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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GALLEY

Reference: Operation E19/0569

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 13 JULY, 2022

AT 10.00AM

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

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

<CHING WAH (PHILLIP) UY, on former affirmation [10.13am]

THE COMMISSIONER: Take a seat, thank you. I think we're just going to continue in a private session for the moment, aren't we?

MS HEGER: That's right, Commissioner.

10 THE COMMISSIONER: Thank you. I direct that the following persons
may be present at this public inquiry being held in private: Commission
officers, including transcription staff; the witness; legal representatives for
all affected parties; and Counsel Assisting. I also propose to make a non-
publication order. Being satisfied that it is necessary and desirable in the
public interest to do so, I direct pursuant to section 112 of the Independent
Commission Against Corruption Act that the evidence given by this witness,
the contents of any exhibits tendered, the contents of any documents shown
to the witness, shall not be published or otherwise communicated to anyone
except by Commission officers for statutory purposes or pursuant to further
order of the Commission.

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**SUPPRESSION ORDER: BEING SATISFIED THAT IT IS
NECESSARY AND DESIRABLE IN THE PUBLIC INTEREST TO
DO SO, I DIRECT PURSUANT TO SECTION 112 OF THE
INDEPENDENT COMMISSION AGAINST CORRUPTION ACT
THAT THE EVIDENCE GIVEN BY THIS WITNESS, THE
CONTENTS OF ANY EXHIBITS TENDERED, THE CONTENTS OF
ANY DOCUMENTS SHOWN TO THE WITNESS, SHALL NOT BE
PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE
30 EXCEPT BY COMMISSION OFFICERS FOR STATUTORY
PURPOSES OR PURSUANT TO FURTHER ORDER OF THE
COMMISSION.**

THE COMMISSIONER: Thank you.

MS HEGER: Mr Uy, yesterday in your evidence you referred to a \$100,000
payment that Wensheng Liu had made, is that right?---*Yes.*

40 To whom was that payment made?---*Everest Finance.*

Okay. When was that payment made?---*Around 21 November, 2018, around that mark.*

And why was that payment made on your understanding?---*Everest Finance was a new company, the licence holder was called Kenny Ng, Vivienne Woo. They are the lender for 1-5 Treacy Street, they are the lender for the building. On 15 November, 2018, Kenny and Vivienne of, of Everest Finance, Finance told me and Wensheng Liu to go to their office and there was also Elaine Tang and Mrs Liaw who had gone there as well.
10 Vivienne Woo told Wensheng Liu that GR Capital is under voluntary administration. They can, at any time, stop the project and wind up the process. Yeah. Wensheng Liu asked if we can use docker in replace of the administrator.*

THE INTERPRETER: I don't know what docker means but that's the English word that he has used.

THE WITNESS: *I'm going to explain what docker is later. Vivienne said that "We can help you but the condition is we need two units as a reward, as
20 a reward. Wensheng Liu did not agree to it instantly. It took him a long time to consider and at the end, he agreed to it. And then on 16 November, 2018, Vivienne rang up Elaine. She said that she will not take two units anymore, it's too risky. She then said that she needed \$1.4 million, AU\$400,000 of which will have to be paid in China immediately. She gave a Chinese account number to Chris and then \$1 million will have to be provided in Australia after the purchase of the properties, sale of the properties. Wensheng Liu replied that he did not have that much money in China as much as AU\$400,000. Then Vivienne said that she could accept it in Australia but it has to be paid in cash. Wensheng Liu said he had no
30 money, "I really had no money," he said. He then said that the most he had was \$100,000, all his assets, that's all his assets. She said okay to 100,000 but she required that to be in cash and for that she would continue to support the building of the project and then she won't cause it to be wound up. Then on 21 November, 2018, Vivienne withdrew the cash and went to Vivienne's place. I think Elaine withdrew the cash and went to Vivienne's place. I think it was in North Sydney or somewhere. Wensheng Liu had a hard time gathering the funds. Vivienne said that "if you didn't do so" then she would stop the project immediately. Everest Finance originally promised \$29 million for the building at 1-5 Treacy Street to GR for the
40 construction. They didn't have enough funds at the time the account was open, though, only 1.5 million was provided at the end. I asked them where

our money was and the reply was that the money was still in China and it would come quickly, it would come soon in about two weeks' time. So in fact the, the money that came from, in for them, behind them, their supporter was actually private investors into them. She also told us that if we have funds that need to be sent from China she could help with that but we never got them to do so. In fact what she was referring to was if we had friends that need to send funds from China she could help our friends to do so but we did not take that offer. Yeah. That's all.*

10 MS HEGER: Okay. You said that Elaine Tang withdrew \$100,000 in cash. Which account did she withdraw that from?---*She got the cash from Wensheng Liu, I think Wensheng Liu borrowed money from different people and got her the cash.*

Oh, okay. So it wasn't from the Gencorp account or from your personal account?---*No.*

20 And when you referred earlier to two units being promised as a reward, are you referring to two apartments in the Treacy Street development?---*Yeah, yes.*

All right. And your understanding is that after Elaine withdrew this \$100,000 in cash she took it straight to Vivienne, is that right?---*Yeah. They, they agreed on time, yes, she went to her place but I am not sure exactly what time that was.*

Did you ever see the cash?---*No.*

30 All right.

THE COMMISSIONER: How do you know that it was paid?---*Because Wensheng Liu told me, I mean, we are, we, we were the shareholders and we have, have the right to know what happened.*

Yeah. So he told you?---*Yes. He said he was reluctant.*

MS HEGER: I don't have any further questions on this topic, Commissioner.

40 THE COMMISSIONER: Thank you. Are there any applications to continue to suppress this evidence?

MR HOOD: I do for the moment, Commissioner, if I may. I just need to check the detail of what is said here before I state my complete position or my final position on it.

THE COMMISSIONER: That's fine. Yes.

MR HOOD: I can do that at the morning tea adjournment. I'm not sure what other evidence is to be led but if that's convenient.

10

THE COMMISSIONER: Certainly.

MS HEGER: I propose then, Commissioner, we move back to a public hearing.

THE COMMISSIONER: Fine. Can we do that without me leaving?

MS HEGER: I think so. Mr Uy, I'd like to show you another photograph. It's volume 2.32 and we'll go straight to page 7 of that volume. Mr Uy, this is another photograph that was found on your phone and it's dated 2018. I'll just confirm the month. July 2018. Was this picture taken by you?---
Yes.

20

And is that your apartment?---*Yeah.*

All right. What was that money for?---*Like I told you before, you know, when I sometimes travel back to Hong Kong, back to China I will withdraw cash and bring them back there. I've told you before, haven't I?* Yeah.

30

So sorry, this particular money was money you had withdrawn to take to Hong Kong. Is that right?---*They were stage by stage and some of them were for my friends to bring to, bring back. I had business in Hong Kong, I had business in China and there are many transactions in and out all the time. Explained about this yesterday.*

I'm just trying to understand, were you going to give this money to your friends to take to Hong Kong?---*No. On average I go back to Hong Kong about six to seven times in a year where if I have friends who travel back I would get the person to help bring in blocks of like \$10,000.*

40

Oh, so this is money that friends have brought from Hong Kong back to Australia. Is that what you're saying?---*No, no. This money is, this is my money but sometimes I will get my friend to help bring money to Hong Kong in units of 10,000. The money that you saw last time was the same money here. The money that you saw yesterday is the same money that goes round and round. Just came in and out and in and out. It's the same money.*

10 MR PATTERSON: Commissioner, perhaps it might assist if Counsel Assisting established where this photograph was taken.

THE COMMISSIONER: She has.

MS HEGER: He said it was his apartment.

THE COMMISSIONER: She has.

MR PATTERSON: She didn't say which apartment nor where.

20 THE COMMISSIONER: His apartment I thought.

MS HEGER: He said his apartment. I didn't clarify which apartment. I'll ask that question.

MR PATTERSON: Mr Uy has apartments in Hong Kong and China.

MS HEGER: All right. Which apartment is this, Mr Uy?---My apartment.
In Rhodes, my apartment in Rhodes.

30 All right. And you say this is just the same money as we saw in the photographs from 2015. Is that your evidence?---*Yeah, those, the same money. Sometimes they just come in, some stages (not transcribable) yeah.*

Well, you recall that in one of the photographs it was all \$100 notes and in the other photograph it was a mixture of \$100 notes and \$50 notes. Do you recall that?---*I do.*

40 Well, it looks like there are a lot more \$50 notes here than we saw in the previous photograph. Do you accept that?---*Yes, but like I told you money in, went in and out. I, I withdraw them from the bank sometimes and I pass

them to my friend to bring back to Hong Kong. Transactions go around and round and round. I withdrew the money from the bank and left them there and then they just go around and round. I have a business, you know?*

All right. I thought you said this is just the same money as we saw in the photographs from 2015. Are you now saying that this includes additional money from the 2015 photograph?---*Well, I withdrew money and money would go to Hong Kong through a friend, you know, more money will come in and more money will run out. They just go round and round. So I
10 withdrew, I withdrew some from the bank, I leave them there and then sometimes the money will be taken back to Hong Kong. So in a period of three years I would have travelled back to Hong Kong for about 20 times. Sometimes my friend will help take them back and if I have \$50 notes from the bank I would just leave them there.*

THE COMMISSIONER: Mr Uy, the money is on an ironing board. Do you know how much is there?---*I can't remember. \$300,000 or \$300-odd-thousand. I can't remember.*

20 Well, there are bundles there. Did each bundle have the same number of \$50 bills?---*I don't think so.*

MS HEGER: And was this money withdrawn from your bank accounts in Australia or are you saying it came from different sources?---*My accounts, Gencorp's that came, you know, money came in and out from those accounts, yeah.*

All right. So this money, some of it came from your Gencorp bank account, is that right?---*Yep. Some, I've, I've been here for 30-odd years. It's
30 ordinary for me to have cash. The transactions can be as much as over \$1 million and some of them could be in cash. So that's just my savings.*

All right. I didn't ask you that question. I asked you did some of this come from, did you withdraw some of this from your Gencorp account?---*Funds would be transferred to me, to my account from Gencorp and my other company.*

Well, so are you saying you withdrew this from your personal account, is that what you're saying?---*Yeah. They were transactions like this.*

40 All right. And which, you have a number of personal accounts, don't you?

---*The main one was HSBC and the other one, or, or ANZ that I used. These were money from long time ago, the money that had come in and out of my accounts.*

Can you say which of your personal accounts you withdrew this money from?---*I can't remember very clearly but usually it's from HSBC or ANZ or Westpac, yeah.*

10 All right. And what about the joint accounts that we saw in that table the other day? Did some of it come from the joint accounts?---*Yeah. Yeah. Hang on. Which joint account?*

Well, I can give you the reference, Mr Uy. Bear with me a moment. ---*Which joint account?*

I'll show you in a moment. All right. Can we bring up, it was 24.3 or 6, bear with me a moment. That was 24.6. So you'll see a joint account in the third row there, Mr Uy?---*Yeah.*

20 And the same joint account appears a few lines down?---*Yeah.*

So did some of this cash, was that withdrawn from that joint account shown there?---*No.*

All right. So your evidence is that this cash was just withdrawn from your personal bank accounts. Is that right?---*Yeah.*

Okay. Can I take you back to page 1 of volume 2.32? I'm told that volume 24.6 doesn't have an MFI, so that'll be MFI 61.

30

THE COMMISSIONER: Thank you.

#MFI-061 – VOLUME 24.6

40 MS HEGER: And I'll now show you volume 2.32, page 1. If we go to the next page, please? Can we make it a bit bigger, please? And go over to the next page. So these are messages from your mobile phone, Mr Uy, you understand that?---*Yes.*

And you can see in message number 3, that's a message from yourself to the person named there dated 25 July, 2018, and you've sent that person a photograph of this cash. Can you see that, in the little thumbnail picture there?---*Yeah.*

Why were you sending that person a photograph of this cash?---*I send them around, not just to this person. I send them to many people. I often shared my photos on my phone, you could see that. I didn't only send to this person. I send them to many.*

10

Yeah, but I'm asking why you sent this photograph to this person, Mr Uy?--
-*I can't, I, I can't remember why I sent it to this person. I sent them to any, any, everyone in fact. I send them to my friends. It could be because he was my friend. It could be I just want to show that this is my unit. Yeah.*

Well, you weren't showing him your unit in this photograph. You were showing him this amount of money, weren't you?---*Well, it's ordinary for me to send it to my friends. I have the right to do so, right. It's not a secret. Sometimes I send it to, through my mobile. I send it, I send it to people.

20

It's not a secret. It's no secret. I don't mind - - -*

THE COMMISSIONER: No, but the question – sorry.---*I don't mind it. I'm not doing anything, I'm open to it.* Yeah.

But whether that's right or not, why were you sending this photo to him?
---*I've sent it to many people. My personal cultural habit that's what I like to do, to send to people. If you read magazines you can see photos with lots of money and people do send it around. People do circulate messages, videos showing a lot of money. That's what they do. If you read (not
30 transcribable) that's an app people send, people - - -*

THE INTERPRETER: Literally, Commissioner, he said people send money around.

THE WITNESS: *It's like sending a message for wishing you good fortune. That's what, it's part of the Chinese culture wishing the other person good luck, like a god fortune, like a fortune god that you're wishing, you're sending to other people.*

MS HEGER: All right. Let's keep scrolling down. Message number 4. The other person says, "To be given to me?" Is that what the Chinese says?---*Yeah.*

All right. And if we go down to message number 5 you respond, "Fat and Middle East." You were referring there to Mr Badalati and Mr Hindi, weren't you?---*I believe so.*

10 And in message number 8 – well, I'll just read out the other messages in fairness to you. Message number 6 you say to this person, "Other is ready for you." Is that what the Chinese says?---*Which one?*

Message number 6. That's a message from you to this other person and you say, "The other is ready for you." Is that what the Chinese says?---*I don't remember what I meant. I really don't remember.*

20 Well, I'm just asking you what the Chinese says at the moment and it says, "The other is ready for you," doesn't it?---*I don't think that's right. That means you have something else. But it, it doesn't say that "It's ready for you", it means you will have something else.*

Okay. Message number 7, you can just read the Chinese characters to yourself and then I'll ask you a question about message number 8.---*Yeah.*

30 Okay, message number 8, just read the Chinese characters to yourself and I'll ask you a question. All right. So there you say "Middle East suddenly two weeks ago requested because the last (council) meeting, all things have been completed. However, the female (councillor) arranged a group of people to turn it over. Big fighting last week. Middle East/Fat-Fat fought for their life. Yesterday's newspaper had a large paragraph." Middle East if of course a reference to Mr Hindi again, isn't it?---*I believe so, yeah.*

And what I read out in English and it was then translated to you, is that what the Chinese says?---*No. It says "council meeting" and it's not in the Chinese. It says "meeting" only. It doesn't say "council." The councillor was not there too, you just added in there.*

40 Okay. Well thank you for clarifying that but you were, when you said a meeting you were in fact referring to a council meeting, weren't you?---*Not always and I actually forgot about it. They helped a lot of local people

to do things, local matters. It's not just one project, they helped many people to do things.*

But in this message when you said "meeting" you were referring to a meeting of Georges River Council, weren't you?---*I don't remember and it's not written there. If it's what is meant it should be there. They helped, they helped many local people to do with many things. As a councillor they help many people while you only focus on this project. They did many other things. You don't meeting up for just this project alone. If you ask
10 people in Hurstville, they would say that they have helped them with many other things. You can't approach the council. If you call council, no one would answer the phone and they would just delay.*

THE COMMISSIONER: Mr Uy, just a moment. The question was simple and you haven't answered it. In that text message, the meeting you were referring to was a council meeting, wasn't it?---*I do not remember.*

MS HEGER: Well, you go on to say, "A female arranged a group of people to turn it over. Big fighting last week. Middle East/Fat-Fat fought for their
20 life." What you're saying there is that Mr Hindi and Mr Badalati were at this meeting, aren't you?---*Which meeting?*

I'm asking you, Mr Uy. I'm just asking you to explain what this message means. You are saying there that Mr Badalati and Mr Hindi attended the meeting that you've referred to in your message, aren't you?---*I really can't remember.*

All right. What I might do is just show you some minutes of a Georges River Council meeting from 23 July, 2018.
30

THE COMMISSIONER: Before we go there, there's a reference in message 7, and I don't know how to pronounce it, but A-h-m-u-i.

THE INTERPRETER: Ahmui.

THE COMMISSIONER: What does that mean?---*It might be a reference to the help to local people.*

Is Ahmui, is that a Mandarin expression?---*It's a name of a female.*
40

Name of a female. Thank you. And what did you mean when you said “please tell Fat Man” and I assume that’s a reference to Mr Badalati “to see whether he’s willing to help”.

MS HEGER: That’s actually a message from the other person to Mr Uy.

THE COMMISSIONER: I’m sorry. There’s a message from the other person to you, “Please tell Fat Man to see whether he is willing to help Ahmui,” and I think you’ve said to me that’s a woman?---*It could be a local resident who’s needing help from the council and that’s their job.*

Do you know this person?---*Which one? They have helped many people. Some of them have even returned to China, some are still here. There are three people that could be called Ahmui. Ahmui is a name and a general, ordinary name. It’s a very common name. It’s like as common as (not transcribable) which is a nickname.*

So you’re telling me that you don’t know who this person Ahmui is? It’s just a woman?---*That’s right. It’s 2018. Don’t even know if she ended up being helped.*

MS HEGER: I’ll show you those minutes of the Georges River Council meeting from 23 July, 2018 and bear in mind the messages I’ve just shown you were about a week later on 2 August, 2018. All right. So these are the minutes of the Georges River Council meeting on 23 July. You will see that it’s recorded that Councillor Vince Badalati and Councillor Con Hindi were present. And then we’ll just scroll through to the entry for Landmark Square, please. You’ll see there is a reference at the top to planning proposal at an address at Forest Road, Durham Street and Roberts Lane, Hurstville and it’s proposed that “council endorse the revised planning proposal to amend the Hurstville Local Environmental Plan 2012 in relation to the Landmark Square precinct.” At paragraph B it’s proposed that “council endorse the revised planning proposal to be forwarded to the delegate of the Greater Sydney Commission for an alteration to the Gateway Determination.”

THE INTERPRETER: Are you reading from - - -

MS HEGER: Paragraph B.

THE INTERPRETER: Oh, B. Yeah.

MS HEGER: And at paragraph C it's proposed that "the planning proposal be placed on public exhibition in accordance with the conditions of any Gateway Determination issued by the Department of Planning and Environment." And then if we go down to where the votes are recorded, in the minutes a number of proposals are dealt with and then it comes to the record of voting on this page and it records that Mr Badalati and Mr Hindi, amongst others, voted in favour and voting against the motion were Councillors Landsberry and Payor. And just so you understand, next to
10 Councillors Landsberry and Payor there is two references and the first one there is a reference back to the Landmark Square planning proposal. This is the council meeting you were referring to in that text message, isn't it?---*I didn't know when they had the meeting. I didn't know how they, how they conduct, how they had the meeting. I can't remember when it was. Also I want to add one thing. They have the right to support because they think that's beneficial to Hurstville. By supporting doesn't mean that they have done something wrong. There are other people who are supportive of it too. Why don't you go to them and investigate.*

20 Mr Uy, I'm not asking you about that at the moment. If your representative wants to ask you something about that in re-examination they can. Do you understand that?---*That's not fair. Targeting those individuals instead of, you know, looking at the matter is, you're not looking at the benefit of, for the area.*

THE COMMISSIONER: Mr Uy, I want you to start listening to the questions and answering them rather than making speeches. Do you understand?---(NO AUDIBLE REPLY)

30 MS HEGER: I'm asking you were you referring to this council meeting in that text message that I showed you from August 2018? Please answer yes, no, or I don't recall.---*I don't recall.*

All right. And when you referred to a female in that text message, we might just bring it up again so it's clear what I'm referring to. Volume 2.32 was message number 8. And I'll just tender those minutes from the Georges River Council meeting of 23 July, 2018. That will be Exhibit number 240.

40 THE COMMISSIONER: Thank you.

**#EXH-240 – MINUTES OF GEORGES RIVER COUNCIL MEETING
23 JULY 2018**

MS HEGER: Message number 8. If we scroll back a bit. I think that's the end of the volume. So it's page 4 of volume 2.32. Yeah. Message number 8 you referred to a female. You say, "However, the female arranged a group of people to turn it over." You're referring to a female councillor who was against the Landmark Square proposal at this meeting.---*No, 10 because there is no reference to councillor and it says a group. Where is that group? You can't just put things together.*

THE COMMISSIONER: Please stop making speeches. Please. Please, stop making speeches and listen to the question and answer it.

MS HEGER: Mr Uy, I understand - - -?---*I don't think the translation is correct.*

No, I understand, you've already clarified you didn't use the word 20 "councillor", you just referred to a female. That's your evidence, isn't it?---*Yeah. It says "the female".*

All right. And I'm asking you, the female you were referring to is a councillor who attended this meeting on 23 July, that's right, isn't it?

THE INTERPRETER: Sorry, which date? 22nd?

MS HEGER: 23 July.---*I don't remember but looking at what, what is written there, I don't think so.*

30

All right. Who do you think you were referring to when you said "a female"?---*I can't remember. It's 2018, it was. There have been so many messages.*

All right. And when you said at the end "Yesterday's newspaper had a large paragraph", you're referring to some media reports about this council meeting on 23 July, aren't you?---*I don't really remember. I don't know what, what the matter was, I don't remember.*

All right. And when you say at the beginning “Middle East suddenly two weeks ago requested”, you’re saying there that Mr Hindi requested an amount of money from you, aren’t you?---*Definitely not.*

All right. What are you referring to?---*I can’t, how can I remember it? They have helped so many people. You, you must require me, why must you require me to remember everything, all the details? I tell you.*

THE COMMISSIONER: Just listen to the question and answer them.

10 When was that photograph taken of the money on the ironing board, do you know? I’m sure you’ve mentioned it.

MS HEGER: Well, it was sent to someone on 25 July, 2018 as message 3 indicates.

THE COMMISSIONER: Thank you.

THE WITNESS: *I often send many photos.*

20 MS HEGER: All right. So when you said that Mr Hindi requested something, you can’t remember what that was about, is that your evidence? ---*Yeah, yeah.*

Okay. Well, if we go back to message number 5, you recall that the other person said after you sent him that photo of the cash “To be given to me?” and you responded “Fat, Middle East.” You were saying there you intended to give this cash to Mr Badalati and Mr Hindi, weren’t you?---*Of course not.*

30 All right. What were you saying in that message then?---*How can I remember? Fat and Middle East, how can I remember what, what the matter was.*

Well, you must remember, Mr Uy. This person has asked you “Is that money to be given to me?” and you’ve responded “Fat and Middle East.” Why did you respond in that way?---*I don’t remember what Fat and Middle East. I cannot remember.*

40 THE COMMISSIONER: You’ve already told us that Fat and Middle East is a reference to Mr Badalati and Mr Hindi.---*Yeah.*

And that's who you were referring to in this message.---*No, no, not them.*

MS HEGER: You weren't referring to Mr Badalati and Mr Hindi in message number 5, is that your evidence?---*But I haven't given it to them. That wasn't what it meant. That's your imagination only. There's just Fat and Middle Eastern. Your imagination.*

10 All right. So you do accept that is a reference to Mr Badalati and Mr Hindi, as I take it? Do your best to remember, what did you mean with this message?---*I can't, I can't remember. I can't remember. It was 2018.*

All right. Did you in fact pay money to Mr Badalati and Mr Hindi around this time, 2018?---*Definitely not.*

All right. I will tender volume 2.32. That'll be Exhibit 241.

THE COMMISSIONER: Thank you very much.

20 **#EXH-241 – VOLUME 2.32**

MS HEGER: I'm now going to show you a transcript of a telephone call. ---*Are you going to show me the audio or the, the words?*

No, I'm going to show you a transcript, the words written on paper.

AUDIO RECORDING PLAYED

[11.17am]

30

MS HEGER: All right, Mr Uy, this is a transcript of a phone call between Mr Hindi and Mr Badalati on 8 August, 2020. And I want you to assume when I'm asking you questions about this that the Landmark Square planning proposal was gazetted, that is became law, the previous day, on 7 August, 2020. I'll have bits of this translated for you and then I'll ask you some questions about it. About halfway down the page Mr Badalati says, "Have you heard from Faye?" Mr Hindi says, "No, why?" And Mr Badalati says, "Oh, well, I've been trying to get him. I can't get him." He says, "You saw Meryl's?" and then Mr Hindi says, "I told Meryl about it. She sent that email. I'm the one that told her." And I want you to assume

40

that's a reference to an email from Meryl Bishop at Georges River Council announcing the gazettal of the Landmark Square planning proposal. If we go to the next page, Mr Badalati says, "Does Faye know?" and Mr Hindi says, "I don't know." Mr Hindi says, "He probably knows because it's on the gazettal. They read it, maybe they've read it because it goes on the gazettal." Mr Badalati says, "Yeah." And then Mr Hindi says, "Goes on the government gazettal." Right. So my question is did Mr Badalati have a discussion with you about the Landmark Square gazettal around this time, 8 August, 2020?---*I can't remember, really. I really can't remember.*

10

Right. Had you told Mr Badalati prior to this date, 8 August, 2020, that The One Capital Group expected to receive a payment once the Landmark Square planning proposal was gazetted?---*I don't think so but I can't remember because that's Aoyuan. Aoyuan is the owner, not One Capital.*

Yes, I know that but The One Capital Group did have an agreement with Prime Hurstville to be paid an amount of money once the Landmark Square planning proposal was gazetted. You've already accepted that, I think?

---*Yeah.*

20

Did you tell Mr Badalati about that agreement?---*I really can't remember. I think we have told him about the extension, about getting back the extension, the money for the extension but I don't remember. I really can't remember. Yeah.*

When you refer to "the extension" are you referring to the extension of the options?---*Three times. And it's \$2 million each time. Yeah, that's been paid.*

30

By that you mean The One Capital Group paid an extension fee for the options for Landmark Square?---*For the extension because China Liu suddenly withdrew from the purchase.*

All right. And you told Mr Badalati that The One Capital Group was trying to get those extension fees back. Is that right?---*I can't remember, yeah.*

Well, I thought you said that earlier in your evidence that you might have told him about that. Did you or did you not tell him about that?---*I have told many people about the extension for Landmark Square but I don't

40

remember to whom I have told or whether or not I have told anyone. I'm not feeling quite well. You keep asking questions.*

Would you like to take a break now, Mr Uy? We can take a morning tea break now if you'd like?---*You know, your questions just confused me. My head is just so confused now.*

How about we take the morning tea adjournment now?

THE COMMISSIONER: Thank you.

10

SHORT ADJOURNMENT

[11.25am]

THE COMMISSIONER: Take a seat.

MS HEGER: I just have a couple more questions about that transcript of the phone call I showed you. You saw that Mr Badalati was trying to get in touch with you. Do you have any idea why he was trying to make contact with you at that point in time?---*I don't know.*

20

All right. Did you have an agreement with Mr Badalati to pay him an amount of money on the gazettal of the Landmark Square planning proposal?---*No.*

All right. And so I take it your evidence is you didn't pay Mr Badalati any money upon the gazettal of the Landmark Square planning proposal.---*I never paid him any.*

30

All right. And what about Mr Hindi, did you have an agreement with him to pay him some money upon gazettal of the Landmark Square planning proposal?---*No.*

And did you pay him any money upon the gazettal of the Landmark Square planning proposal?---*Never paid him.*

All right. In your evidence yesterday, Mr Uy, you accepted that you did have a meeting with Mr Badalati and Mr Hindi in Rhodes. Remember that?---*Yes. Meeting in the sense that we had coffee, had coffee only.*

40

You had coffee at the shopping centre in Rhodes. Is that right?---*Yeah, yeah.*

All right. And then you said you went to a nearby park with Mr Badalati and Mr Hindi.---*It's not a park. It's like a park but it's just the waterside.*

THE COMMISSIONER: The Parramatta River. Sorry.---*There was a river, yeah, but I don't know which river.*

MS HEGER: All right. I might just show you a map and see if you can identify where this waterside location is that you went to. Where is the
10 Rhodes Shopping Centre? I can't actually see it on this. Oh, the Vodafone Rhodes Shopping Centre. Do you see that down the bottom?---*Yeah.*

Is that the shopping centre where you had the coffee with Mr Badalati and Mr Hindi?---*There is just one, just, yeah, IKEA, yeah.*

So you had coffee in that shopping centre and then you went to a place by the waterside. Can you identify on this map where you went to?---*From my recollection is that Rider B-l-v-d. Is that right?*

20 THE COMMISSIONER: Rider Boulevard.---*Yeah, the water, the waterside, riverside by, with a view, yeah.*

MS HEGER: Okay. So you went to that area with Mr Badalati and Mr Hindi. Correct?---*Yeah.

And can you say when this was?---*I can't remember because I've met up with Con Hindi for one or two times. He worked near Homebush as well. There were people who needed help, so there were one or two times where I had been there with him.*

30 Yeah, but how many times have you had coffee with Mr Badalati and Mr Hindi at the Rhodes shopping centre?---*Do you mean together or separately?*

Together. Both of them.---*Not too many times. About two times but not too many times. I can't remember how many times.*

THE COMMISSIONER: How many times did you have coffee with them at the Rhodes shopping centre?

40 THE INTERPRETER: He had coffee at the Rhodes shopping centre?

THE COMMISSIONER: With Mr Badalati and Mr Hindi.

THE INTERPRETER: Without?

THE COMMISSIONER: With.

THE INTERPRETER: With. Okay.

10 THE WITNESS: *You mean together?*

THE COMMISSIONER: Together, yeah.---*Not too many times. Just once or twice, not too many times.*

And just for clarity, the area that you've identified you went with Mr Hindi and Mr Badalati after coffee, is that the area that's described as Lewis Berger Park?---*I don't know which park. I don't know the name. I really had no idea what the name was.*

20 I suppose we don't have a hard copy of that, do we?

MS HEGER: No, not at the moment. We can print one?

THE COMMISSIONER: We can deal with it later but I might just have the witness just mark on the map?

MS HEGER: All right. We'll do it that way. How many times have you been to the Waterside at Rhodes with Mr Badalati and Mr Hindi together? ---*To my recollection about, like, just one time, 'cause after the coffee, we had a walk.*

30

All right. And that time you went to the Waterside, can you say what year that was? 2015? 2016?---*I really can't remember.*

Well, you know the council voted in favour of the Landmark Square planning proposal on 20 April, 2016. Can you say whether this occasion was before or after that?

THE INTERPRETER: Voted in favour of the Landmark Square - - -

40

MS HEGER: Landmark Square planning proposal.

THE WITNESS: *I really can't remember. It's been so long. How can I remember it?*

Okay. We'll have a copy of that map printed and then I'll tender it once it's been shown to Mr Uy.

THE COMMISSIONER: Thank you.

10 MS HEGER: I'm now going to ask you, Mr Uy, about the Gloucester Road car park, and I'm referring to the parcel of land between Carrington Avenue and Gloucester Road in Hurstville.

THE INTERPRETER: In which suburb, again?

MS HEGER: Hurstville. First of all I'll show you volume 7.22.

THE COMMISSIONER: What volume was that?

20 MS HEGER: 7.22.

THE COMMISSIONER: Thank you.

MS HEGER: Which is Exhibit 184. You'll see this is a letter addressed to the general manager of Hurstville City Council, it's dated 20 October, 2011 in the top right-hand corner and the subject is "Expression of interest to purchase and/or joint venture redevelop council-owned land bounded by Gloucester Road, Carrington Avenue and Garthons Lane, Hurstville (council car park)". And the letter says "We act on behalf of GR Capital Pty Ltd. We're writing to you to express our client's interest in purchasing and/or joint venturing with council in the redevelopment of the abovementioned site." If we go to the next page, please, it says at the bottom "Based on the valuation result, our client would also be willing to offer an \$8 million cash payment." And on the next page, under the heading Conclusion, it says "To ensure the council is confident in the seriousness of the offer and as a token of good faith in this expression of interest our client has enclosed herein a company cheque to the sum of \$800,000 made payable to Hurstville City Council, being 10 per cent of the offering price." Did you see this letter around this time, 20 October, 2011?---*I don't think so because it was prepared or done by the professionals.*

30

40

Okay. But you were aware around this time, October 2011, that GR Capital Pty Ltd had submitted an expression of interest for the Gloucester Road car park, weren't you?---*Yes.*

You had discussed the expression of interest around this time with Wensheng Liu, correct?---*Yes.*

And you understand around this time, October 2011, that Wensheng Liu was the manager of GR Capital Pty Ltd?---*Yeah.*

10

And you have him some advice on how to lodge an expression of interest with Hurstville City Council, is that right?---*No. We have not done something like this. So we were discussing to see how we can ask people how we go about sending an expression, what's that called, expression of interest.*

Okay.---*We had no idea how to, neither of us had any idea how to do it. We asked around to see how we could do it.*

20 Okay. Can I show you volume 7.23 which is Exhibit 185. This is a letter from Hurstville City Council dated 25 October, 2011. It says, "We're in receipt of your expression of interest of 20 October, 2011 and company cheque from GR Capital Pty Ltd in the amount of \$800,000." It says, "As you would be aware council is subject to very strict probity guidelines and regulations for the disposal and/or joint development of public property. We will be following these procedures if and when council decides to address this site. You would of course be entitled to participate in such an open and widely advertised process at that time therefore you will understand the necessity of returning your client's cheque attached." Did
30 you see this letter around this time, 25 October, 2011?---*I don't remember but I don't think so. I don't remember. I don't think so.*

Okay. But did you become aware that the council had returned the \$800,000 cheque?---*I think I knew, yes.*

And who told you that?---*There were a few people involved in it. Kurt and I think there was someone else that was working on it as well but I can't remember who that was.*

40 Kurt Vegners, was he employed by Gencorp at this time, October 2011? ---*2011, was Gencorp established at that time? Which year, 20 what?*

We're talking October 2011. Gencorp might have been established 2012 but was he employed for some other company of yours in October 2011? ---*I don't know but there was no project, but there was no project that's going on so maybe not.*

Well, I'm just asking you was Kurt Vegners employed by one of your companies at this time, October 2011?---*Maybe not.*

10 Well, what was your relationship with Kurt Vegners at this time, October 2011?---*Friends.*

Well, at this time, had he done any building work for you?---*No.*

But you understood he was a builder at this time. Correct?---*Builder, yes.*

And he was involved with the proposal by GR Capital for the Gloucester Road car park in some way?---*I believe so.*

20 And is that because he was going to be the builder for the development if GR Capital's proposal for the Gloucester Road car park was successful? ---*Probably, but the hope wasn't that high. There were many people bidding for it. You don't know who will end up getting it.*

All right. Can I show you volume 7.4? And just to clarify something I said earlier, Gencorp was only established in September 2012, so I was right in saying it was 2012. All right. I'll ask you about this document now. You can see at the bottom of the email chain, there's an email from a hurstville.nsw.gov.au address to an address beginning lan-liu? And the
30 subject of that email is "Tender notification, tender for sale and development of council land"? And it says, "Dear Lan Liu, a DWG file of the plan levels and details is attached," and then the name of that document is CAD Plan of Levels and Details Gloucester Road Car Park? And then what's happened is Lan Liu has forwarded that to an address starting liu.cvm which I want you to assume is Wensheng Liu's address. And then that email has been forwarded, well, and then Mr Vegners replies to that email and it's copied to an address uychingwah, do you see that?---*Where is it?*

40 You see it says "CC" and then it says "uychingwah". That's your email address, isn't it?---*Yeah.*

So do you accept that around this time, February 2012, you became aware that the Gloucester car park was up for tender?---*Yeah.*

Okay 7.4. Okay I'll just tender that. That'll be Exhibit 242.

THE COMMISSIONER: Thank you.

10 **#EXH-242 – VOLUME 7.4**

MS HEGER: And GR Capital Pty Ltd subsequently put in a tender for the Gloucester Road car park, correct?---*Yes. Prepared by the professionals.*

All right. Can I show you volume 7.7, which is Exhibit 187? You will see at the bottom there's an email from a hurstville.nsw.gov.au address again to Lan Liu and the file that's attached to that email is called List of Tender Submissions Gloucester Road Car Park and then that email had been
20 forwarded to you, again at your uychingwah email address. It's dated 2 April, 2012 and if we go to the next page there's a list which had Hurstville City Council at the top. The heading is Tender Submission and it says "The tender box was opened in view of the public present in the council chambers at 2.00pm on Friday, 30 March, 2012. It says the following tenders were received." So as at around April 2012 you became aware of the companies that had tendered for the Gloucester Road car park, correct?---*I don't know which ones. I did not read to see which, which were the ones.*

You didn't read this list of tender submissions, is that what you're saying?
30 ---*I don't believe I have because if you are lodging it, why do you need to worry about who else?*

Well, you might have been interested to know which other companies were tendering for the Gloucester Road car park, no?---*It's not my company. I am just an agent. I am just a lobbyist. No. I mean, I'm just a real estate agent. That's what I am, I am not responsible for that, it's not a matter for me.*

Yes but Mr Liu had sent you this list of tender submissions. He must have
40 done that because he understood you to be interested in who attended.---
*Sometimes I don't read what Mr Liu had sent me because – I don't

remember about this one. To me I'm not in, I, I didn't have to know. It doesn't matter to me if other people are tendering for it.*

All right. Of the companies listed there, did you have a relationship with any of those companies other than your relationship with GR Capital Pty Ltd?---*No.*

10 All right. Did you become aware around this time, April 2012, that Deicorp had submitted a tender for the Gloucester Road car park?---*I don't know. I never, I did not pay attention to anyone. We were inexperienced. That was our first expression of interest. I thought - - -*

So you deny – sorry, go ahead. Are you denying that you knew Deicorp had submitted a tender or are you just saying you can't remember one way or the other?---*I don't think I knew. I should say that I don't remember in case you are trying to pick me on my words. But I will say I don't remember. I don't know them.*

20 All right. You're aware, Mr Uy, that some evidence has been given in this inquiry that you paid Mr Hindi \$10,000 in respect of the Gloucester Road car park. You're aware of that evidence.---*Definitely not.*

THE INTERPRETER: There were two words that he has - - -

MS HEGER: Well, I'm just asking if you were aware of that evidence. I take it you are aware of the evidence.---*What evidence? What evidence?*

30 You're aware Mr Wong has given some evidence in this inquiry that you paid \$10,000 to Mr Hindi. You're aware of that, aren't you?---*Yeah, from the media, from the newspaper.*

All right. And did you give \$10,000 to Mr Hindi or not?---*No. Why would I give him any money?*

And the evidence was that you had a meeting with Mr Hindi at his house around, well, sometime between February, well, November 2011 and July 2012. Did you have a meeting at Mr Hindi's house in that time period?---*I have never been to his house before. I have never been to his, his house.*

Well, that's not right, Mr Uy, because I showed you a photograph of you at Mr Hindi's house in 2016. Do you remember that?---*So not before, that's right. Not before.*

Okay. That's the only time you've been to Mr Hindi's house in that photograph that I showed you. Is that your evidence?---*Yeah.*

Okay. And evidence was given that you said to Mr Hindi, "Mr Liu is interested to submit a tender for the Gloucester Road car park. Please do not assist other developers." Did you ever say that to Mr Hindi?---*I did not.*

All right. Did you ever pay Mr Hindi any money in respect of the Gloucester Road car park?---*Definitely not.*

All right. You're aware, aren't you, that council ultimately decided to negotiate with Deicorp in respect of the Gloucester Road car park?---*Well, if we are to, if we are not successful we disregarded it, you, you won't worry about it if you are not successful. Why would we?*

Well, but you found out – sorry. I can tell you council made that decision on July 2012, so I take it you found out around July 2012 that GR Capital had been unsuccessful with its tender for Gloucester Road car park?---*Yeah. I was aware that he, we, they were unsuccessful, unsuccessful, yeah.*

All right. And around that time did you find out that Deicorp had been successful?---*I can't remember. I don't even know who Deicorp is. So whoever was successful is not a matter for us. We don't know them.*

All right. And were you unhappy when you found out GR Capital had been unsuccessful?---*It's just a normal thing to have happened.*

Well, you weren't unhappy with that outcome?---*It's just a tender. You don't necessary win it so don't, don't hold your hopes too high. You don't know how many companies there were. Whoever offers the most will get the, will get it, you know?*

Did you hold a belief around this time, July 2012, that Mr Hindi had helped other developers with the Gloucester Road car park?---*For me, losing is

losing. I don't know, I don't know who has helped whom but for me a failure is a failure and I forgot about it. A tender is always risky.*

So are you denying you had a belief around this time that Mr Hindi had helped other developers?---*I can't remember.*

All right. Well, Mr Wong has given evidence that you said to him that you suspected Mr Hindi had helped other developers. Did you say to Mr Wong or not?---*I don't believe so but I can't remember.*

10

All right. And did Mr Wong then – Mr Wong's given evidence that he then offered to get the \$10,000 back from Mr Hindi. Did that happen or not?---*It was never given. It was never ever given. How can you get anything back? That never happened.*

20

Okay. Can I show you volume 7.21, which is Exhibit 192. Go to the next page, please? Message number 3 there is a message from yourself to Mr Wong on 17 October, 2012. And I'll read out the English which will then be translated to you, and I want you to tell me whether it's an accurate translation. It says, "Big Brother, please help and see him as soon as possible. I need to pay my tax." Is that what the Chinese says?---*Yeah.*

And you accept this was a message to Mr Wong. Correct?---*Yeah.*

30

And when you said "please help and see him" who is the "him" you're referring to?---*There were so many friends. He has introduced many friends to me for business purpose. He often introduced people to me, people who were in catering businesses, export and import businesses. He has a great network in Hurstville, so he often asked me if I'm interested in any business.*

Right. Mr Wong's evidence is that you were referring to Mr Hindi. What do you say about that?---*I disagree.*

Okay. Now, you also say in this message "please help, see him as soon as possible. I need to pay my tax," you were asking Mr Wong to recover some money from someone, weren't you?---*Yeah, that's how we translate it. I agree that's the translation.*

40

And so what money were you asking him to recover for you?---*I can't remember. He had introduced two or three friends to me but it didn't work

out. I have paid deposit but it didn't work out. He had a lot of suggestions, to do seafood, to do other stuff. He has introduced me to different businesses.*

So are you saying around this time, October 2012, you'd paid deposits to a number of different people?---*No, but I might have paid a few hundreds and I also have, or thousands, sometimes his friends would ask me to borrow money and I need to pay tax.*

10 Well, can you give some specific examples of money that you'd paid to people around October 2012 that this message could be referring to?---*I really can't remember. It's, what, which year? Two thousand and which, what year?*

2012.---*It's 10 years ago. How can I remember something 10 years ago? Your brain, in different things, unrelated matters and do your own guess.*

Okay. Message number 5, Mr Uy, you've said to Mr Wong, "He has made it so miserable for me, causing me huge loss. Thank you." Is that what the Chinese says?---*Yeah.*

And when you say "he has made it so miserable for me" who are you referring to?---*Business friends.*

Okay. Do you know which one?---*In China. I can't remember but I believe the one in China. He has introduced Chinese friends to me for business purposes.*

All right. Well, Mr Wong's evidence was that he understood this to be a reference to Mr Hindi. What do you say about that?---*I disagree.*

Okay. And when you say "caused me huge loss" what are you referring to?---*People in China. I have done many businesses in China some of which were unsuccessful. Some of them were referred to me by him. Yeah.*

All right. Well, Mr Wong's evidence was that he understood that to be a reference to Mr Hindi. What do you say about that?---*Of course I will disagree. Why would I have to pay him?*

40 All right. Can we scroll down, please. So keep scrolling down to message number 13, please. You say to Mr Wong in message number 13, "Big

Brother, no need to chase him up anymore. Brother Ping has lent to me. Let's think about it later. Thank you. Sorry to have troubled.---*Yeah.*

That's what the Chinese says?---*Yeah.*

When you say "no need to chase him up anymore" who are you referring to?---*Other friend. Chinese friends. Yeah.*

10 Chinese friends you've lent money to. Is that right?---*For doing business in China. I was often, often introduced people in China for doing businesses.*

All right. Mr Wong's evidence was that he understood "him" to refer to Mr Hindi. What do you say about that?---*I disagree. You've asked, this has been asked to me before already.*

I understand that, Mr Uy.---*This has been asked to me already. You can't keep asking me again and again. It's - - -*

20 THE COMMISSIONER: Please don't be rude. Just answer the questions. ---*A lot of stress, like schizophrenia. I have been here for one week or two. Anyone healthy will become sick afterwards.*

MS HEGER: Right. Mr Uy, Mr Wong's evidence was that you told him he didn't need to recover the \$10,000 from Mr Hindi. I take it you deny that. ---*Of course I deny that.*

30 All right. Message number 15 says, "His issue is unrelated to me. Anyway Brother Ping has lent to me this morning. Whether he will harm other people or not is not a matter for me. Let's think about it only later." Is that what the Chinese says?---*Well, it says, yeah, yeah, it's that in the Chinese, yeah. Oh, yeah. Yeah.*

Okay. And when you say "His issue is unrelated to me", who is the gentleman you're referring to there?---*Business friends. You can't mix everything, it's a business friend.*

40 Well, you're referring to a particular person here, aren't you, not multiple people?---*One of the friends who business with, who I business with. Sometimes we are referring to friends in – I think it was a friend in China.*

Okay. Can you name that person?---*Let me, I give you a name, I'll tell, I'll tell you, right. It's Brother Chung. Brother Chung, yes, C-h-u-n-g. He was introduced to me for a business, for business purpose. I have been introduced a few Chinese friends because he has, he had a great network but many of them were (not transcribable). Sometimes I just can't remember which one. I can't remember.*

10 But your evidence now is that when you said "His issue is unrelated to me, you're referring to Brother Chung, is that your evidence?---*I can't remember which one but Brother Chung was definitely one of them that he had referred to me for business purpose.*

Okay. So you can't remember who exactly you're referring to in this message number 15 when you say "His issue is unrelated to me." Is that right?

THE INTERPRETER: Oh, number 15, yeah.

20 THE WITNESS: *I really can't remember.*

MS HEGER: All right. And does the same apply to message 13, just to be clear, when you say "Big Brother, no need to chase him up anymore"? You can't remember who that's referring to, is that right?---*It's likely that it, it's one of the Chinese friends that he had referred to me where our business was unsuccessful. There are a few of them but I can't remember.*

30 Okay. Can we scroll down to message number 17, please? You say to Mr Wong "Anyway, listen to me. Don't get those books for now. Don't chase him up for those books. I need to go to the hospital to get the report. What money?" Is that what the Chinese says?---*Yes.*

When you say "Don't get those books", you're referring to money, aren't you?---*No.*

40 What were you referring to when you said "books"?---*East Magazine, One Magazine, every time I came back I, I bought a lot of magazines and bring back. I lend them to them. They're very expensive here if you want to buy them here. At that time, it cost \$12 to \$15 each here and in Hong Kong, you just buy for about an equivalent of \$2 Australian money here. And I bought a lot and I shared them with a lot of people.*

THE INTERPRETER: He's pointing at me and say that I should know those magazines. East Magazine and One Magazine, it's very popular.

MS HEGER: Okay. And when you say "don't chase him up for those books" who are you referring to when you say "him"?---*I don't know. When I pass books to people, they would share with other people. So I should say chase them up, yeah. If I lent him the book, he ask if I can share with other people and I said, "Yes, you can," those magazines.*

10 Well, who did you lend these magazines to?---*Many welcome to come to my house to have a look and I have many at home. When I brought them back, I lended to people and they lend them to other people because they were just too expensive to buy here. It was, I think it cost at that time \$12 each. It's very popular with Hong Kong migrants here. They like these magazines, you know?*

All right. But when you said "don't chase him up for those books" you're referring to a particular person, aren't you?---*I can't remember. I've lent to many people and I don't know who they have lent to. Don't know who he
20 has passed them to.*

All right. Mr Wong's evidence was that in this message, you're telling him not to chase the money back from Mr Hindi. I take it you deny that's what you were saying in this message?---*I do deny.*

Okay. I just have a couple more questions on another topic.---*You're going round and round. Now I'm very, feeling very confused, you know?*

30 Okay. Before I ask you those questions, I'll just show you that map of Rhodes. And can I ask you to put an X in the spot where you met Mr Badalati and Mr Hindi? Right. And can you also mark on that map where you had the coffee with Mr Badalati and Mr Hindi?---*I can't remember where. Now, I'm not very good with maps so I'm not sure if I'm correct.*

THE COMMISSIONER: Can I have a look at that, please - - -?---*I must make it clear to you, so don't - - -

- - - Chris?--- - - - *accuse me of anything afterwards.*

40 You might need to ask some further questions about that.

MS HEGER: You've just marked one X on this map. Correct?---*Well, that's what you told, the, the coffee place is inside. How can I mark anything?*

All right. So the coffee place was in the area marked Vodafone Rhodes Shopping Centre. Correct?---*I believe it's inside, yes.*

Okay. And then you said you walked towards the water with Mr Badalati and Mr Hindi. Correct?---*No, I think we drove. I drove, drove.*

10

All right. Well, can you mark on this map where you parked your car?

MR PATTERSON: Commissioner, if I could interrupt. Could I perhaps be provided with a copy of the marked map before Mr Uy is asked further questions about this.

THE COMMISSIONER: Why?

20 MR PATTERSON: Well, in fairness I can't see what he's marked and he's being asked questions about something I know nothing about.

THE COMMISSIONER: Well, you'll get it in due course.

MR PATTERSON: Thank you, Commissioner.

MS HEGER: All right. Can you mark on this map where you and Mr Badalati and Mr Hindi parked their cars after you had the coffee?---*I can't remember now but that's roughly, it's roughly that location.*

30 Are you saying the X that's on there that's where you parked your cars. Is that right?---*It's in the area. Approximately the, approximate location only. You can't ask me to tell you in which box I have parked.*

THE COMMISSIONER: You're not being asked that. You're not being asked that.---*I've told you that's the approximate location.*

MS HEGER: All right.---*Take it or leave it.*

40 You then got out of your car and walked to - - -

THE COMMISSIONER: Please stop being rude.---*I do apologise. I apologise.*

You said that you went to a park. Please mark on that map where's the park. I mean you've put a cross on a road. I want you to show me with a pen the park you're referring to.---*On the road there are parking spots.*

No, the park. The park.---*That, that, that park there. We didn't go into the park. We, we were in the spot where we could see the water where
10 Wentworth Point was. We were talking about where Wentworth Point was, where Meadowbank was. Why there could be, why we could, there could be such a high, high-rise building in Wentworth Point, so many of them.*

Well, let me, I take it your evidence is that you and Mr Hindi and Mr Badalati each drove your cars down to the spot roughly marked X.---
Hang on. I'm not sure if they then both drove one car but I remember I drove my car.

And they drove at least one other car?---*I don't remember but I think so.
20 Maybe one car or two cars.*

All right. And you all ended up near that spot marked X?---
Approximately, yes.

Thank you.---*I can't say, you can't push me to say exact - - -*

I'm not pushing you. I'm just asking for an approximation.---*- - - the exact location.*

30 MS HEGER: All right, I'll tender the map that has been marked by Mr Uy as Exhibit 243.

#EXH-243 – MAP OF RHODES MARKED BY CHING WAH UY

THE COMMISSIONER: We might provide that exhibit to Mr Patterson.

40 MS HEGER: All right, I just have a couple more questions, Mr Uy. I need to ask you again about – I withdraw that. Remember I showed you some text messages between you and Direct Link Travel in March 2014 regarding

some flights for Mr Sansom? Do you remember that?---*I don't remember. I'm so confused. You have asked me too many questions.*

All right. I'll show you those messages again, Mr Uy. Bear with me a moment.

THE WITNESS: Can I have water? Can I have water?

10 MS HEGER: Of course. Volume 2.5, page 4. If we scroll to the next page, please. You'll see message number 5 is from Direct Link Travel to you and it has some details about tickets for Mr Sansom. Do you see that?---*That's been asked before.*

Yes, I just need to ask you a couple more questions about this, all right? If we go to the next page, please. Message number 12, you say to Direct Link Travel, "Give me your account," and then message number 13, Direct Link Travel gives you some account details. You see that?---*Yeah.*

20 And your evidence the other day was that you did pay Direct Link Travel the money for these airfares, but then Mr Sansom gave you cash for that. That was your evidence, wasn't it?---*That's right.*

All right. I'm now going to show you an extract from your compulsory examination. And, Commissioner, I'm going to ask you to vary the direction that was given under section 112 of the Independent Commission Against Corruption Act so as to permit the publication of the following portion of that transcript. I'll give you the references.

30 THE COMMISSIONER: Yep.

MS HEGER: It's page 347, line 5 to page 349, line 32.

THE COMMISSIONER: 349?

MS HEGER: 349, line 32.

THE COMMISSIONER: Sorry, this is the witness's compulsory examination?

40 MS HEGER: Yes, correct.

THE COMMISSIONER: I vary the order previously made by me to permit publication of the witness's evidence at page 347.5 to 349.32.

VARIATION OF SUPPRESSION ORDER: I VARY THE ORDER PREVIOUSLY MADE BY ME TO PERMIT PUBLICATION OF THE WITNESS'S EVIDENCE AT PAGE 347.5 TO 349.32.

10 MS HEGER: I'll just show you that transcript now and ask you some questions about it. At this point I was asking you about the messages that I've just shown you to Direct Link Travel.---*Yes.*

If we just go to the next page. At line, about halfway down the page I say, "Why were you asking for those bank details?" and you answered, "I ask them to pay towards this account. Yeah, that's the purpose." And then I said, "And did you pay for these tickets?" You said, "Of course not. Why would I want to do that?" Then I said, "Are you saying that Mr Sansom paid for these tickets?" You answered, "Yeah, they, they pay into the
20 account. It's got nothing to do with me. I'm only introducing this agent to them." When you said "they pay into the account", you were referring to Mr Sansom, weren't you?---*That's right.*

Okay. And then I said, "So are you saying that aside from the trip, Mr Sansom's trip to China for the red wine deal, you've never paid for his air tickets to China?" You said, "Yeah, I didn't pay. They paid for themselves. So I have not paid anything, and if they did pay, they would reimburse." ---*That's right. That's what I said. That's what I said. They have not paid. And I have paid, they would reimburse me.*

30 I understand that, Mr Uy. I haven't asked you a question yet.---*That, that was, that was right.*

Okay. Further down on the page the Commissioner says, "The witness referred to reimbursement. What did he mean?" You said, "Yeah, because it's been many years ago. Apart from the red wine trip, the others I never paid for their air tickets."

THE INTERPRETER: Sorry, what was the first one that you read from?
40 Who would reimburse who?

MS HEGER: I'm just reading from the words "The Commissioner, the witness referred to reimbursement." The last paragraph.

THE INTERPRETER: Oh, okay. Yes, yes.

MS HEGER: When you said "the red wine" - - -?---*That's right.*

10 When you said "the red wine trip" what were you referring to?---*It was a long time ago when he had represented me. At that time I was doing export business of red wine to China. I need a represent from Australia to deal with the buyers overseas and because he often drinks red wine and he knew about them I, I got him to help to speak to the buyers from China. I was, I was inexperienced in terms of drinking and in terms of exporting red wine at that point.*

All right. So Mr Sansom travelled to China.---*Yeah.*

20 And when was that?---*It was a long time ago. I need to go back. Yeah, it's a long time ago.*

You can't say roughly what year?---*I can't remember.*

I take it this was while Mr Sansom was on Hurstville City Council.---*I believe so.*

All right. And you paid for Mr Sansom flights to travel to China for this red wine trip. Is that right?---*Yeah.*

30 Did you pay for his accommodation in China as well?---*Let me see. Yeah.*

And you and Mr Sansom were together in China to promote the red wine. Is that right?---*Not, not me personally but there was another representative in China because my Mandarin was very average.*

So you weren't with Mr Sansom on this trip?---*I was but when we met with the buyers for the red wine we had another person there who could speak Mandarin.*

40 Okay. If we go to the next page, please. The question was asked, "What did he mean by suggesting there was reimbursement?" You said, "Okay.

So what I meant was if there was money that I pay for them the money will be reimbursed to me because I never paid for their air tickets.”---*I think you’re just picking on my words. I did say that I have paid for his red wine trip.*

Okay.---*I did say that, and you have asked me a thousand questions and now you’re picking me on one word. I’ve been here for a week already. You asking 1,000 questions, as many as 1,000.*

10 Mr Uy, I’m almost finished. If you’ll just bear with me. I haven’t asked you a question yet. I’m just having the translator translate portions of the transcript to you and then I’m going to ask you a question. All right? All right. You’re then asked, “Does that mean you have paid for their air tickets on other occasions but they gave you the money back?” You said, “No, I thought that that was what you were suggesting happened.” Then you were asked, “Let me ask you this. On occasions apart from the wine trip did you make bookings on behalf of this person?” And you said, “So as shown there.” And then you were asked, “And is it possible that you paid for those tickets but you were then reimbursed by Mr Sansom?” And you said, “No,
20 was not possible.” And just wait for the question, please, Mr Uy. You didn’t say there, did you, that Mr Sansom paid you cash for these flights in March 2014, did you?---*I did say so. Apart from the red wine trip, if I have paid, they have reimbursed me.*

No, but you were asked is it possible you paid and Mr Sansom reimbursed you, and you denied that. You said, “No, it was not possible,” didn’t you? ---*No. What I meant was if I have paid for anything, they have reimbursed me in full. I did say that. They have paid me back, all of them. It was eight months ago.*

30 Well, what I suggest to you is that what you were saying here is that Mr Sansom had never paid you in cash for this flight?---*No, he did pay in cash. When he reimbursed me, I asked for cash and he paid me in cash.*

Well, you didn’t mention that on this occasion and I suggest that’s because you had no recollection of Mr Sansom ever paying you in cash for this flight. What do you say about that?---*No. He did and it’s been too long unless he paid it himself. If I had paid for it, he would have given me back in cash. I recommended this travel agency to him.*

40

And as you sit here today, you have no actual memory of Mr Sansom paying you cash for these flights, do you?---*If he was the person who had paid, then no but if it was me who had paid, then, yes, he had reimbursed me.*

No, but do you have an actual memory of Mr Sansom handing you cash in respect of these flights, yes or no?---*He did. If he had paid himself, no, he, he wouldn't have reimbursed me, but if I have paid for him then, yes, he had reimbursed me.*

10

I take it that's a no, Mr Uy, you don't have a memory of Mr Sansom paying in cash?---*This has been too long and that has been said. I said that if they had paid for them themselves, don't need to pay me back, but if I have paid for them, they have to pay me back, and it was in cash.*

All right. And I suggest you don't have a memory because it didn't happen, is that right?---*Yes, of course that has happened. Why would I have to pay for him.*

20 All right. I have no further questions of Mr Uy.

THE COMMISSIONER: Thank you.

MS HEGER: There have been some applications to – sorry, I'll just tender that portion of the CE transcript that I went to, pages 347 to 349. It's Exhibit 244.

30 **#EXH-244 – CHING WAH UY CE TRANSCRIPT FROM PAGE 347.5 TO PAGE 349.32**

THE COMMISSIONER: Thank you. Can you just remind me of the applications?

MS HEGER: The applications are from, as I understand it, Mr Sansom, Mr Liu and Mr Hindi. Is there anyone else who intends to examine Mr Uy?

40 THE COMMISSIONER: Doesn't look like it.

MS HEGER: I take that as a no.

THE COMMISSIONER: I have to adjourn at about 10 to 4.00 this afternoon, so if you can just knock 10 minutes off the hour. So we'll adjourn now until let's say five past 2.00. Five past 2.00, yep.

MS HEGER: Yes.

THE WITNESS: *Do I have to come back?*

THE COMMISSIONER: Yes.

10

THE WITNESS: *For how many more days?*

THE COMMISSIONER: Well, that's not up to me anymore. It depends on the people who are going to ask you questions now.

LUNCHEON ADJOURNMENT

[1.13pm]