Wensheng Liu signed an agreement.
---*Yeah, Mr Liu and China Liu signed MOU, signed an MOU.*

Okay. And you understood at the time of that dinner that the MOU related to Treacy Street and Landmark Square and some other projects. Correct?
---*Yes.*

10 All right. Who invited – well, Mr Badalati attended that dinner, didn't he?
--*Yes.*

And who invited him to that dinner?---*Yeah, China Liu and his staff.
Every time when he came out to Australia he bring out his staff as well.*

And you say China Liu invited Mr Badalati to this dinner?---*Yes.*

20 And how do you know that?---*I, I was the general manager at the time. I
worked for China Liu. Kitchen waste, yeah. It was something called
kitchen waste, he hired me as the general manager of that restaurant.*

THE INTERPRETER: Oh, sorry, kitchen waste, sorry.

MS HEGER: At this time China Liu was considering building a waste-to-
energy plant in New South Wales, correct?---*Yes.*

And he appointed you the general manager of that project, is that right?---
Yes.

30 All right. But did China Liu tell you that he invited Vince Badalati to this
dinner?---*He told us that the dinner was for the purpose of kitchen waste.*

All right. But my question, Mr Uy, was did China Liu tell you that he
invited Mr Badalati, yes or no?---*Yes.*

Okay. And did he tell you why he invited Mr Badalati?---*Yes.*

And what did he say?---*He said the purpose is to let him know about
environmental protection relating to kitchen waste.*

40 Okay. And Mr Hindi and Mrs Hindi were at the dinner as well, correct?---
Yes.

And who invited them to the dinner?---*China Liu.*

China Liu told you that he'd invited Mr and Mrs Hindi, is that right?---
Yes.

And did he tell you why he invited them?---*Yes. Regarding environmental protection and kitchen waste.*

10 All right. Mr Badalati knew by this point that you were involved in Treacy Street and Landmark Square, correct?---*Yes.*

And so did Mr Hindi, didn't he?---*Yes. Because I was the agent.*

And did you mention either of those projects to Mr Badalati or Mr Hindi at this dinner?---*Can you say that again?*

Did you mention either Treacy Street or Landmark Square to Mr Badalati or Mr Hindi at this dinner?---*No.*

20

THE COMMISSIONER: Mr Uy, the purpose of the dinner was to celebrate the signing of the MOU, wasn't it?---*No. Purpose was for discussion of environmental protection of kitchen waste and they, they too, they didn't know beforehand when they arrive that it was about this environmental protection.*

Ms Heger, you might recall there's a photograph?

30 MS HEGER: Yes. Can I show you volume 2.26, page 6, which is Exhibit 197?

THE COMMISSIONER: I'd like the witness to translate what he's about to see. Do you see that there's a sign above the table?---*Yes.*

What does it say, sir?---*It's about the signing ceremony between the (not transcribable) and Australian First Capital, GR Capital First, something like that, yeah.*

40 MS HEGER: It refers to The One - - -?---*The One Capital, yeah.*

THE COMMISSIONER: And that was what the dinner was about, wasn't it?

MS HEGER: The One Capital Group.

THE COMMISSIONER: Yeah. It was about the signing of the MOU, wasn't it? That was the purpose of the dinner?---*Let me explain to you. First I'll let you know, China Liu is a dodgy person. I remember. He made them to come over by the excuse of using kitchen waste, to something
10 relating to kitchen waste. He didn't mention about the signing ceremony of this, yeah, agreement.*

MS HEGER: Yes, but once everyone arrived at the dinner, the signing ceremony took place. Correct?---*He asked the support of the council for kitchen waste, hoping that he can rent a piece of land \$1 for one year for the sake of environmental protection.*

All right. Mr Uy, please listen to my question again. The signing ceremony did take place at this dinner, didn't it?---*Yes.*
20

And you knew that the MOU related to Treacy Street and Landmark Square. You knew that at the time of the dinner. You've already accepted that. Correct?---*Yeah, I knew when I arrive.*

Yeah. And you say that China Liu was trying to trick Mr Badalati and Mr Hindi in some way. Is that what you're saying?---*Yes.*

All right. So you would have been concerned to tell Mr Badalati and Mr Hindi the true position, what this agreement related to, weren't you?---
30 *There were a lot of people at that time and signing, yeah, ceremony happened suddenly and they had no idea what it was about when they arrive and they are all in Chinese, in Chinese language.*

Yeah, but you knew what it was about, didn't you?---*I only knew when I arrive, when they, yeah, sign the paperwork.*

Well, did you say to Mr Badalati and Mr Hindi after the ceremony this agreement concerns two developments that are currently before you at council? Did you say that?--- *When they ask me I was sort of signing, was
40 it, and then he said, "Oh, that's none of our business." The purpose of them coming, going there is for the kitchen waste.*

Who said that?---*Con Hindi.*

Sorry, are you saying they asked you what the agreement was about?
---*Yes. I, I told them about signing, signing of some investment project.*

You said that to Mr Hindi at this dinner. Is that right?---*It's afterwards because at that time he was a bit confused. There are a lot of people drinking. Yeah, a lot of people around.*

10

When did you have this conversation with Mr Hindi about the agreement?
---*It appears day after because there, there was a lot of drinking at that time. It's the Chinese culture or whenever you arrive at a ceremony the people just, yeah, fit you with a lot of drinks. At that time I feel, actually I felt a bit tipsy on that evening. There's some Chinese wine which is very strong.*

Okay. Mr Uy, I don't need to know what you were eating or drinking at this occasion. I'm asking you when did you have the conversation with
20 Mr Hindi about the agreement? You're saying it didn't take place at this dinner. Is that right?---*Day after.*

Yeah. And you travelled, well, you met Mr Hindi in China for another signing ceremony, correct, in April? Yes or no.---*Yes.*

All right. And did the discussion about the agreement with Mr Hindi take place on that trip?---*I mean, they were invited to, yeah, to take this trip with the, the purpose of kitchen waste project.*

30 So is your answer, no, the discussion with Mr Hindi didn't take place on that trip in April 2016?---*No.*

It happened after that trip, is that right?---*About what, about - - -*

I'm asking you when you had the conversation with Mr Hindi about this agreement when you told him that it concerned some investment projects.
---*Yeah, yeah. Sometime after this dinner I did, yeah, talk to him but I cannot remember when.*

40 And when you told him it related to some investment projects, you said those were projects in Australia, correct?---*Yes.*

And you told him it concerned Treacy Street and Landmark Square, is that right?---*Yes.*

So I'm just trying to understand, Mr Uy. You say it became clear that China Liu was keeping this agreement a secret from Mr Badalati and Mr Hindi, is that right?---*At first I didn't know his intention.*

10 All right. When did it become clear that he was trying to keep it a secret?---
I didn't know what was behind this, what was in his mind because, yeah, he talk about the kitchen waste, whereas it's referred to, yeah, the projects, the (not transcribable) projects.

Well, I suggest to you, Mr Uy, that the topic of Treacy Street and Landmark Square must have come up at this dinner at some point. What do you say about that?---*Yeah. I thought it is some sort of plot, yeah, worked out by Mr China Liu.*

20 You're saying Landmark Square and Treacy Street were never discussed that this dinner, is that your evidence?---*Maybe it, they may have talked to Wensheng Liu but with China Liu they are talking about the kitchen, the other kitchen, kitchen waste and also about an investment of \$1 billion in Hurstville.*

All right. Did you actually see any discussions take place about Treacy Street or Landmark Square at this dinner?---*As far as I recollect, no.*

30 THE COMMISSIONER: As I understand your evidence – excuse me. As I understand your evidence, you told them the next day that the agreement concerned, amongst other projects, Landmark Square and Treacy Street. Sorry. As I understand your evidence, you told these men the next day that the agreement concerned Treacy Street and Landmark Square.---*Yes. Maybe next day or a few days after I did, yeah, talk to them.*

Well, they certainly knew before they went to China, didn't they?---*Yes.*

Thank you.

40 MS HEGER: Who paid for the dinner?

THE INTERPRETER: You mean the dinner - - -

MS HEGER: This dinner.---*I don't know. It would be China Liu.*

And why do you believe that?---*Yeah. Because it's, well, Chinese culture, somebody organise it – I really don't know who paid for it. I really don't know. I, I, my, I, I didn't pay myself. I was drunk on that night.*

It's part of Chinese culture for the person who makes the invitation to pay, is that right?---*It's not 100 per cent. Sometimes, yeah.*

10

That's general practice?---*Sometimes it depends on the, the person. Like sometimes people prefer to share, sometimes people to, to fork out the money.*

All right. Was there some discussion at this dinner about Mr Badalati and Mr Hindi travelling to China?---*I believe no. No.*

All right. But you know Mr Badalati and Mr Hindi and Mrs Hindi travelled to China in April 2016, correct?---*Yes.*

20

Who invited Mr Badalati?---*China, China Liu.*

Did you actually see China Liu invite Mr Badalati?---*His staff.*

And when did they do that?---*I don't know.*

Well, how do you know they invited him?---*Oh, because, yeah, Hindi and Badalati told me.*

30 All right. But you were involved in making arrangements for Mr Badalati and Mr Hindi and Mrs Hindi to travel to China, correct?---*Partially, partially.*

Yeah. And how were you involved?--- *This, the trip from Shenzhen in China to, Shenzhen and to Beijing.*

You booked those flights, did you?---*Yes.*

40 And you paid for those flights as well?---*I paid for the fares but he paid me back later.*

All right. Well, tell us about that. When did Mr Badalati pay you for those flights from Shenzhen to Beijing?---*Because the weather conditions, the airport at Shenzhen was closed and they were, and there was a very late flight going to Beijing so we book, we purchase our ticket there and then.*

And you paid for the ticket. Correct?---*Yes. I use my card to pay.*

Yes. And then you say Mr Badalati paid you back. Is that right?---*Yeah, he pay all of them back to me.*

10

And when did he do that, at the airport that day?---*Yeah, well, yeah, on that night pay me with Chinese currency.*

He gave you cash?---*Cash.*

Yeah. And you also paid for Mr and Mrs Hindi's flight from Shenzhen to Beijing.---*Yeah, I pay for all of them in one go.*

20 All right. And then did they pay you back for that flight?---*Yes. So they, they also receive a receipt for that.*

Well, just, did they give you cash at the airport as well?---*Yes. Yeah.*

They gave you cash?---*Yes.*

Yeah. And you say they got a receipt for that. Did you give them a receipt?---*And they also, yeah, the travel agency also, yeah, provide them with receipt.*

30 Yeah, but did you give them a receipt?---*Travel agency gave it, gave them to me and I give them to, to them.*

Yeah, that was much later in 2019, wasn't it?---*Yes.*

Yeah. I'll ask you some more questions about that later. Can I show you volume 2.30, message 116. Message 116, page, it'll be page 13. Do you see message 166 there, Mr Uy?---*Yeah.

40 That's a message from Wensheng Liu to yourself, correct?---*Yes.*

And it says “Brother Faye, 1. Have received the deposit of \$1 million Australia from Mr Liu. 2. Arrange for Chubby and Middle East to come to Beijing on the 10th to attend the formal signature ceremony.” Is that right? Is that what the Chinese says?---*Yes.*

And what did you then do to arrange for Mr Badalati and Mr Hindi to come to Beijing?---*Is it the day – is it connected to the trip that I purchase ticket for them from Shenzhen to Beijing?*

10 Well, I’m asking you that question. It refers to “come to Beijing on the 10th” and that is the day that they flew from Shenzhen to Beijing.---*I - - -*

So is that all you did, you booked the flights from Shenzhen to Beijing?---*Yes.*

You didn’t do anything else to make arrangements for them to travel to China?---*Yes. Arrange by China Liu. I know, I, I don’t know about it.*

20 Did you have any involvement in booking Mr and Mrs Hindi’s flights from Sydney to China?---*Yes.*

All right. You contacted the travel agent for them, didn’t you?---*Yes.*

That was Golden Miles Travel?---*Yes.*

And you made the booking for them, correct?---*Yes.*

And who paid for those flights?---*They paid themselves.*

30 All right. I’ll come back to that topic as well.

THE COMMISSIONER: That message refers to a deposit of \$1 million Australia. What did that deposit concern?---*It’s between China Liu and Wensheng Liu. I, I know nothing about that. Maybe relating to Landmark Square, I don’t know. It, it wasn’t written there, I don’t know.*

40 MS HEGER: You understood at this time, that is March 2016, that there would be a signature ceremony in Tangshan on this trip, correct?---*I only knew at that time they wanted to invite them over to China to see how the kitchen waste, the factory, of how the kitchen waste factory was run in China.*

Yeah, but you knew from Wensheng Liu's message that I've just shown you that there was going to be a signature ceremony in China on this trip, you knew that?---*Yes, yes.*

And you knew that Wensheng Liu and China Liu were going to sign an agreement at that signature ceremony, didn't you?---It's a, yeah, a signing but I don't know what sort of agreement, what sort of agreement it was, yeah, because regarding a lot of investment, they have a lot of other
10 investments in China.*

Well, you knew, didn't you, that they were going to sign the same agreement that they'd signed at that dinner in Chinatown?---*They didn't tell me.*

You had no idea. Is that right?---*I know it's regarding some signing but I don't know the content of the signing because in China, the bosses do not talk to their employees a lot about things.*

20 THE COMMISSIONER: Did you attend the signing ceremony?---*I, Yes.*

Thank you.

MS HEGER: All right. You arrive first in Shenzhen and then travel on to Beijing, correct, for this trip?---*Yes.*

And your brother Tommy Wong was also in Shenzhen and travelled to Beijing on the same flight. Correct?---*Yes.*

30 When you arrived in Beijing, you checked in to the Beijing International Hotel. Correct?---*Yeah, it's something like International Hotel but I do not know the exact name of the hotel.*

Right. And Mr Badalati and Mr and Mrs Hindi checked in to the same hotel as you?---*Yes.*

And you stayed there for one night before travelling on to Tangshan. Correct?---*Yes.*

40 And you paid for Mr Badalati's room, didn't you?---*I used my card to pay and then they pay me back later.*

And you paid for Mr and Mrs Hindi, as well, did you?---*I pay for all of them first.*

And you say they then reimbursed you or paid you back?---*Yeah, they pay me back.*

10 Yeah. And when do they do that?---*While they were in Tangshan, they pay me back. They said they don't want to owe me money. They want to make it, yeah, very clear.*

So Mr Badalati gave you some cash in Tangshan. Is that right?---*Yes.*

Yeah. And Mr and Mrs Hindi gave you cash in Tangshan, as well. Is that right?---*Yes.*

All right. You travelled to Tangshan and so did Mr Badalati and Mr and Mrs Hindi. Correct?---*Yes.*

20 And you visited China Liu's waste-to-energy plant that day?---*Yes.*

And then you checked in to the same hotel in Tangshan as Mr Badalati and Mr and Mrs Hindi. Correct?---*Yes.*

And then the next day, you attended the signing ceremony which was at the Xinfeng building. Correct?---*Yes.*

30 Can I show you volume 2.8, page 18 which is Exhibit 177. Page 18. Volume 2.8, page 18. Can you make that a little bit bigger, please. A little bit bigger again, please. This is a photograph from the signing ceremony that day. Correct?---*Yeah.*

And that was yes, wasn't it?---*Yes. Sorry.*

And that's you on the stage second from the left. Correct?---*Yes.*

And that's China Liu next to you and Vince Badalati next to him. Correct?---*Yes.*

And you understood at this time that Wensheng Liu's, that The One Capital Group was Wensheng Liu's company. You understood that at this time?---
Yes.

And you knew that it was One Capital Group that had applied for the planning proposal regarding Landmark Square. Correct?---*Yes.*

10 And you saw that on that sign behind you it referred to a signing ceremony between the Tanshan Xinfeng Thermolectric Group and the Australian The One Capital Group, didn't you?---*Yes.*

And so you understood by this time that the agreement they were signing concerned Landmark Square, didn't you?---*Yes, yes.*

You understood by this time they were signing an MOU at this ceremony that concerned Landmark Square.---*But other than this one there are other projects as well.*

20 Yes, I understand that. You understood by this time that the agreement Wensheng Liu and China Liu were signing concerned Landmark Square and Treacy Street and other projects. You understood that, didn't you?---*That's right. Landmark Square not Treacy Street.* Landmark Square.

THE COMMISSIONER: Well, the agreement had nothing to do with waste or energy, did it?---*Can I, well, correct, make some correction by explaining to you? Do you know why Con Hindi and his wife did not appear in here? Badalati also didn't want to be present here. Because the night before when Con, the night, on that, on that night when Con Hindi realise that it was not about the kitchen waste they refused to attend or they
30 stay in the hotel and refuse to attend this ceremony. Yeah, and initially Badalati also didn't want to attend the ceremony but we just talk to him when he, front of the stage, he just talk about environmental protection.*

MS HEGER: Well, you say Mr Hindi realised the agreement wasn't about kitchen waste. He realised it was about Landmark Square, didn't he?---
Yeah. I believe he should have known. He, he refused to attend the ceremony. He said, he saying that his purpose of coming there is for environmental protection.

40 Yeah, but you told him that the agreement was about Landmark Square, is that right?---*Yes, I believe, yeah, yes.*

Yeah. And you told Mr Badalati this agreement that was being signed was about Landmark Square?---*Yes. And they, they refused to turn up, yeah. Yeah, they say that they only, yeah, care about environmental protection.*

10 Yeah, but Mr Badalati obviously did come to the signing ceremony, correct?---*When he went up to the stage, there's no, there's no signing, yeah. He, he just went up to the stage to talk. No-one signing beside him. And all of a sudden people all showed up and, and went up to the stage to do the signing.*

THE COMMISSIONER: Just go back a step. Did Mr Hindi tell you why he did not want to go to the signing ceremony?---*Yeah. He, he, he said that the purpose of his coming there is for environmental protection and kitchen waste, yes.*

20 But why would that have prevented him from going to this signing ceremony?---*It's because the purpose of coming there was for environmental protection. Why did I need to, yeah, get involved in this business of signing ceremony? He, he felt he was being deceived.*

All right. He expressed some concern that the agreement concerned Landmark Square?---*But he worry that he was being used.*

Right. And was he very angry about it?---*Yeah. He stay in the hotel and refused to turn up.*

30 And was Mr Badalati, did he express concern too that he was being deceived?---*Yes.*

And did he also express concern that he was being used in relation to the Landmark Square development?---*Yes.*

And was he very, very angry as well?---*Upset.*

Very upset?---*Just upset, yeah.* Yeah, "Fuck". *He, yeah, uttered some, yeah, expletive.*

40 Okay, yeah, I know what you're saying. So he was swearing?---*Little bit.*

Yeah. And he thought he'd been deceived, as you understood it?---*You know, some sort of a scheme, yeah.*

Yeah. Thank you.

MS HEGER: Mr Badalati then gave a speech, didn't he?---*Yeah. He did speak. He didn't want to speak but people sort of, yeah, asked him, beseech him to speak up.*

10 And who was that who asked him to?---*And then some member of the staff there, yeah, ask him to speak. He said, and then he said, "Yeah, I will. If I speak, I will speak about environmental protection."*

Well, Mr Badalati also talked about Hurstville in his speech, didn't he?---*I believe he didn't. He told me it's all about environmental protection.*

Well, what do you mean he told you? When did he tell you that?---*When we have food, I asked him what he was speaking. He said that he was speaking about environmental protection.*

20

He didn't talk about Landmark Square or Treacy Street in that speech? ---*He told me he didn't. He, yeah, did not want to be used.*

Okay. The next day, you checked out of the hotel in Tangshan. Correct?

THE COMMISSIONER: Just before we move on, was there something else that happened on that day?

MS HEGER: There was a dinner that followed the signing ceremony.

30

THE COMMISSIONER: Yeah. There was a dinner, wasn't there? ---*Yes.*

And Mr Hindi, Mrs Hindi and Mr Badalati, they all attended that dinner, didn't they?---*Hindi didn't.*

Sorry?

THE INTERPRETER: Hindi didn't attend a dinner.

40

THE COMMISSIONER: All right. Mr Badalati did, didn't he?---*Yes.*

Despite the fact that he felt deceived, he was angry and he had been swearing?---*Just show some courtesy.*

Why would you show courtesy to somebody who had deceived you?---*Just when people invite him to have food, he just sit down to have food. This is his decision.*

You were at the dinner, weren't you?

10

THE INTERPRETER: You were not?

THE COMMISSIONER: You were at the dinner?---*Yes.*

Thank you. No, no, you go ahead. I know what you're going to do but - - -

MS HEGER: Can I show you volume 2.27, page 22, which is Exhibit 182?

THE COMMISSIONER: Can you identify the person in that photograph?

20

---*Yes. Yes.*

Who is it?---Con Hindi.

He's at the dinner, isn't he?---*Well, as far as I remember he didn't attend the meal, yeah.*

And this is another man who was angry and felt deceived you say?---*He didn't attend the signing ceremony.*

30

But he went to dinner.---*Yeah, because as far as I, as far as my memory goes he didn't attend the dinner as he stay in the hotel, refused to come out.*

But there he is.---*But he really didn't attend the ceremony, the signing ceremony.*

What I want to suggest to you, Mr Uy, is your evidence this afternoon concerning the signing ceremony and Mr Badalati and Mr and Mrs Hindi is false.---*You, you can check with him that he - - -*

40

No, that's not an answer to my question. I'm putting to you that the evidence you've given this afternoon is false.---*I disagree.*

And intentionally false.---*I disagree. He - - -*

And you have been trying to mislead this Commission.---*I disagree.*

MS HEGER: Is now an appropriate time to adjourn, Commissioner?

THE COMMISSIONER: Up to you.

10 MS HEGER: Yes.

THE COMMISSIONER: Yeah. 10 o'clock tomorrow.

THE WITNESS STOOD DOWN

[1.02pm]

AT 1.02PM THE MATTER WAS ADJOURNED ACCORDINGLY

[1.02pm]