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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 TUESDAY 12 JULY, 2022

AT 2.00PM

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THE COMMISSIONER: Take a seat, please.

MS HEGER: Mr Uy, I'm going to show you an excerpt from Ms Tang's evidence that she gave in the public inquiry. It's transcript page 1003. I'll just read out portions of this and then I'll ask you some questions about it. Okay. So I asked Ms Tang "in 2017 and 2018, from time to time you met  
10 up with Mrs Hindi, correct?" And she said, "I did meet up with her, I believe probably a few times, yes." I said, "Around that time period, 2017-2018?" And she said, "I don't recall but it was around about that time." I said, "And did Philip Uy ask you to meet up with Mrs Hindi?" And she said, "Yes." And my question is around this period, 2017 and 2018, you did ask Ms Tang to meet up with Mrs Hindi from time to time, didn't you, Mr Uy?  
---\*I can't remember.\*

Well, do you recall ever asking Ms Tang to meet up with Mrs Hindi?---\*I really can't remember.\*

20

All right. And I asked Ms Tang, "What did he say to you about Mrs Hindi and why you should meet up with her?" And she said, "He just said that she's a friend and that she, if I have any things to discuss, I can just go and speak to her about it." And I said, "Things to discuss about the Landmark Square planning proposal?" And she said, "Yes, yes, yes." And my question to you, Mr Uy, is you did say to Ms Tang, didn't you, around this time that Mrs Hindi was a friend and that if Ms Tang had things to discuss regarding Landmark Square, she could speak to Mrs Hindi about it?---\*I think I did say that we are both agents, so if you have any question, you can  
30 go and ask her.\*

Well, and did you also say that Mrs Hindi was a friend?---\*I don't remember that I said those words but I remember telling her that "we're both agents".\*

All right. Then I asked Ms Tang, "And particularly did he say if you have any problems with council you should discuss them with Mireille?" And Ms Tang said, "My role that, well, basically what Philip said to me was whatever council had sent through, I just had to go and mention it to  
40 Mireille. Here and there, it's not always".---\*Yes, that's right. That's right. Can I explain about that?\*

Sorry, so you're agreeing with what Ms Tang said, that you told her that whatever council had sent through she had to go and mention it to Mireille? You said that to Ms Tang, did you?---\*I don't remember if I said so but I did to say to her that we're both, like she said, the listing agent and based on industry practice she needs to know the progress of the matters. That's just a practice. She is the introducing agent so we have to keep her up-to-date. Yeah.\*

- 10 But Mr Uy, that buyers' agency agreement expired in July 2016, didn't it? ---\*Yes, yes. But still I had to let her know about what happened, you know? That's just a matter of, you know, practice. How would I know what she is doing on the other side?\*

Well, and you also understand that the Landmark Square land was purchased by Prime Hurstville in November and December 2017, don't you?---\*Yes.\*

- 20 So there was no need after that time to provide any updates to Mrs Hindi about Landmark Square, was there? In relation to the agency agreement I mean.---\*Well, since we have started it I had to follow up and told her what happened. I had the right to, to inform her, right? It's just a normal thing to do. Whatever claim she might have in the future, that's for her but I think that's just very normal for, for me to do that.\*

- Well, I suggest to, Mr Uy, the real reason why you asked Mr Tang to meet up with Mrs Hindi is so that Ms Tang could raise the problems or issues she was having with council on the Landmark Square planning proposal.---\*No. At that time we were in frequent contact with the council, we often talk.
- 30 There is no need for, for me to tell her separately, it's just a matter of courtesy that I inform her. You can go back to the record and see how many times in a month that we have spoken with council for.\*

Yes. But you were having problems with council, weren't you, and you were frustrated with the delays around this time, 2017 and 2018?---\*Well, there's nothing I can do. This is what needs to be done. If they change their minds all the time, there's nothing we can do.\*

- Well, I'm suggesting what you did do is you asked Ms Tang to explain these
- 40 problems to Mrs Hindi with the understanding that Mrs Hindi would then raise them with Mr Hindi. That's right, isn't it?---\*No. There has always

been communication from the architect to council by email or otherwise.  
Why would I need to get her?\*

Okay. One Capital Group had an agreement with Prime Hurstville whereby Prime Hurstville would pay One Capital Group an amount of money once the planning proposal for Landmark Square was gazetted. Correct?  
---\*That's right, yeah.\*

10 And in fact Adrian Liaw had reached an agreement with One Capital Group that whenever the planning proposal was gazetted an amount of money would be paid. Is that right?---\*Yes.\*

And you were aware of that agreement around 2018. Correct?---\*Yes.\*

And you understood that once that money was paid you would be paid a portion of that money. Is that right?---\*Yes.\*

20 And how much did you expect you would be paid upon the gazettal of the Landmark Square planning proposal, you personally?---\*Gazetted. What sort of announcement do you mean?\*

Well, by gazettal I mean when the planning proposal becomes law. So the law is passed which gives the extra FSR and the extra height to the Landmark Square development.---\*Yes.\*

30 Yeah. And how much money did you personally expect to get once the Landmark Square planning proposal was gazetted or became law?---\*There was, I have not calculated. There was no amount mentioned. It, the calculation of the FSR was done by council itself. I have, we have no right over that.\*

Well, can I show you volume 16.8. This is an email from Cam Ly to yourself. Correct?---\*Yes.\*

It's dated 22 September, 2020 and you understand, of course, the Landmark Square planning proposal was gazetted on 7 August, 2020. Cam Ly was your solicitor at the time. Is that right?---\*Yes.\*

40 Go to the next page. This appears to be a draft invoice from you to Vertex Corporation Pty Ltd and it says "For service rendered for the project located at 61-67 and 73-75 Forest Road, Hurstville".---\*Yes.\*

And that refers to the Landmark Square land, doesn't it?---\*Yes, yes.\*

And the amount is for \$1,133,000.---\*Yes.\*

Did you actually issue this invoice to Vertex corporation?---\*Yes.\*

And were you paid that amount of \$1,133,000?---\*Not a cent.\*

10 All right. And why is that, on your understanding?---\*Because Aoyuan - - -  
\*

THE INTERPRETER: I am doing a phonetic translation.

THE WITNESS: \*- - - has breached the contractual obligation and has not  
done what it's supposed to do.\*

MS HEGER: All right. But this was an invoice issued by you to recover  
part of the amount that Aoyuan had agreed to pay upon the gazettal of the  
20 Landmark Square planning proposal, is that right?---\*It's not just about me  
but there was also other investors, the Landmark investors.\*

Oh, I understand that but you understood this to be an invoice for an amount  
due under Prime Hurstville's agreement with One Capital Group to pay  
money upon the gazettal of the Landmark Square planning proposal, is that  
right?---\*Yes. And I was representing a group of investors.\*

Okay. So around 2018, even if the precise calculations hadn't been done,  
you understood, didn't you, that if the planning proposal was gazetted you  
30 should be paid a significant sum of money? That is by Prime Hurstville.

THE INTERPRETER: That is?

MS HEGER: That is you would be paid that money by Prime Hurstville,  
that's what you understood?---\*Not to me, but to this company. That's not  
my company.\*

Yes, but you understood the company would then pay the amount to you,  
correct?---\*Do you know that the extension for Landmark Square, it's  
40 already cost over \$6 million and is actually like a, a business that is, is  
actually a business that it's losing money? Each, each time it's \$3 million to

pay, 2 million, and the, the option has been delayed for, for three times, extended or delayed. There is nothing for the investors to, no money for the investor to make out of. It's a losing business.\*

All right, Mr Uy, I'll just put it to you and you can accept it or deny it and then we'll move on. In 2018 you expected that if the Landmark Square planning proposal was gazetted you would likely receive a significant sum of money, didn't you?---\*Let me tell you, in 2018, work was progressing but we don't know what government will do. There are always  
10 impediments in each step.\*

I understand there are uncertainties as to whether a planning proposal will ultimately be gazetted but what I'm putting to you is that you understood in 2018 that if it was gazetted, you'd be paid a significant sum of money. Do you accept that or do you deny that?---\*Not significant at all. I don't agree that it's significant. We have already put in \$6 million and what is the significant amount that you're referring to? How can we make any money out of it?\*

20 THE COMMISSIONER: Well, you sent an invoice for \$1.13 million.  
---\*Yeah. Yeah.\*

That's a significant amount of money, isn't it?---\*Well, the investors has put in \$6 million as the extension fee and how can this \$1 million can be of any significance?\*

Well, it was on an invoice sent to Vertex and the invoice says it's for a service that you rendered.---\*Yes. We're trying to recover the money, given that the investors have already put in money.\*  
30

And it was a significant amount of money. Correct?---\*I think that's quite, it's, like, a moderate amount. It's not significant to me.\*

MS HEGER: And as at 2018, you also understood that if the planning proposal was gazetted and the development went ahead, the hotel component would be sold back to Wensheng Liu. Is that right?---\*Yes.\*

And if that occurred, did you have a hope or expectation that Gencorp might help with some of the decorations inside the hotel?---\*I did have that hope, I  
40 did, had hoped so but Aoyuan did say that they wanted to do it themselves.\*

All right. Can I show you volume 1.6, page 148, Exhibit 129? And I'll tender the 16.8. That's 233.

THE COMMISSIONER: Thank you.

**#EXH-233 – VOLUME 16.8**

- 10 MS HEGER: So this is an email with the subject line “print for Philip number 2” and you see it's from elaine@gencorp.net.au to gr@newgrcapital.com. And it says, “Dear Ms Connolly, I do appreciate you're waiting for the three metre compulsory acquisition of Roberts Lane however this planning proposal should have been seen to the Department for their approval and then send your compulsory acquisition separately.” And you'll see there's a handwritten annotation which says, “I am writing this letter to express our disappointment with the rezoning process for the above properties which The One Capital Group has a significant commercial interest.” Whose handwriting is that?---\*I really have no idea. Not mine.
- 20 Sometimes I just don't know about things when I was in Hong Kong or China. That's not my handwriting and there are, there have been so many documents.\*

All right. Well, Ms Tang says that she drafted this email but prior to that you had given her a document which contained this information. Is that what happened?---\*I do not remember. I really do not remember.\*

- All right. Well, did you consult Mr or Mrs Hindi about this letter?  
---\*Definitely not. Could have been Michael because Michael had been
- 30 looking after this, and Nigel.\*

But it doesn't say print for Michael. It says “print for Philip”, doesn't it?  
---\*I did not know the existence of this letter so many people could have, you know, put my name there and that's not my handwriting. I don't know about this letter. It's definitely not my handwriting and I'm not there sometimes. I was not there sometimes. Let me tell you, often when they prepare documentation I was personally in China. Often I was personally in China.\*

- 40 All right. Well, what it looks like, Mr Uy, is that this document has been printed and then someone has shown it to somebody else for comment. Do

you know anything about that?---\*No. I forgot about it. We left it all for the architect to look after. We, we are not familiar with it so, and they charge a high, a, a, a lot of fees so we left it for them to do. Yeah.\*

I take it you deny you consulted Mr Badalati on the contents of this email as well?---\*I don't remember. I really do not remember about it.\*

10 All right. So you're saying you're not denying that you just can't remember, is that your evidence?---\*I really don't remember. You know, it's, I didn't write it up.\*

All right. I just want to be clear about this, Mr Uy, because you said you didn't remember the letter but you confidently denied that you showed it to Mr or Mrs Hindi. Is that right?---\*I don't remember. I don't want to say anything else. I don't remember.\*

20 All right. So now you're saying you don't remember whether you showed it to Mr or Mrs Hindi, is that right?---\*I can't say. I tell you, it's been so many years. Whether or not this letter existed, I simply cannot remember about it anymore so I can't comment anything further than this. There have been so many documents. I don't, I cannot remember which one had been shown to whom.\*

Okay, Mr Uy. I'm going to move to a different topic now. I'm going to show you a video. It's volume 18.1. We'll play the video and then I'll ask you some questions about it. Can you just turn the volume on, please?

**VIDEO RECORDING PLAYED**

**[2.43pm]**

30

MS HEGER: All right. I can tell you the date of that video is March 2013, Mr Uy. Is this an occasion where you met up with Mr Sansom and Mr Badalati in China?---\*Yeah.\*

All right. And the woman who's holding hands with Mr Sansom, who's that?---\*Maybe a shop keeper when they went shopping. Yeah.\*

40 You think Mr Sansom met this young woman when he was out shopping one day, is that right?---\*I'm guessing, my guess.\*

THE COMMISSIONER: I think you've told me in the past that it was an interpreter.---\*No. You know, shop, in, when the shopkeeper, they interpret as well. Not an interpreter but, you know, they can speak English. There are shopkeepers who can, who can speak English and speak to them in English and they help them do shopping and interpret for them.\*

She was an escort, wasn't she?

THE INTERPRETER: Pardon, pardon?

10

THE COMMISSIONER: She was an escort?---\*Did, did he say so? Is that -- -\*

She was an escort, wasn't she?---\*Of course not. Going out doesn't mean that she's an escort, does it? I can't say that if I go out with someone then the person will have to be an escort. You can't say that, can you?\*

MS HEGER: And what about the other woman in the video who is walking ahead of Mr Badalati. She was an escort as well, wasn't she?---\*No. What escort? What, they have their own jobs to do. They have their own work and businesses. I mean, they, they have their, you know, paid work as an employee.\*

20

Why were you videoing Mr Sansom and Mr Badalati on this occasion?---\*It's simple. I was on the phone, maybe I was taking, have taken a video inadvertently and taking a video, it's part of the Chinese culture. Many people would take a video, a photo of the food as they eat. Same as the Japanese culture, the Chinese, before they eat any meals, they would take photos of videos as they eat of the food. That's part of the Chinese culture.\*

30

THE COMMISSIONER: You're not telling me, are you, that it's part of Chinese culture to secretly record videos of people?---\*Not secretly. Not secretly. They knew, they knew that, didn't they? That's not secret. It's just, it's just a meal, gathering together. It's nothing more than this.\*

Are you saying that Mr Badalati and Mr Sansom knew that you were taking that video?---\*I think so. And it's just a normal, meal gathering, nothing more than that. Just a meal gathering between normal friends.\*

40 No, no, no. You were standing outside the lift and you filmed them in circumstances where they did not know you were doing it.---\*They would

know, at least when they have got inside the restaurant, we had been talking, they had been talking. I said to them to, you know, where to sit. You can see that I was talking to them when I was inside.\*

Yeah, but this was before you sat down for dinner. This is you filming them outside a lift with two escorts.---\*No, I want it to be clear. Why did you say that, why do you keep saying that they're escorts? What's your proof for that?\*

10 Don't ask me questions just answer mine, please?---\*What's your question?\*

Well, I put one to you. Is it possible, Mr Uy, that you were secretly taking that video so, if necessary, you could blackmail them in the future?---\*I disagree.\*

MS HEGER: You were pretending to talk to somebody on the phone as you were taking this video, weren't you?---\*I think I was calling to my wife only, asking her to come to join the meal.\*

20

But you couldn't hear a woman's voice on the other end of the phone in that video, could you?---\*Well, if that's what the phone did, how can I explain? Why do I need to blackmail them?\*

Well, and it's impossible, isn't it, to actually have a phone call with someone while you're also taking a video?---\*What if I have pressed the wrong button? At a later stage, I spoke to them and I told them where to get seated. I was trying to get hold of my wife and get her to come to join the dinner, join the meal.\*

30

Mr Uy, by this time, you'd had a number of development applications before Hurstville City Council, hadn't you?---\*When was that?\*

Well, I'll give you an example. 260 Belmore Road, the council voted in favour of that in 2009 and you were involved in that development, weren't you?

THE INTERPRETER: 216?

40 MS HEGER: 260 Belmore Road.

THE INTERPRETER: 260 Belmore Road. My apologies.

THE WITNESS: \*Yeah. Yeah.\*

MS HEGER: And at this time, March 2013, you expected you might have further development applications coming before Hurstville City Council, didn't you?

THE INTERPRETER: 2016, did you say?

10

MS HEGER: '13.

THE INTERPRETER: '13. My apologies.

THE WITNESS: \*No.\*

MS HEGER: You had no expectation you might submit further DAs for planning proposals before Hurstville City Council at this time. Is that your evidence?---\*2013? Are we talking about 2013?\*

20

I am.---\*Let me think. There was one that's related to the car park, what's that called, I can't remember.\*

The Gloucester Street car park?---\*Yeah, but which year was that? I can't remember.\*

Well, there was a tender process for that in 2012 and then it was actually withdrawn from sale in July 2012.---\*Yeah.\*

30

All right. So I'll ask you again. As at March 2013 you had an expectation that you might have development applications coming before Hurstville City Council in the future, didn't you?---\*No. To my recollection, no.\*

All right. Well, I'm suggesting to you that you did and that's why you took this video so that you could use it against Mr Sansom and Mr Badalati if you wished to in the future.---\*I disagree.\*

40

And in particular to use it to persuade them to vote in favour of any development application that you might have coming up before Hurstville City Council. What do you say about that?---\*I disagree.\*

Or indeed to assist you in some other way regarding any such development.  
What do you say about that?---\*I disagree.\*

All right. I'll just mark that for identification at the moment. MFI 58.

THE COMMISSIONER: 58.

MS HEGER: 58.

10

**#MFI-058 – VOLUME 18.1**

THE COMMISSIONER: Before we move on, did you hear your wife's  
voice on the phone?---\*No.\*

And was that because you were talking to yourself?---\*No.\*

20 Well, why can't we hear your wife's voice on the phone?---\*When you call  
a Chinese number the connection is not always, it's always troublesome and  
if you are indoor the connection can be bad. It can be quite bad. What can  
you do?\*

You were pretending to be on the phone, weren't you?---\*I disagree. Why  
do I need to threaten them?\*

MS HEGER: Can I show you volume 18.2 and this is also from March  
2013.

30

**VIDEO RECORDING PLAYED**

**[2.58pm]**

MS HEGER: Did Mr Sansom and Mr Badalati know that you were filming  
them on this occasion as far as you're aware?---\*I believe they did.\*

All right. Why, did you tell them?---\*If I am doing this to show, everyone  
would have seen it.\*

40 Well, I suggest to you on this occasion you were pretending to talk on the  
phone again.---\*No.\*

And the lady with Mr Sansom is an escort, isn't she?---\*No. That's he, his, they're friends that they've invited.\*

Friends of who?---\*How would I know, how can I remember? Might be Sansom's, Sansom's friends. They have their rights to make friends in China, have, don't they?\*

10 All right. And the lady with Mr Badalati, she is an escort, isn't she?---\*It's their friends, don't call them escorts. It doesn't write in their head that they are escorts, does it?\*

All right. And I suggest to you on this occasion you were filming Mr Sansom and Mr Badalati secretly as well.---\*Definitely disagree.\*

All right. And the reason you were filming them was so that you could use this video against them in the future if you needed to, isn't that right?---\*Definitely disagree.\*

20 Your brother, Tommy Wong, was in the video as well, wasn't he?---\*Yeah.\*

Yeah. And you saw him speak to Mr Badalati in the video, didn't you?---\*Yeah.\*

Did you tell Mr Badalati Tommy Wong was your brother on this occasion? ---\*I never said so.\*

30 All right. That'll be MFI 59.

THE COMMISSIONER: Thank you.

**#MFI-059 – VOLUME 18.2**

MS HEGER: I'll show you one more video, volume 18.3.

40 THE COMMISSIONER: Well, it's obviously, but these were taken from a phone, I gather, were they? Yeah. Sorry, the record was taken from the phone.

MS HEGER: All right. This next video is 27 July, 2013. Oh, hang on. Sorry, hang on. I've given you the wrong reference.---\*Which year?\*

Sorry, Mr Uy, I've just got the wrong reference. I'm going to correct myself in a moment. I'm sorry, it's 18.6 and the date of this one is August 2013.

10 **VIDEO RECORDING PLAYED** **[3.04pm]**

MS HEGER: All right. On this occasion, you were visiting an Optus store with Mr Badalati. Is that right?---\*Yes.\*

And this phone that Mr Badalati was obtaining on this occasion was actually registered in your name, wasn't it?---\*I really can't remember. Really can't remember. It's not my name. How can my name be used? Yeah.\*

20 Well, it can if you arrange for the phone.---\*No, no. I usually use Vodafone unless I have forgotten about it. I really can't remember.\*

Yeah, but this was a phone intended for Mr Badalati's use, wasn't it?---\*No. I've forgotten about this one.\*

Well, I can tell you that, well, I'll just do this. I'll show you volume 3.15. Go to the next page, well, first, you say there, it says there the service number and then the name is Mr Ching Wah Uy. If we go to the next page, this is a record of the payments on this phone and you'll see, or the  
30 recharges. You'll see they only start from July 2014. And what I'm suggesting to you is prior to that date, that is from August 2013 to July 2014, you paid for the credit on this phone. Correct?---\*I paid, I can't remember about it. I can't remember about it. 2016, 2015, 2014, I can't remember, yeah.\*

And the phone was purchased in August 2013.---\*By which phone? By what phone?\*

The phone that we saw Mr Badalati taking in the Optus shop in the video.  
40 ---\*I had not - buy for him? I can't remember.\*

Well, did you pay for it?--- \* [REDACTED] -9-1-7-8.\*

Did you pay for it from August 2013 to July 2014, that is the credit on the phone?---\*I really can't remember. I really can't remember.\*

All right. Well, what I suggest to you, Mr Uy, is that this is an instance where you paid for Mr Badalati's credit on his phone and you did so in the hope of, you did it as a favour to him.---\*No, no.\*

- 10 And that this was part of maintaining a good relationship with Mr Badalati in the hope that he would vote in your favour or provide other assistance in respect of development applications coming before Hurstville City Council. ---\*I disagree.\*

And you intended to take the video of Mr Badalati in this Optus store, didn't you, it wasn't an accident?---\*I do not remember this happening. It's long ago. How many years has that been? It's been so long I completely, I have forgotten about this.\*

- 20 And I suggest you were pretending to talk on the telephone while you were taking this video.---\*No, I think I bump into someone, bump into a friend.\*

THE COMMISSIONER: But we can only hear your voice on the phone. ---\*No, there was another voice and I was, you know, constantly speaking to my friends.\*

Can we hear his voice on the, his or her voice on the recording?---\*I was talking to my friends.\*

- 30 But can we hear the friend's voice?---\*I don't know. It's been so long. How can I remember?\*

You've just had the video played to you. Did you hear your friend's voice on the video?---\*I can't remember.\*

MS HEGER: I should - - -

- 40 THE COMMISSIONER: You heard it just a couple of minutes ago.---\*Do you know that this is, how stressful it is to be in here? How can I remember so many things when there's questions being thrown back and forth.\*

Well, let me put, I could not hear any voice apart from your own.---\*I mean, if I, if I have, if I was talking to a friend the person might not be speaking to me at a particular instant. How can I remember? And it's been so long ago.\*

Did you pay for the phone?---\*Of course not me.\*

MS HEGER: I should tell you, Mr Uy, in case I didn't make it clear earlier, the video was filmed on the same day that the mobile phone service was  
10 connected. Do you understand that?---\*It doesn't, it doesn't surprise me because I myself had a lot of phone numbers and I don't remember about this one. I really have forgotten about it.\*

All right. I'll - - -

MR PATTERSON: Commissioner, could I just interpose at this point? I don't want to be criticised for not objecting but as far as I know there is no expert evidence or any evidence at all that a second party to a telephone conversation taking place whilst a video is being taken could be heard.  
20 Now, I just don't know and there's been no evidence to that effect. It may be, it may be that's the basis of the assumption which has underlined the questions - - -

THE COMMISSIONER: Why would we need – if you and I can't hear it why would we need expert evidence? To do what, to show that although we can't hear it there may have been somebody there?

MR PATTERSON: That it could be, yes.

30 THE COMMISSIONER: Thank you.

MS HEGER: I'll tender that video. That will be Exhibit 234.

**#EXH-234 – VOLUME 18.6**

MS HEGER: Could I just ask you, why did you make that recording, Mr Uy?---\*I often make recordings. I, I often make recordings of many things  
40 generally.\*

Yeah. Why did you make this one?---\*Perhaps the girl was pretty and I took a video of her.\*

All right.

THE COMMISSIONER: Did Mr Badalati know you were taking this film?---\*I presume so. When I did that he would know.\*

10 MS HEGER: All right. Can I show you volume 3.21, which is Exhibit  
206? This is an email from Wensheng Liu to Philip Sansom dated 14  
March, 2014 and there's an attachment to the letter, if we go to the next  
page. It says "To whom it may concern, Philip Rolleston Sansom has been  
appointed as a consultant to this company to assist our expanding  
investment in Australia. Mr Sansom will be required to travel to China  
frequently to visit the headquarters of the company and report to the  
managing director/CEO and the major shareholders. I request that Mr  
Sansom be granted a business visa for China to facilitate his position as a  
consultant to this company." Did you arrange, well, did you ask Wensheng  
Liu to arrange this matter for Mr Sansom?---\*I can't, I can't remember. It  
20 might do, might have to do with the application for a Chinese visa. Back,  
back, back then it was very strict and it has to be, it has to have a letter like  
this otherwise the visa application will be rejected. With this type of letter  
you usually get a visa for one year or two, it's not a one-off thing.\*

Yeah. My question was did you ask Wensheng Liu to arrange this letter for Philip Sansom?---\*I can't remember but which year was this?\*

30 March 2014.---\*I really can't remember. It might be there to assist with his  
visa application, yeah, without which you won't be able to get a visa for a  
year. You can check and look up the regulations by the consulate. This is  
called a business visa.\*

Yeah. I understand all of that, Mr Uy. Do you know somebody at this company?---\*Yeah. It might be a Chinese but whether it's this company or not, I don't know.\*

40 Well, what, you know the person who signed the letter. Is that right?---\*I  
can't remember. It's very cursive, the handwriting, I can't read, I can't  
remember.\*

Okay. Did you have a conversation with someone at this company about this letter?---\*I really can't remember.\*

All right. And as far as you know, Mr Sansom, has he ever been appointed as a consultant to that company?---\*No, I think it's just for the purpose of obtaining a visa, just for the purpose of a visa. I think it appears so. It's all like this, done this way. Visa for China is all for the purpose of the consulate.\*

10 Well, if Mr Sansom had never been appointed as a consultant to this company, it follows that this is a fake letter. Right? Do you accept that? ---\*I don't know whether it's fake or not. The purpose of it was to obtain a visa, just for the visa application without which, you can't travel.\*

As far as you know, Mr Sansom's never done any work for this company. Is that right?---\*I don't believe there is, I don't believe he has.\*

Okay. Can I ask in the period 2015 to 2018, were you only working on Treacy Street and Landmark Square or did you have other projects?  
20 ---\*Looks like Kurt had taken onboard two or one projects, one of them might be the one, a school project in Belmore. I can't remember very well.\*

All right. And I take it, well, from time to time, you paid expenses for the Treacy Street development, is that right, that is money to third parties like planners and other contractors?---\*Not me.\*

Well, did they come out of the Gencorp account?---\*It's Wensheng Liu, well, we, we have to, we have to pay from time to time to planners and consultant. And Gencorp, it's paid by Gencorp. And from the company  
30 that obtained the finance for the development.\*

All right. And if some expenses were paid by Gencorp, did you then seek reimbursement from GR Capital Group?---\*No, so when it comes to building, depending on what we build that month, we will get GR to pay and then GR – we will tell GR and GR would get the money from a finance company.\*

And what about Landmark Square? Did you or Gencorp sometimes pay for expenses for Landmark Square?---\*It's jointly contributed by the investors,  
40 paid to The One, and The One paid for it. They contributed the money and then The One paid.\*

All right. And when you or Gencorp paid expenses for Landmark Square, was that generally by credit card or EFT as opposed to cash?---\*It's not something I managed. It's something Kurt looked after. I did not look after the account. We have a Finance Department, finance people to look after this, yeah.\*

10 All right. So I take it you never personally withdrew cash from your own bank account to pay for Treacy Street or Landmark Square expenses?---\*I don't remember. But I did sometimes withdraw money from Gencorp. Once or twice, it wasn't often.\*

And was that cash?---\*Sometimes. Sometimes before I left for Hong Kong I would plan for the trip to Hong Kong and get some cash out.\*

What's the largest amount of cash you can ever recall withdrawing?---\*I can't remember. I really, really can't remember. After so many years there have been too many sums of amounts that have gone in and out.\*

20 You didn't have a practice, did you, of keeping large amounts of cash at home? And by that I mean \$50,000 plus.---\*I, I do that. I do do that. I do do that, keep them at home and accumulate them at home, yeah, yeah.\*

Sometimes you have \$50,000 in cash at home, do you?---\*Yeah.\*

30 For what purpose?---\*I just kept them there. Sometimes I withdrew money and I, I didn't end up using it, I just keep them at home. Some other times I would take it back to Hong Kong to use. Yeah. That's very ordinary. This is the case for many Chinese families.\*

Well, I can understand withdrawing maybe \$10,000 to use when you might need it but you really withdrew sort of 50 grand plus in that way, did you? ---\*That's my personal preference and I have the right to do so. I have been here for so many years now. I mean, I could have accumulated hundreds of thousands of dollars, right? Can be possible. The Chinese culture says that we love keeping money at home. If you ask around, you will find people that would agree to it.\*

40 THE COMMISSIONER: So what's the largest amount of money you've kept at home?---\*Hundreds of thousands.\*

MS HEGER: You once had \$200,000 in cash at home, is that what you're saying?---\*Some even more than this.\*

THE COMMISSIONER: Where did it come from?---\*Savings in, in time.\*

So if came out of accounts, did it?

THE INTERPRETER: Pardon?

10 THE COMMISSIONER: It came out of your account?---\*Sometimes from my own account but given that I have had Gencorp for 19 years sometimes we, I have been having constructions companies for 18/19/20 years so we have, we do have cash.\*

MS HEGER: I just can't understand why you'd withdraw \$200,000 from a bank account and keep it at home. Can you explain that?---\*That's my personal preference and my practice. Is that okay?\*

20 Well, you just haven't really provided an explanation for it yet, Mr Uy.---  
\*Some people store \$1 million at home. - - -\*

THE COMMISSIONER: Mr Uy, you're being asked why you - - -

THE WITNESS: \*- - - I hope appreciate that we have different cultures and that's what we like to do.\*

THE INTERPRETER: Sorry, Commissioner, what did you say?

30 THE COMMISSIONER: You're being asked not about culture, not about anything else but why did you keep large sums of money at home when you could have kept them in the bank?---\*That's what I like to do and that's my right.\*

I don't understand that.---\*If you go to Hong Kong you might find someone who has kept \$1 million. My friends kept - - -\*

I'm not interested in - - -?---\*- - - 10 million in, at home in China.\*

40 I want to know why you kept that money at home.---\*Because that is what I like to do. If I have money I would keep it at home.\*

Why wouldn't you keep it in a bank where it's safe?

THE INTERPRETER: Sorry. Or a safe, did you say?

THE COMMISSIONER: No, where it is safe.---\*Because I like to keep it at home.\*

Is that your evidence? That's the only evidence you can give because you like to keep it at home?---\*Yeah, and I'm not alone. Many people do that.\*

10

MS HEGER: Can I show you volume 24.6? This is a table of cash transactions, Mr Uy. And you can see some of them are from your own account, some of them are from a joint account.---\*Which ones relate to joint name accounts?\*

Well, you can see the account name column, the second-last column there? ---\*Yeah.\*

See some of them have two names?---\*Yeah. Yeah.\*

20

All right. And just so you understand, where it says, the writing in red, that is a withdrawal of cash from the named bank account and the writing in blue is a deposit of cash in the relevant bank account. You understand that? ---\*Yeah.\*

All right. So let's start with 15 August, 2013, there's a cash withdrawal of \$30,000.

THE INTERPRETER: 15 August.

30

THE WITNESS: \*Yeah.\*

MS HEGER: What was that for?---\*I have, how can I remember this one out of so many transactions that I had?\*

THE COMMISSIONER: I thought you told me some – sorry.

THE WITNESS: \*I, sometimes when I go back to Hong Kong, I would bring with me \$10,000. Sometimes my friend goes back to Hong Kong and I will ask him or her to bring back \$10,000 for me. There's a limit of

40

\$10,000 per person. Often I have friends who travelled back to Hong Kong and I would get him or her to bring back \$10,000 for me.\*

But these are cash amounts coming out of your account.

THE INTERPRETER: Pardon me?

THE COMMISSIONER: These are cash amounts coming out of your accounts.

10

THE WITNESS: \*Yeah. Yeah.\*

Yeah. And I think you told me a little while ago, less than half an hour ago, that it wasn't very often that you withdrew cash from your accounts?---\*I did say there are many transactions in and out. I often withdraw in cash. I often withdraw in cash, especially when I need to travel back to Hong Kong. I never said that I didn't do it.\*

20 No, you didn't say you don't do it. I don't know your precise words but the substance of what you said was that it was infrequent.---\*No. I often withdraw money and I have money, and I often go in and out of bank to withdraw money. I often did so. I'm not lying. I did so every week.\*

MS HEGER: Well, you see there's an entry for 24 May, 2015, and then two days later, another withdrawal on 26 May, 2015, both in \$10,000 amounts?

30 Can you explain why you withdrew \$10,000 one day and then another \$10,000 two days later?---\*It might be the case that I had people going back to Hong Kong and I got them to bring money back for me. I have family in Hong Kong. I have family in China. So China, China. That does not surprise me.\*

Sorry, how does that explain a withdrawal? Are you saying somebody brought cash from China for you in Chinese currency and then you gave them Australian cash in return? Is that what you're saying?---\*No.\*

All right. Please explain.---\*So if, assume, assume you, you are going back to Hong Kong. I ask you to help bring back some cash, say \$10,000 back to Hong Kong. That's an ordinary thing to do.\*

40 So you might have been giving these amounts to somebody else to take to Hong Kong for you, is that right?---\*That's right. And likewise someone

might get me to bring back them money if I had to travel, and that's a normal thing to do within our circle, the Chinese circle.\*

And explain to me why you need to do it that way. Why can't you just transfer money into your Chinese bank account?---\*Do you mean the account in Hong Kong or in China?\*

10 Well, you gave an example of somebody taking cash over to Hong Kong for you. Why couldn't you just transfer money into your Hong Kong bank account instead?---\*Do you know that the currency for the exchange is actually lower than what it would be in Hong Kong? The exchange rate is much higher in Hong Kong than the one here.\*

And so this example where you've given cash to someone to take to Hong Kong, what did you intend for them to do with it in Hong Kong?---\*He would deposit it into my Australian dollar account.\*

In Hong Kong?---\*Yeah.\*

20 Okay. And what about the cash withdrawal for \$10,000 on 1 February and then another cash withdrawal on 2 February in the same amount?---\*Similar situation because back then people frequently commute between the two places, Hong Kong and here. It's very ordinary thing to do to get people to bring money back. And if you ask me about what happened in 2015 or '16, I really cannot remember very well about that time already.\*

What about the entry for 26 May, 2016 at the bottom there, \$33,060? Do you remember what that's for?---\*I can't remember. I really can't. Can't remember.\*

30 Right. If we go to the last page of this document, please. You'll see the entries finish at 3 March, 2020 and the total withdrawals over 2012 to March 2020 was \$1,120,195. Do you see that?---\*Yeah, I can see that.\*

Can you just explain why you had a need for quite so much cash over this time period?---\*Well, I have a lot of expenses that I need to pay for. I need to pay for the properties in Hong Kong, the mortgage here, the mortgage there. In China, I have families to support as well, family to support as well.\*

40

THE COMMISSIONER: But these are cash withdrawals.---\*Yeah, cash withdrawal. And sometimes I draw, I, I drew out cash to, to get people to bring back for me.\*

MS HEGER: You pay for your mortgage in cash, do you?---\*Yeah, you pay that in Hong Kong, can you pay for it. I even pay for the mortgage here in cash as well.\*

10 Which bank is that that you have the mortgage with that you pay in cash?  
---\*Here?\*

Mmm, yes.---\*Bankwest.\*

Okay.---\*Yep, all in cash.\*

THE COMMISSIONER: How much is that mortgage?---\*I had two, two mortgages presently.\*

20 MS HEGER: All right, so just explain to me - - -?---\*6,000 or \$7,000.\*

Explain to me how that works. You withdraw cash from a bank and then you walk the cash over to Bankwest and you give it to someone at Bankwest? Is that how you make your mortgage payments?---\*Yeah. I can show you a receipt to say, to see that they're all paid in cash. I've only just paid 7,000 last month. I can show you a receipt. I paid on 6<sup>th</sup> of this month. I took them a special, particularly for this purpose to the city. I have the receipt. That's just my, my practice. I can show, I can prove that to you with a receipt.\*

30 Okay. Could I also show you volume 27.1. And 24.6 has already been marked for identification as MFI 42. So this is another table of cash withdrawals from different bank accounts.---\*HSBC, they're all HSBC ones.\*

Yes, you see it has a number of account numbers, though. The first one is different from the second one. Do you see that?---\*Right.\*

40 If we go to the final page, and, sorry, you see this, the time period here is 5 May, 2015. And if we go to the last entry, it goes up to 5 September, 2018 and so this is an additional amount of cash withdrawals of \$471,600, that is on top of the \$1 million or so we just looked at. Can you explain why you

withdrew so much cash over this time period from these accounts?---\*I have to withdraw cash to make payments with. Yeah. I, sometimes I would send money back to China, sometimes I do that to, to as a, as a remittance. I also have business in China as well myself.\*

What businesses do you have in China?---\*I have a partnership business that I wanted to do at that time. It's to do with ceramics but it just wasn't successful, it, it didn't work out at the end, importing construction materials into Australia. Yeah.\*

10

All right. I'll just mark that table for identification. That'll be MFI - - -

MR PATTERSON: Commissioner, could I say at this point, if Counsel Assisting has no evidence that any of those cash withdrawals were made for improper purposes then Mr Uy objects to his personal financial information being put into the public domain and I would ask for a non-publication order in respect of that material.

THE COMMISSIONER: On what basis?

20

MR PATTERSON: On the basis of privacy, Commissioner. It's of no public interest if it of no relevance to any matters before this Commission.

THE COMMISSIONER: But isn't one of the matters that is being examined a question of whether Mr Hindi and Mr Badalati received cash from this man? Isn't that an issue? We know that Mr Badalati admits to some \$170,000. So I just don't quite understand why it's not in the public to show this man had access to very large amounts of cash.

30 MR PATTERSON: He admits that he had access to very large amounts of cash. He said that was a product of his construction activities.

THE COMMISSIONER: I know what he said. I don't propose to make any non-publication order.

MR PATTERSON: In the absence of any evidence linking any of those payments to any improper purpose, once the evidence is concluded?

THE COMMISSIONER: I just don't understand.

40

MR PATTERSON: Very well. I don't wish to say any more on the topic, Commissioner.

THE COMMISSIONER: Thank you.

MS HEGER: So I'll show you, Mr Uy, volume 2.34. Mr Uy, this photograph was found on your mobile phone and it was created on 19 February, 2015.

10 THE INTERPRETER: 19 February, 2015?

MS HEGER: Yep. What was this money for?---\*The, my savings like I told you. That's the money that I have saved up.\*

This was just for your personal use, is that right?---\*Yeah.\*

Okay. How much money is there, do you know?---\*I can't remember.\*

20 And why did you take a photograph of it?---\*Because I liked it. I felt like it was not a secret so, I mean, I just took a photo of it, that's it\*

All right. I'll tender that. That's Exhibit 235.

THE COMMISSIONER: Thank you.

**#EXH-235 – PHOTO AT VOLUME 2.34**

30 MS HEGER: And I'll show you volume 2.36. This is another image that was found on your phone, Mr Uy, and it was created on 6 April, 2015. ---\*Yeah.\*

What was this money for?---\*This is the money that I kept. I have the right to keep the money and I have explained about it just now.\*

40 And was this amount additional to the money we saw in the last photograph?---\*No. I think they might be the same. I sometimes group them in different ways and took photos.\*

THE COMMISSIONER: Why? Just wait till it's translated. Why?---\*I had nothing else to do. I just, like, moving them around and did that.\*

MS HEGER: I'll tender that photograph. That'll be Exhibit 236.

THE COMMISSIONER: Thank you.

**#EXH-236 – PHOTO AT VOLUME 2.36**

10

MS HEGER: You're aware, Mr Uy, that Mr Badalati has given evidence that you gave him \$70,000 in cash in 2015, aren't you?---\*70,000?\*

70,000.---\*I did not.\*

You deny that, do you?---\*I deny it.\*

20 The money in those photographs, that wasn't money that you paid to Mr Badalati?---\*Of course not. Why would I need to give it to him? Why did I need to give it to him?\*

Well, there's an obvious reason, isn't there, Mr Uy, that as at 2015, you were involved in a development application before Hurstville City Council regarding 1-5 Treacy Street and also a planning proposal that was lodged before council regarding Landmark Square. And Mr Badalati's evidence is that you gave him that \$70,000 in 2015 as a thank you for his help on Treacy Street.---\*Definitely not.\*

30 All right. I'll just put the details of it to you, so that we can be clear. Mr Badalati says that you met at a café in Kingsgrove in 2015. I think he said it was Macchina Espresso. Have you ever met Mr Badalati at Macchina Espresso?---\*I don't know which one it was. I have been to a café but I don't know what the name was, a few times, but I don't know what the name was.\*

And he says that after the coffee, you went back to your cars and you gave him a bag of money. You deny that, I take it?

40 THE INTERPRETER: Went back to his cars?

MS HEGER: You both went back to your cars.

THE INTERPRETER: Oh, okay.

MS HEGER: Which were parked next to each other.---\*I did not give him any money.\*

10 All right. Have you ever given Mr Badalati money in respect of the Treacy Street development?---\*I did not have to. Why did I have to pay him any money? I get the architect to do the job. We went to the Environmental Court and everything. Why do I need to pay him?\*

So I take it the answer is no, you've never paid Mr Badalati money in respect of Treacy Street?---\*I didn't. I didn't.\*

20 All right. You're also aware Mr Badalati's evidence is that he had a conversation with Mr Hindi, and Mr Hindi said that you had given him, Mr Hindi, a similar amount of money for Treacy Street. You're aware of that evidence?---\*No.\*

Right. So you're denying, I take it, that you paid Mr Hindi around \$70,000 for Treacy Street?---\*Never happened.\*

Right. And I take it you deny you ever paid Mr Hindi any amount of money in respect of 1-5 Treacy Street?---\*Correct. I never paid him.\*

All right. And you're aware Mr Badalati's evidence is that you paid him \$100,000 in cash regarding Landmark Square?---\*Landmark Square?\*

30 Yes.---\*Why did I have to pay him?\*

THE COMMISSIONER: That's not an answer to the question. Did you or did you not?---\*I, nothing have been done. I have not paid anything.\*

MS HEGER: All right. And Mr Badalati's evidence is that you also gave \$100,000 to Mr Hindi regarding Landmark Square. I take it you deny that? ---\*Never.\*

40 Mr Badalati says that you, he and Mr Hindi had coffee at a shopping centre in Rhodes and then met up in a park nearby. Did that happen?---\*There was

a coffee catch-up in Rhodes but no money was paid. I showed him or them to the Waterview.\*

All right. So you did go to the park in Rhodes after having coffee with them, is that right?---\*Yeah, to see the park but no money was paid.\*

And was that in 2016?---\*I cannot remember.\*

10 All right. Mr Badalati says that you gave him two bags and you gave Mr Hindi two bags at that park. Did that happen?---\*I don't think so. I did not pay any money. I'm telling you I did not pay any money.\*

THE COMMISSIONER: But you had enough cash to do so if you'd wanted to, didn't you?---\*Why would I need to give him any money? It hasn't been approved and I have my investors here. Let me tell you, let me tell you, 1-5 Treacy Street, \$100,000 was paid. Wensheng Liu has paid 1,000. If you give me five minutes I can explain it to you.\*

20 THE INTERPRETER: Commissioner, the way he expressed that in Chinese, I'm not sure whether it was Wensheng Liu that have been paid or Wensheng Liu has paid someone the 100,000. He might want to explain further.

THE WITNESS: \*Wensheng Liu has paid someone, not them, for the purpose of 1-5 Treacy Street in the amount of \$100,000. If you give me five minutes, I can give you the details.\*

MS HEGER: When was that payment?---\*2018.\*

30 MR HOOD: Can I raise a matter at this point, Commissioner, if I may?

THE COMMISSIONER: Certainly.

MR HOOD: It seems to be well outside the reference here, has nothing to do with the matter that the Commission is inquiring into, unless it can be made relevant shortly in some other form.

THE COMMISSIONER: I agree, but we don't quite know yet, do we?

MR HOOD: Well, I'd ask, I'd ask that – what has been said by this witness, I know it's a bit late now, I wasn't certainly anticipating that, but I'd ask for a non-publication order in respect of - - -

THE COMMISSIONER: Well, I'm not proposing to do that because it may be quite innocent. If it's not, then it might be quite relevant. And as you say, it's gone.

10 MR HOOD: I certainly agree with that. I don't know whether it's ever been raised by this person in the past.

THE COMMISSIONER: Not as far as I'm aware.

MR HOOD: No. The difficulty is I'm apprehensive about what this witness is going to say, bearing in mind the evidence that's been presented to the Commission up to this point in time. It may well have an innocent explanation, but we won't know until we hear from him. And my submission is until it's clear what this witness is speaking about that that evidence be taken in some, in a private session.

20

THE COMMISSIONER: Well - - -

MR HOOD: It may be so damaging. I just don't know. But the probability is it could be damaging, falling from the lips of this witness, who obviously is in conflict with Mr Badalati. Obviously, very much so. They're diametrically opposed, so - - -

THE COMMISSIONER: Well, can I suggest this? Can I think about that overnight.

30

MR HOOD: Yeah.

THE COMMISSIONER: And if I agree with you, then we'll go into private session tomorrow morning for this evidence. I just want to make sure that I'm not missing something here. But as far as I'm aware, we haven't or I at least haven't become aware of what the witness is about to say.

MR HOOD: Yes.

40 THE COMMISSIONER: But I won't resolve that now. I'll do it tomorrow morning. Can I just ask you this, as a matter of fairness really, do you have

an explanation why Mr Badalati would tell this Commission why you had paid him \$170,000?---\*I don't know.\*

Thank you. Mr Hood, I think unless you want to determine it now, and if you do I'll have to adjourn, but I think your position is sufficiently preserved if we deal with it tomorrow morning but a decision is made before that time as to, you know, what we propose to do.

10 MR HOOD: I'd be grateful if we could do it tomorrow. Commissioner, I think you understand my present position.

THE COMMISSIONER: No, I do, I do.

MR HOOD: Yeah.

THE COMMISSIONER: I do. Thank you.

MR HOOD: Thank you.

20 MS HEGER: Adjourn then, Commissioner, for today?

THE COMMISSIONER: Certainly. Thank you.

MS HEGER: Sorry, could I just tender a couple of documents before we do that?

THE COMMISSIONER: Certainly.

30 MS HEGER: Sorry to make everybody stand up and then sit down. MFI 48, which was volume 2.7, page 13, I showed that to Mr Uy last week.

THE COMMISSIONER: Yep.

MS HEGER: That'll be Exhibit 237.

**#EXH-237 – VOLUME 2.7 PAGE 13**

40 MS HEGER: MFI 49, which was volume 2.4, page 2 to 3, which I also showed to Mr Uy last week, that'll be Exhibit 258. Sorry, 238.

THE COMMISSIONER: Yeah.

MS HEGER: 38.

**#EXH-238 – PHOTOS AT VOLUME 2.4 PAGES 2 AND 3**

10 MS HEGER: MFI 51, which was volume 2.10, page 1, that'll be Exhibit  
239. Thank you.

**#EXH-239 – VOLUME 2.10**

THE COMMISSIONER: That's it? Thank you.

20 **THE WITNESS STOOD DOWN** [4.10pm]

**AT 4.10PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
[4.10pm]