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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 2.00PM

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

<CHING WAH (PHILIP) UY, on former affirmation [2.13pm]

THE COMMISSIONER: Take a seat. Thank you. Have we got any takers for first? No? All right.

MR SHARIFF: Commissioner, I'm here for Mr Sansom. I'm happy to go first. I don't know who else has applied. I thought there were at least two others, but I'm - - -

10

THE COMMISSIONER: Sorry? Just remind me, Mr Shariff - - -

MR SHARIFF: Shariff for Mr Sansom.

THE COMMISSIONER: I know that but who do you appear for again?

MR SHARIFF: For Mr Sansom.

THE COMMISSIONER: You happy to go first?

20

MR SHARIFF: Yeah, I'm happy to go first.

THE COMMISSIONER: Thank you.

MR SHARIFF: Mr Uy, my name is Shariff, and I represent Mr Philip Sansom and I'm going to ask you some questions. Hopefully, I'll only be about 10 minutes. Do you understand that? Now, sir, as I understand it, you've been a resident in this country for over 30 years. Is that right?---
Yes.

30

Is it right that you came to know Mr Sansom from sometime in or about 2007?---*Yeah.*

Right. After that time, from time to time, you would catch up with him for a coffee or for lunch in Sydney?---*Yes.*

And you would meet him for coffee in the Hurstville area from time to time. Is that right?---*Yes.*

40 He never asked that you meet him in some secret location outside of the Hurstville area, did he?---*No. No. That's right.*

He never asked you to meet for lunch or dinner at secret locations, did he?

THE INTERPRETER: Sorry? I was talking over you. Do you mind repeating?

MR SHARIFF: I'm sorry. He never asked you to meet for lunch or dinner at secret locations, did he?---*No. No.*

10 And there were occasions when you were in Hong Kong or in China that he was also there. That's right, isn't it?---*Correct.*

And could I say this, that you were someone who was going to be hospitable to him when he was in your country. Would you accept that?---*Correct.*

And in the Chinese culture, I take it, that if someone comes to your country and you take them out and show them around, you pay for them. Is that accurate?---*For meals, yes. Sometimes they paid themselves.*

20 All right. In your evidence, you were asked some questions about the company called Gencorp and your evidence was, I can take you to a transcript reference, but your evidence was that you did not tell anyone, that is Mr Sansom or Mr Badalati or Mr Hindi that you were a director or shareholder of Gencorp. Do you recall giving that evidence?---*Correct.*

Right. Well, at or about the time that you became involved with Gencorp, you knew that Mr Sansom was a councillor on Hurstville City Council. Correct?

30 THE INTERPRETER: Sorry? I missed that bit. After?

MR SHARIFF: After you became involved with Gencorp, you were aware that Mr Sansom was a councillor on Hurstville City Council?---*Correct.*

As you understood it, he had a lot of experience on Hurstville City Council. Would you agree?---*Correct.*

He was friendly to you and you were friendly to him. You'd agree?
---*Correct.*

40

And if you asked him about questions relating to how council worked, he would tell you, you'd agree?---*Agree.*

If you had questions about planning rules or how to go about dealing with developments, he would offer you his views or assistance. Correct?
---*Correct.*

And he came to be a valuable source of information for you about how council worked. Would you agree?---*I agree.*

10

But you were very careful, weren't you, in what you told him and what you didn't tell him, do you agree?---*I agree.*

You certainly told him that you were involved in a real estate agency, you accept that?---*Correct.*

You also told him that you may have from time to time been involved in some developments?---*Correct.*

20 But you never told him that you had any involvement in the Treacy Street development, did you?---*I agree, I didn't, I never mentioned.*

And you never told him that you had any involvement in the Landmark Square development, correct?---*I agree.*

Can I suggest to you that by late 2013 you were interested to know who would become the mayor of Hurstville City Council, you had an interest in knowing that information, didn't you?---*Correct.*

30 And you knew that at that time Mr Sansom was an independent councillor on the council. Do you recall that?---*Agree.*

Yeah. So you knew that he wasn't affiliated at that time with a particular political party such as the Labor Party or the Liberal Party. You agree, don't you?

THE INTERPRETER: Not affiliated, right?

MR SHARIFF: Not affiliated, sorry.---*Correct.*

40

But you understood that if you asked him a question about what he thought might happen, about who might be appointed as mayor, he would tell you that information, wouldn't he?---*Correct.*

That was the kind of information you knew that you could ask him and he would probably tell you, correct?---*Correct.*

10 And that's the kind of information you could ask him about and he would tell you without you ever telling him what your involvement or need to know was, correct?

THE INTERPRETER: Sorry, I don't follow that.

MR SHARIFF: All right. I'll put it again. That was the kind of information you could ask him and he would tell you without you needing to tell him why you wanted to know that information?---*Correct.*

20 Could I ask, through the Commission's staff, that the witness be shown MFI 43? Could I ask that you be shown items, I think it's, 5 and 6? Now, could I ask that, Madam Interpreter, you just interpret to the witness the messages that appear at items 5 and 6 and then tell the witness that I'll ask him a question after you've interpreted those messages. Have you had that, do you understand that email, sorry, WeChat exchange, Mr Uy?---*I do.*

All right. Can I ask that you cast your mind back as best you can to September 2013. You had a real interest in knowing who was going to be the mayor of the council, didn't you?---*Yes.*

30 And you knew that there was going to be an election within council to determine who the mayor would be in or about September 2013. You knew that, didn't you?---*Yes.*

And you knew that if you asked Mr Sansom what he thought might happen he would tell you.---*Correct.*

40 And on or about 11 September, 2013 Mr Sansom had told you, hadn't he, that it was his expectation that Mr Badalati would get elected as mayor and that he, Mr Sansom, would get elected to the JRPP? He told you something to that effect, hadn't he?---*Correct.*

And you were keen to follow up to see what had happened at that council meeting, weren't you?---*Yeah.*

And we see there he told you it didn't go according to plan.---*Correct.*

Now, you understand that it's then an allegation has been put to you, Mr Uy, that you and Mr Sansom hatched a plan to have Mr Badalati appointed as mayor and Mr Sansom appointed to the JRPP. Do you understand that that's an allegation that's been put to you?---*Huh? Allegation. Allegation about what?*

Let me put it a different way. You agree, don't you, that you and Mr Sansom didn't hatch any plan to have Mr Badalati installed as the mayor of the council? There was no such plan between you and him, was there?---*I agree.*

You also came to understand, didn't you, from your discussions with Mr Sansom that he was generally supportive of developments that would have a good economic impact on the local council area?---*Yes, supportive.*

Yes. And he was very interested in developments that would create jobs for the local government area, wasn't he, to your knowledge?---*Yes.*

Now, I'm going to ask you questions about a slightly different topic. By 2012 and 2013 you understood, didn't you, that Mr Sansom's wife was very ill and likely to die in the immediate future at some point? You knew that, didn't you?---*Yes, yes. I knew that.*

And you knew at the time he had a companion, that is a partner outside of his marriage, you knew that, didn't you?---*Yes.*

And you understood he kept the fact of that relationship private, correct?---*Yes.*

But you often took photos of he and his partner together at lunches or dinners, didn't you?---*Yeah.*

And to your knowledge, he knew that you were taking those photos of him and his partner outside the marriage?---*He knew that.*

All right. And you were asked some questions yesterday about some videos, do you recall, that were played to you?---*Yeah.*

There were occasions, weren't there, when you and Mr Sansom were in China together where he utilised the services of escorts, you knew that, didn't you?---*Escorts? She's, they're just friends.*

10 All right. Friends, companions, you knew that he was spending time with women in your company who weren't his wife, you knew that, didn't you?
---*Correct.*

And sometimes you took photos or videos of that, didn't you?---*Yeah.*

And he knew, to your knowledge, that you were taking such photos and videos, didn't he?---*Yeah, he knew.*

20 And there were occasions, weren't there, where he was there with another woman and you were there with another woman, would you agree?---
Which was my wife, yeah, yeah.

Could I suggest to you there were occasions where you were there with another woman who was not your wife?---*Agree. Yeah. A friend, yes.*

All right. Let's call them friends. And you took photos of the group of you, you and Mr Sansom and others, with the women who weren't your wife. Correct?

THE INTERPRETER: Who weren't their wife?

30 MR SHARIFF: Yeah.

THE WITNESS: *Yeah.*

MR SHARIFF: Right. And you knew that Mr Sansom knew that you were taking photos of this group of people. Correct?---*Yeah.*

Now, you never stored those photos and videos for the purposes of blackmail against Mr Sansom, did you?---*Correct.*

Because if you'd shown those videos or photos, it would show your wife that you were with another woman, wouldn't they?---*That's right. She'll kill me.*

She'd be very angry, wouldn't she?---*She'll kill me, yes.*

Right. So that again if I'm asking an insensitive question, please let me know but within your culture, that would have been very dishonourable for you to be depicted in the company of a woman other than your wife. Would you agree?---*Agree.*

Right. Now, it's correct, isn't it, that Mr Sansom never sought money from you, did he?---*I agree.*

He never sought from you any other benefits that weren't money, such as "Can you find me a woman? Can you pay for dinner?" He never sought that from you, did he?---*I agree.*

And to the extent that you paid for dinner or accommodation or the red wine tour flight, that was an extension of your hospitality to him, wasn't it?

THE INTERPRETER: I beg your pardon?

MR SHARIFF: It was an extension of your hospitality to him?

THE INTERPRETER: No. The whole question, please?

MR SHARIFF: Yes.

THE INTERPRETER: The whole question, please, from the beginning.

MR SHARIFF: I'm sorry. To the extent that you paid for dinner or accommodation or the flights for the red wine tour, that was an extension of your hospitality to him?---*Correct.*

Right. He never sought those benefits from you, did he?---*No.*

And you never said to him, "If I do this for you, you vote for the Treacy Street development or Landmark Square development." You never put it that way, did you?---*Definitely not.*

In fact, you were very careful about what you did and didn't tell him.
That's right, isn't it?---*Correct.*

You recall that back in 2012, there were some news articles that appeared about you having donated through a company money to Mr Badalati and Mr Clifton Wong. You recall that?

THE INTERPRETER: Donated?

10 MR SHARIFF: Yeah.

THE INTERPRETER: Donated what?

MR SHARIFF: Money.

THE INTERPRETER: Money to?

MR SHARIFF: Mr Badalati and Mr Clifton Wong.

20 THE INTERPRETER: Clifton Wong.

THE WITNESS: *To the Labor, I mean, to the party, to the party?*

MR SHARIFF: Yes. Yes. To the party.---*Yeah.*

And you understood that there was a newspaper article in September 2012 that suggested that Mr Badalati and Mr Wong had failed to comply with disclosure laws about donations. Do you recall that?---*That's right.*

30 Sorry. When I've been saying in my questions "you donated money" it was a company called Shun Li that had donated money, being a company with which you had some involvement. That's right, isn't it?---*That's right.*

As a result of that media from that time you knew that if you told Mr Sansom you had some involvement with the Treacy Street or Landmark development he would go and disclose it. You knew that, didn't you?

THE INTERPRETER: I beg your pardon. My apologies.

MR SHARIFF: All right. As a result of the media from September 2012 you knew that if you told Mr Sansom that you were involved in the Treacy Street or Landmark Square development he would go and disclose it.

THE COMMISSIONER: How could he know that?

MR SHARIFF: I'll put it a different way.

THE COMMISSIONER: Thank you.

10

MR SHARIFF: You understood Mr Sansom was someone who complied to the extent that you understood it with all his obligations – that's such a poor question. I'll withdraw it, Commissioner. Let me put it a different way. You understood that Mr Sansom was an honourable man in your dealings with him.---*Yes. Yes.*

You've said in answers to questions I've asked you and questions that Counsel Assisting asked you that you were careful about what you told Mr Sansom.---*Yeah, yeah.*

20

Was one of the reasons you were careful about what you told Mr Sansom is that if you told Mr Sansom you were involved in the Treacy Street and Landmark Square developments he'd have to tell council that he was friends with you?---*That's right.*

And if he did that he might stop talking to you and stop telling you about information going on within the council.---*That's right.*

30

So it was more valuable for you to tell him nothing about your involvement in the Treacy Street and Landmark Square developments, wasn't it? ---*Correct.*

40

Now, could I ask that you be shown Exhibit 244 which is an extract of your compulsory examination shown to you earlier this morning. Do you recall, Mr Uy, that you were asked some questions about the evidence you gave as appears on these pages? Could I ask that you turn over, I didn't have the page numbers, two pages. Just pause there. Do you recall earlier today Counsel Assisting took you to some questions about the fact that you'd given evidence that the red wine trip was the only occasion you could recall when you had paid for Mr Sansom's airfares? Do you recall that? Do you recall she was asking you questions about that, Mr Uy?---*I do recall.*

It was suggested to you that other than that occasion when you gave this evidence in November of 2021 you didn't recall any other occasion that you'd paid for his trips and been reimbursed money. Do you recall being asked questions to that effect?---*I do remember.*

And, Madam Interpreter, could I ask that you interpret to the witness what appears at line 24 through to 28 on the page and just interpret that and let him know I'm going to ask him a question after you do that?

10

THE INTERPRETER: 24, starting with "Have you ever paid"?

MR SHARIFF: Yes. My question is, it's correct, isn't it, that when you were asked that question at that time you told Counsel Assisting that it seemed that there was another occasion that you paid money but "the money was reimbursed to me"?---*That's right.*

And what you were there doing when you were being asked questions in November 2021 about events that had occurred in 2012, was you were doing your best to recall things without the aid of any records, that's what you were doing, is that right?---*That's right.*

20

And what you could recall on that occasion was that there was at least one when you paid for his flights when you had him as a representative for some kind of wine business you had at the time, correct?---*Yes.*

But doing your best at that time, you're also accepting that there was another occasion where you may have paid money to Mr Sansom for flights where he'd reimbursed you?

30

MS HEGER: Before that question is answered can I object to it? Just the transcript there says that the question was about Mr Sansom's accommodation, not about flights. So I think there might need to be some clarification questions.

THE COMMISSIONER: Yeah, that's right.

MR SHARIFF: All right. Well, you see, Mr Uy, if you look at the page through Madam Interpreter - - -?---*Which page? What's the page number?*

40

On this page that's on the screen.---*Which line?*

At line 9 you're asked a question about occasions apart from the wine trip where you made bookings on behalf of this person, being Mr Sansom. Do you see that? And then you see at line 11, sorry, line 12, you were asked a question about whether it was possible that you had paid for those tickets and then were reimbursed and you said "No, that's not possible".---*Not, how, why is it not - - -*

- 10 Just hang on, Mr Uy, I haven't finished. I'm just directing you to the questions you were asked in a series that you were asked, all right? The next question, apart from a comment about an adjournment, at line 19 it was about Mr Sansom's accommodation. Do you see that?---(Cantonese spoken)

And you asked, you asked Counsel Assisting what she meant by that and then she clarified, "Have you ever paid for Mr Sansom's accommodation in China?" Do you see that?---*At the red wine trip.*

- 20 Right. And you answered her by saying, "It seems that there was another occasion that I pay the money but the money was reimbursed to me." Do you see that?---*That's right.*

What you were saying to Counsel Assisting was that you could only recall the red wine trip being the occasion where you've paid for flights and accommodation and you'd been reimbursed. That's what you were telling Counsel Assisting you agree?---*Who, who reimbursed me?*

- 30 No, just focus on my question, Mr Uy. You told on 10 November, 2021 Counsel Assisting that you recall one occasion, being the red wine trip, where you paid for Mr Sansom's flights and accommodation. Do you recall that?---*That's right.*

Counsel Assisting, we can go back two pages before, had showed you invoices from Direct Link Travel. Do you see that at page 347 commencing at line 37?---*Which year?*

I think it was 2014.---*Yes, yes.*

- 40 And the invoice that Counsel Assisting showed you in November 2021 was for the payment of airfares, wasn't it?---*That's right.*

We can bring the invoice up but it said nothing about accommodation.
Would you agree with me?---*That's right.*

All right. Now, can I take you back, two pages forward in the transcript.
When you said at line 27 "It seems to me there was another occasion that I
pay the money" you're answering a question about accommodation by
reference to an instance where it appeared that you paid for the flights.
Would you accept that?

10

THE COMMISSIONER: How can you put that?

MR SHARIFF: Well, Commissioner, I've got to say - - -

THE COMMISSIONER: Really. I mean if - - -

MR SHARIFF: - - - some of these questions that have been asked have
been - - -

20 THE COMMISSIONER: Well, the answers are pretty clear, aren't they?
The transcript says it. I think I know where you're going to go to and I'm
going to reject it if you ask it.

MR SHARIFF: Well, all right, Commissioner. If any, we'll deal with this
in submission but frankly the witness was taken to an invoice dealing with
flights.

THE COMMISSIONER: Yeah.

30 MR SHARIFF: He's asked questions about that. He's then asked the
question about accommodation to which he answers the way he does but he
says it appears there's another occasion that I paid money.

THE COMMISSIONER: Yeah.

MR SHARIFF: The other occasion that he's been averted to is one about
payment for flights.

THE COMMISSIONER: No, it's a reference to accommodation.

40

MR SHARIFF: We'll take this up - - -

THE COMMISSIONER: Please don't do that to me, that's rude. Can I ask you just one – no, you finish and then I'll ask another question.

MR SHARIFF: I've finished.

THE COMMISSIONER: But don't roll your eyes at me, please.

10 MR SHARIFF: I apologise, Commissioner, but I think the point I'm making remains a valid one and we'll take it up in submissions. As it happens I have no further questions for this witness.

THE COMMISSIONER: I've got one of you.

MR SHARIFF: Yes.

20 THE COMMISSIONER: You asked this witness a number of questions about photos and videos generally. Is it your client's position that he knew he was being filmed on the videos that have gone into evidence?

MR SHARIFF: About the particular videos that have gone into evidence?

THE COMMISSIONER: Correct.

MR SHARIFF: I will have to get instructions on those - - -

THE COMMISSIONER: Well, I assumed you had them before you started questioning,

30 MR SHARIFF: No, no. Commissioner, I'm sorry, my client's instructions are, in accord with what I put, that he was aware that from time to time Mr Uy was taking photos of him and videos of him in the company of persons other than his wife, that he's been asked - - -

THE COMMISSIONER: Well, what possible relevance can that have, unless he was aware that he being filmed on the occasions that are before the Commission?

40 MR SHARIFF: Because as I apprehend it one of the things that had fallen earlier, and I'm conscious that there was a debate about this in a private session, about inferences that might be available. My client's instructions

are, and he will accept, that he was aware that he was photographed, that is photographs were taken of him and videos taken of him in the company of women other than his wife.

THE COMMISSIONER: I must say, I'm not going to ask what communication has passed between you and your client, but I had assumed, and that's what I want to clarify, that in cross-examining this witness on that particular matter you had instructions one way or the other in relation to the videos, otherwise I would have rejected the questions.

10

MR SHARIFF: Well, Commissioner, I have got instructions from my client in the way that I have cross-examined and I have said to you I have got instructions that my client was aware that from time to time when he was in the company of women other than his wife Mr Uy took photos and videos of him. That, when we get to submissions in writing, we will say what we wish to say about that. As I - - -

20

THE COMMISSIONER: Well, we're going to get to it before then because no doubt when he comes before the Commission he's going to be asked whether he was aware.

MR SHARIFF: Yes. Well, he, I think that's going to happen tomorrow, Your Honour.

THE COMMISSIONER: Yeah.

MR SHARIFF: Oh sorry, Commissioner.

30

THE COMMISSIONER: Who's next? Thanks, Mr Hood.

MR HOOD: By default I think Commissioner.

THE COMMISSIONER: I can't hear you.

MR HOOD: I say by default I think. Mr Uy, is there's a question I ask you which you do not understand, would you tell me straight away? Okay. Since this hearing commenced, Mr Uy, have you been watching the livestream?---*Very rarely.*

40

Yes. Have you done that from time to time alone?

THE INTERPRETER: You've done that from time to time alone, did you say?

MR HOOD: Alone, yes.---*Yes.*

Thank you. You have never borrowed any money from Mr Badalati, have you?

10 MR PARARAJASINGHAM: Look, Commissioner, I object to this. I'm not quite sure how this impacts my friend's case to ask a question that does not relate to his client.

THE COMMISSIONER: Can I ask you to repeat the question? I do apologise.

MR HOOD: Yeah. You've never borrowed any money from Mr Badalati?

20 MR PARARAJASINGHAM: I maintain my objection to that question.

THE COMMISSIONER: Yeah. How is that relevant?

MR HOOD: Well, can I put some others and then come back to it?

THE COMMISSIONER: Yeah, sure.

MR HOOD: That might make it clearer. Mr Uy, did you keep in your telephone a contacts list?---*Yes.*

30 Yes. Did that include the telephone number of Mr Badalati?---*Yes.*

Yes. Was there more than one number in the contact list that related to Mr Badalati?---*I don't understand what you mean. Can you repeat?*

Certainly. In your contact list in your phone you had a telephone number that related to Mr Badalati, true?---*Yes.*

Yes. Were there two separate numbers?

40 MR PARARAJASINGHAM: I object to that. This is even less relevant than my earlier objection, Commissioner.

THE COMMISSIONER: Say that again?

MR PARARAJASINGHAM: This is even less relevant than the question I objected to earlier, in my submission.

THE COMMISSIONER: Look, I think we're going to have to see where this goes but I hope it is relevant.

10 MR HOOD: I'll just put something that's down the track perhaps and then it might become apparent. During the evidence, you were shown a transcript of a telephone call between Mr Badalati and Mr Hindi. Do you recall that?---*Yes.*

Yes. Did you understand that the purport of the call was Mr Badalati looking for you?---*Yeah.*

Yes. Thank you. This was in about August of 2020?---*I don't remember the time but I think we looked at that just now?*

20

Okay. Thank you. Will you accept from me that's in the August of that year?---*Yes.*

All right. And you see if you had Mr Badalati's number in your contact list, you would be able to see when it was that he was trying to ring you or contact you. True?---*Yeah.*

Yes. And in that month of that year, were you receiving calls from Mr Badalati and not taking them?

30

MR PARARAJASINGHAM: Sorry. You can translate if you want but I object to the question, Commissioner. And I don't mean to interrupt my friend repeatedly but if this needs to be done in private, so we can articulate where this is all going and I can hear it and I can consider my position, but at the moment, all I'm hearing are questions to do with the contact between this witness and my client and the relevance of that issue to Mr Wensheng Liu is not immediately apparent. And we're all aware of the standard directions that apply in this jurisdiction. So that is why I'm repeatedly getting up and objecting.

40

THE COMMISSIONER: No, no. I think we just go on it. I can't see what the problem is. If it turns out to be irrelevant, it's irrelevant. I'd rather just get on and do it. If you need time to deal with what's said, well, that's another question. But I'm not going to – I can see why the contact between, or the lack of contact between Mr Hood's client and, sorry this man and Mr Badalati may be relevant.

MR HOOD: Could I just speak to my learned friend a moment, Your Honour - - -

10

THE COMMISSIONER: Yeah.

MR HOOD: - - - thank you, Commissioner. I'm not sure whether we got an answer now. I'm sorry, Commissioner.

THE COMMISSIONER: Ask it again.

MR HOOD: Ask it, yes. All right. Thank you. Several times yesterday, Mr Uy, you indicated this, that you were having trouble recalling events that occurred back in 2015 and '16. Do you recall giving that evidence?---
20 *That's right.*

Right. And do I take it therefore that you'd have trouble recalling the events in the years preceding that?---*Yeah.*

Yes. And can we perhaps just go the other way for a moment. After '16, '17 and '18, did you have problems with your memory about certain events related to this matter?---*Yes, because of the accident that I have had.*

30 Yes. Okay. Now, I just want to ask you some questions in general terms about developments. Do you agree with this, there are several fairly simple principles about making a profit in these developments and they were these. Maximise the site area, that was one. True?---*Agree.*

Thank you. Obtaining the highest permissible by council, the highest height of the building permissible by council. True?---*Yes.*

Yes. And if possible increase the FSR.---*Correct.*

40 Yes, thank you. And considering profit, minimise the time to build. True? ---*Correct.*

Thank you. Minimise the cost to build. True?---*Correct.*

All of those principles led to maximum profit. True?---*Correct.*

All right. Thank you. In the early days after you had met Mr Wensheng Liu your English was not very good. True?---*That's right.*

10 Thank you. The additional problem with communication was this, you spoke Cantonese.---*Yes.*

And he spoke Mandarin. True?---*Correct.*

Okay. Did you understand in those early days that Mr Liu might be able to raise substantial moneys?---*Yes.*

Yes. For development purposes. True?---*Yes.*

20 All right. And was it your view that on that basis you could profit if you joined him in those developments?---*Yes.*

Thank you. Now, one of the difficulties for you in your agenda was this, you would travel frequently to Hong Kong and China. True?---*Yes.*

Yes. You had a business here to run separate from any developments. True?---*That's right.*

30 Yes. And so in the time you had available in Sydney you had to busy yourself going about the particular activities that you thought would make you a profit. True?---*Yes.*

Thank you. I just want to ask you about the visa that was, sorry, the application – sorry, I'll start again. There was a document produced yesterday. I wonder if we could see 206 on the screen. A reference made for Mr Sansom and I think you said this, your understanding was that it would assist him in getting a visa, a business visa. Do you recall that evidence?---*Yes.*

40 Okay. Thank you. The reference had upon it "to whom it may concern" and related directly to Mr Sansom and his involvement in business. Do you recall that?---*Yes.*

Okay. Thank you. Did you ask Mr Wensheng Liu for some assistance in obtaining that particular reference?---*Yes.*

Thank you. Now, you understood this, Mr Uy, that there were three levels of government, did you not, local, state and federal?---*Correct.*

Right. And was it your view that those who worked in local, sorry, those that worked for the local council formed part of that government?

10

THE INTERPRETER: That government being?

MR HOOD: Sorry. Was it your view that those who participated or worked in the local council were part of the government, the local government? ---*Yes.*

Yes. Thank you. So as part of government, you considered Mr Badalati to be a member. True?---*Badalati?*

20 Yes. Vince Badalati.---*Vince Badalati. Yes.*

Yeah. Thank you. The same applied to Mr Hindi. True?---*Yes.*

All right. And the same applied to Mr Sansom. True?---*Yes.*

All right. Thank you. Now, from time to time, when you could obtain an audience with Mr Wensheng Liu, he would ask you how the various projects were progressing. Do you have a recollection of such conversations?---*Yes.*

30

All right. And did you say words to this effect that the government would be supporting any of the projects? Did you use words to that effect? ---*Yes.*

Thank you. Do you recall a conversation with Mr Wensheng Liu about resources in the local government?---*Yeah.*

Yes. Thank you. All right. Now, you had a number of apartments in Hong Kong. Is that the case?---*Yes.*

40

Thank you. Two or more?---*More.*

How many?---*Three, maybe four? I think four.*

Well, four. That's the true answer, isn't it?---*I think so. They were, like, they were financed, like, they, there is a loan on it, a mortgage.*

Yes. Well, you have four units or apartments in your name in Hong Kong. That's the true position, is it not?---*Correct.*

10 Thank you. And not all of them are subject to mortgage, are they?---*No, all have been mortgaged.*

Yes. That was to facilitate a loan to fund the Treacy Street development. That's right, isn't it? That's when they became mortgaged?

THE INTERPRETER: Can you please repeat that for me?

MR HOOD: Yes. They became mortgaged at the time you were seeking to invest in Treacy Street. Is that true?---*That's right.*

20

That's right. Thank you. So before that, you owned outright four units in Hong Kong. True?---*No, before that, there was mortgage on two of them but of a smaller amount.*

All right. Well, you don't have to tell me the precise monetary amount but they were very valuable. True?---*Yeah.*

Thank you. You had apartments in China. True?---*Yes.*

30 How many there?---*One at the moment.*

Back then in 2016 if you're able to remember?---*Maybe two?*

Well, is it two or not?---*Two, two, yeah.*

Okay. Now, one of the difficulties you had with Wensheng Liu was this, that he showed little interest in the developments in which you were investor, that's true, isn't it?---*Where are you referring to, in Hong Kong or in Australia?*

40

Oh, here in Australia, in Hurstville more particularly.---*What about those ones? Can you repeat the question?*

Yes, certainly. Did you say this about Mr Wensheng Liu and his activities in these Hurstville projects? “Mr Liu seldom lays his hands on the matter. He just left the matter to the architects.” Now, the first sentence is correct, isn’t it? He was doing nothing basically in these projects, as you saw it, true?---*I agree.*

10 Yes. And to emphasise that, what you said about him was this, “Mr Liu didn’t bother too much about the running of the company. He left things to me.” Do you recall that?---*He, because – yeah.*

Yes. Okay. So when it came to the planning, organising architects, planners and that type of thing, that was all left by Wensheng Liu to you, true?---*I left to Kurt then. He left to me and I left to Kurt.*

20 All right. Well, you see, as far as Mr Wensheng Liu was concerned, your view of him was this, he was doing next to nothing, sitting back waiting for the profits to roll in, that’s right, isn’t it?---*That’s right.*

Yes. He wasn’t too interested in attending meetings, that’s Wensheng Liu, was he, on your view?

THE INTERPRETER: He wasn’t too interested in, what did you say?

MR HOOD: Attending meetings, in your view or opinion.---*Correct.*

30 Thank you. In the very early days of your contact with Mr Liu – sorry, I withdraw that. You understood this, I think you said earlier, that Wensheng Liu was a man who could, in your view, raise considerable moneys, true?---*Yes.*

Yes. Did you see a document that set out that he, Wensheng Liu, had a line of credit? Did you see that at some early time?---*I think I have.*

40 Yes. And did you have contact with Mr Badalati from time to time about prospective development areas in Hurstville, did that occur?---*I, I, with some interest, yes.*

Yes, yes. Well, the same with Mr Gunning. I mean, you were trying to chase up development sites so that you could develop them or build on them and make a profit, true?---*Gunning, yes.*

Yes, all right. When you were seeking the assistance of Mr Badalati as to prospective development sites, did you tell him about the line of credit that related to Wensheng Liu?---*Maybe yes, but I can't remember. I might have.*

10 Okay. Thank you. All right. All right. Now, as to Treacy Street, I think you've said on a number of occasions that you wanted to build it the same height as the adjoining buildings. Do you recall giving evidence as to that matter?---*I did say so.*

Yes, thank you. The attitude of Mr Wensheng Liu was this, he was happy if it was only built to the six storeys, true?---*That's right.*

20 Right, okay. Then you understood that you should be entitled to build it to 11, the same as the buildings on either side, true?---*That's right.*

Those extra floors would increase the number of apartments or units that could be built on that site, true?---*That's right.*

Thank you. And would increase the profit that you would share in, true?---*Among the investors.*

Yes, well, you were one of those, were you not?---*That's right.*

30 Yes. So it was better, in your view, to build it to 11, rather than the six that Wensheng Liu was prepared to build to, true?---*That's right.*

Okay, all right. And I take it you went to some trouble to explain that to him, true?---*That's right.*

Okay, thank you. Now, I just want to turn to Landmark Square for a moment. Did you see a whiteboard that had on it calculations that related to the build on the Landmark Square site?---*That's right.*

40 Yes, thank you. And those calculations made it clear that the buildings on this site were to be units only, true?

THE INTERPRETER: Units only?

MR HOOD: Yep.---*Yeah. I don't remember very well, but I think the hotel compartment was there, the hotel part was there.*

Okay, well, let me just see if I can assist you. In your earlier evidence you were asked about Mrs Hindi's approach to you in regard to this site. Do you recall firstly being asked questions that touched upon that subject?---*Mrs Hindi? The wife?*

10

Yeah, Mrs Hindi.---*That's right.*

Yes, thank you. And you were asked this question and gave this answer. It's at 1104, "You told Mrs Hindi you had a buyer." Answer, "Yes."

THE INTERPRETER: Had a bar? Sorry, I can't hear him.

COMMISSIONER: "Buyer".

20 THE INTERPRETER: Oh, "buyer".

THE WITNESS: *Yeah.*

MR HOOD: Thank you. And then you're asked this question, "Yeah. And then what happened?"*“Then I work out the amount of money involved and how many tenants, tenancies are available and then I explain that to Liu.*” Do you recall giving that evidence?---*That's right.*

30 Right. Thank you. Now, at that time, the tenants or tenancies that you were speaking about were home units only. That's right, isn't it?

THE INTERPRETER: He's asking me to repeat. Shall I just repeat off me or do you want to ask again?

MR HOOD: After you'd spoken to Mrs Hindi, you spoke to Mr Liu about how many home units or apartments that you thought might be able to be built on this site. True?---*That's right.*

40 Yes. And those early figures that, or, sorry, that estimate that you considered at that time did not include the hotel. That's true, isn't it?---*I can't remember. Perhaps, yes?*

Yeah. Okay. Well, let me help you if I can. If a hotel was to be built on this site, it would occupy many floors. True?---*Yeah. Yeah.*

Yes. Thank you. The real profit to be derived from these type of developments was getting as many units on the site as possible. True? ---*That's right.*

10 Okay. I wonder if the witness could be shown or brought up on-screen Exhibit 207, which is the whiteboard please?

THE WITNESS: *It's 3.30. Is this going to continue tomorrow? 2.30 or 3.30?*

THE COMMISSIONER: It's 3.30 but we were going to continue through till 10 to 4.00.---Sorry. 3.30, yeah.

MR HOOD: I think he's trying to help you, Commissioner?

20 THE WITNESS: Yeah.

MR HOOD: Do you see the whiteboard there in front of you, Mr Uy?---*I do.*

Right. Do you see that it only provides for the construction of units or apartments?---*That's right.*

Yes. And it sets out the profit divisions. True?---*Yes.*

30 Yes. And you were hoping to, of course, get a share of whatever profits were made. True?---*Yeah, as an investor.*

Yes. So to maximise the profits, the best formula for you was that this building or these buildings, rather, include units only. That's the case, isn't it?---*That's right.*

Thank you. All right. Now, and could it have been at the planning stage where this hotel was first referred to? Could that have occurred? ---*Perhaps?*

40

All right. Thank you. Now, I just want to go to a message that you received about the trip to Tangshan. It was shown to you on 7 July, page 1149, at 1. I'll read to you what that message contained. On the transcription it says this, "Brother Faye, One have received the deposit of \$1 million Australia from Mr Liu to arrange for Chubby and Middle East to come to Beijing on the 10th to attend the formal signature ceremony." Okay. Do you recall – sorry.

THE COMMISSIONER: We haven't got that on the screen yet.

10

MR HOOD: Yeah.

THE WITNESS: *Kitchen waste.*

MR HOOD: Sorry, have I transgressed?

MS HEGER: Do you want the transcript or the message on the screen?

MR HOOD: Oh, yeah, I'm happy to show it to you if he's having trouble
20 recalling.

MS HEGER: Is it the transcript you want?

MR HOOD: Sorry, no, I'll show him the message.

MS HEGER: Oh, the message, okay.

MR HOOD: Yeah, thank you, Counsel. I've got it as volume 2.3, message
30 116 on page 13 is the quote from the previous page. So do you see that
message at 116, Mr Uy?---*Yes.*

Okay. Now, it's clear, is it not, from that message that Mr China Liu was funding the arrangements, the travel arrangements, accommodation and expenses generally for Mr Badalati and Mr Hindi to travel to Tangshan?---
No.

No. It doesn't read that way?---*I, as the general manager I know that at the time of the invitation, China Liu invited them for the purpose of the kitchen
40 waste.*

Well, set aside the aspect of the signing ceremony for the moment. It's

clear, is it not, from this message that the travel arrangements for Mrs Hindi and Badalati were being funded by China Liu?---*No. They paid themselves. China Liu asked them to go for the purpose of the kitchen waste project, to inspect, to visit the site and, you know, look at the developments there.*

Okay. The message itself specifically refers to signature ceremony.---*But what China Liu told me was, the invitation was for the purpose of the kitchen waste. Otherwise they wouldn't have gone.*

10

All right. All right. Now, before you got drunk at Chinatown on a particular evening, did you see China Liu and Wensheng Liu sign a document?---*I did.*

Yes. There are a number of, were there a number of people there that spoke your dialect?---*Can't remember.*

Can't remember. The position is this, that you understood the signing ceremony were for projects that were to be built by agreement between
20 Wensheng Liu and China Liu, true?---*That's right. They also signed contracts for the Chinese businesses as well.*

Well, the signing ceremony that took place then, you understood, was for six projects in part, that's true, isn't it?---*I don't know. I don't know how many projects there were.*

Yes.---*But they signed on it.*

Okay.
30

THE COMMISSIONER: But they were Australian projects?---*I believe there was. Some were for Australian, some were Chinese projects.*

MR HOOD: Did that agreement, as you understood it, put certain obligations on Mr Wensheng Liu?---*I have not read the agreements myself.*

All right. Have you been told – sorry, I withdraw that. Mr China Liu made you a manager at one point, didn't he?---*Yes.*
40

Okay. Yes, yes, I know.---*Specifically for kitchen waste. Specifically for kitchen waste in Australia.*

Yes, to be built in Hurstville, is that it?---*Investment, yes.*

Yes, okay, thank you. Now, did you understand this, that China Liu had a very great desire to come to Australia on a permanent basis?---*That's right.*

10 Yes. And to bring with him a certain person?---*That's right.*

Yes. That's Zhao?---*That's right.*

Thank you. The other desire of his, as you understood it, was this, to move his substantial wealth from China to Australia?---*That's what he claimed.*

Yeah, that's what – well, okay, thank you. And to achieve that end, that's the second end, he needed a business enterprise to be able to move that substantial wealth here, true?---*That's right.*

20

Okay, thank you. All right. Now, all right. Pardon me one moment. I just want to go to the agency agreement that related to the sale of Landmark Square, do you understand?---*Yes.*

Okay. Let me just digress for a moment. Yesterday you were shown some statutory declarations by Counsel Assisting. Do you recall that evidence? ---*Yeah.*

30 Yes. At one point when you were shown a statutory declaration, you said this, that you didn't read English documents. Do you recall giving that evidence?---*That's right and that's because I have limited English. Sometimes I just didn't understand it.*

Yes. But you see both yesterday and today, when you – sorry. I'll go back. Yesterday you were shown a section of transcript that related to Elaine Tang. Do you recall Counsel Assisting showing you that? ---*Yes.*

40 Yes. And what you did when that was shown to you on the screen is you leant over and were reading it. That's right, isn't it?---*Yes.*

Yes. And you repeated that today at different times.---*Yeah.*

Yes. So you don't really have a problem reading English at all, do you?---
I do have a problem.

All right.---*I do.*

Okay.---*Because I am short-sighted, I, my glasses aren't that great, so I
have to lean forward.*

10

Yeah. Well, let me suggest this, Mr Uy, both yesterday and today you
removed your glasses so that you might better read what was on the screen.
---*Sometimes I do, sometimes I don't. Yeah, to see.*

Yes. Well, do you agree with what I have put to you? Both yesterday and
today you removed your glasses so you could read what Counsel Assisting
was showing you on the screen.---*I agree.*

20 Thank you. All right. Let me then just go back to the agency agreement.
Do you say this, this was a document that you read or was it one of those
that you were unable to read?---*Those of general nature would be
understandable, yeah. The general ones, yes.*

Okay. Let me perhaps be more specific, if I have not made it clear. Did
you read the content of the agency agreement produced to you by Mrs
Hindi?---*I had a, I had a quick look because there's, the content is pretty
much standard.*

30 Yes. Let me try again. Did you read it?---*I had had a look.*

Did you understand it related to the sale of the Landmark Square site?---
Yes.

Thank you. Did you understand it related to a sale of the value in the order
of 35 to \$36 million?---*Yes.*

Yes. You read that on the document, on the face of the document?---
That's right.

40 Thank you. And did you read that it imposed an obligation to pay half a
million dollars?---*Commission, right?*

Yes, commission, yeah. Half a million.---*Based on percentage, right, yeah?*

Well, percentages aside, that's what the document said, true?---*That's right.*

10 Right. So what you say is this, the percentage quoted on it was at market value, true? Or at market rates, true?---*Yep, it, it varied. It can go up and down.*

Did you – thank you. Did you produce this document to Wensheng Liu at a later time?---*That's right.*

Yes. And did you explain to him that there was an obligation in regard to the payment of half a million dollars if signed?---*I told him after signed and if successful, then he would have to pay.*

20 Yes, all right. And I know this goes back to that period when you have some trouble with your memory, 2015-16 or thereabouts, or before. Was there some discussion about how this half a million dollars might be paid or distributed amongst the investors at a later time?---*If it was successful, then it will be calculated based on the project. Yeah, the project.*

And come out of profit? And come out of profit? I'm sorry, Ms Translator.---*Yep, from the investment.*

30 Okay, thank you. I just want to go to, back to Treacy Street, and I apologise, Mr Uy, but you had a large number of investors place their trust in what you told them about the profit to be made on this site, true? ---*That's right.*

Yes. You told them that they would make a large amount of money over a fairly short period of time, is that the case?---*No, I said that the profit will be dependent on how long it would take. The longer it takes, the less the profit will be.*

40 I see. So at a time before they contributed their money to it, you made such an explanation. Is that what you say?---*I did. I have told them.*

Well, see, what occurred was this, that the project got bogged down, didn't it?---*That's right.*

Yeah. Had trouble getting through council up to a point, true?---*That's right.*

Yes. It went on much longer than you explained to your investors, that's the fact, isn't it?---*Sometimes things just get out of your control when it comes to investment and building.*

10

Yes, thank you. It took much longer than you had told your investors it would take, true?---*That's right.*

Yes. And they were putting pressure on you to get their return. That's the fact, isn't it?---*Well, they said, I mean, they, they were waiting. I wouldn't say they have put pressure on me.*

20

Well, when they told you they were waiting, they were waiting for their return, their dividend, that's right, isn't it?---*That's right, but there was no pressure.*

Weren't they angry?---*They understand. Most of them did.*

Yeah. And most of them might have but there were some that were quite angry. That's the fact, isn't it?---*Only one or two were a little bit more troublesome.*

30

Yes. So on that basis, did you do your level best to speed it up, as best you could?---*Speed up what?*

Well, movement of this development through council?---*No.*

No. Thank you. I wonder if we could just be shown Exhibit 202, which is a handwritten note? Do you see that now in front of you now? It's Exhibit 202. Mr Uy, do you see that?---*Yes.*

40

Right. Is what you say to the Commission this, you don't know firstly how you became possessed of it. Is that right?---*Do you mean why I have this image? I took it, right?*

Yes. Where were you – sorry. Who gave you the image so that you could photograph it?---*This photo, sometimes – hang on.”

THE INTERPRETER: 4,200.---*Is that Mireille or what? Can't remember who that was for. Did you mention about this the other day with reference to Mireille?*

MR HOOD: Okay.

10 MS HEGER: I think the question was put on the basis that this was found on Mr Uy's phone. Is that the basis on which you're putting it because
- - -

MR HOOD: Well, I think he said he took an image of it.

MS HEGER: Well, it wasn't found on his phone. It was found on
- - -

MR HOOD: No, no. Okay.

20

MS HEGER: - - - someone else's phone.

MR HOOD: Yeah, that's okay.

MS HEGER: But if you proceed on that basis, then - - -

MR HOOD: Okay. Thank you.

THE WITNESS: *I have no idea.*

30

MR HOOD: Okay. Thank you. After you – sorry. Were you handed this note at some time by some person?---*I can't remember.*

No. And, on that basis, do you say this, that what happened to it from the point of receipt by you, thereafter you cannot now say? Is that the case? Don't know what happened to it?---*What happened from there? What are you talking about?*

40 Yes. You see, you don't know now, do you, so you say, that how this note came to you. Is that it?---*What do you mean? Do you mean this photo was from my phone or not?*

Okay. That's all right. The note in front of you, was that a note that was given to you at a point in time?---*I can't remember.*

All right. Thank you. You don't remember who gave it to you?---*I don't.*

And you don't remember what happened to it after you received it. Is that what you say?

10 MR PATTERSON: Objection, Commissioner. His evidence was that he has no recollection of receiving it.

THE COMMISSIONER: I think that's right, Mr Hood.

MR HOOD: All right. Thank you. I'll just move on very quickly, Your Honour. I'll just finish up. (not transcribable) I'm also watching the time.

THE COMMISSIONER: That's okay. You keep going.

20 MR HOOD: I just want to go to a very late point in the time when Everest Finance became involved in some form in the Landmark Square project. Do you understand the period of time I'm talking about?---*Yeah.*

All right. Okay. There was a demand made of Mr Wensheng Liu to make payments to Everest Finance in 2018. Is that how you understand it?
---*That's right.*

Thank you. Were, when it was – sorry, I withdraw that. Was a demand put on Mr Wensheng Liu that he provide units, two units, in the Treacy Square project to those running Everest Finance? Was that demand made of him to your knowledge?---*Yes. They threatened about that.*

Was a demand put on him to pay \$1 million to Everest?---*1.4 million, indeed.*

Okay, all right. Well - - -?---*Wensheng Liu was threatened to pay 400,000 in China, like, to pay in China the equivalent of 400,000 Australian dollar immediately. And, and payment of 1 million from the units in Treacy Street.*

40

Yes, okay. And the demands in their amounts dropped down as time progressed. Do you agree with that?---*Yes. Wensheng Liu said he had no money to pay. Wensheng Liu said that he didn't even have 400,000 Australian in China. Vivienne Woo then said that if you're paying me, if you are paying in Australia, then you must pay in cash, 400,000.*

Well, let's cut to the chase.---*Wensheng Liu said that he had no money.*

Thank you. He had no money?---*He said he only had 100,000.*

10

Yes. And that he would get that from friends. That's how he said he'd get that 100,000, that's right, isn't it?---*That's right.*

Yes. And on your understanding, that's how he obtained the 100,000 that Everest demanded, true?---*Everest threatened and made him pay that money, otherwise they would stop the project tomorrow and wind up the project.*

20

Yes. In China, whilst you were there, did Wensheng Liu mortgage some properties that he owned?---*Can you repeat?*

Yes. At a time when you were in China, did you witness some mortgage documents being completed that related to Wensheng Liu's properties in this country?

THE INTERPRETER: "This country" being China or in Australia?

MR HOOD: Australia, I beg your pardon.---*Yes.*

30

Yeah, thank you.---*Yes, but he was, he was conned.*

Yeah, well, thank you.

THE COMMISSIONER: Is that a convenient time?

MR HOOD: Probably the best answer I could retire on, I think, Your Honour.

40

THE COMMISSIONER: Just before we adjourn, can I have some indication from other parties who wish to cross-examine Mr Uy how long you'll be approximately? I'll come to you in a minute.

MR CORSARO: Can you hear me, Commissioner?

THE COMMISSIONER: Yes, I can.

MR CORSARO: It's Corsaro. I probably will be really 20 minutes.

THE COMMISSIONER: Thank you.

10 MR PATTERSON: Commissioner, I expect with the translation process to be no more than an hour.

THE COMMISSIONER: Thank you. Anyone else? Mr Pararajasingham, are you proposing to ask any questions?

MR PARARAJASINGHAM: No. No, Commissioner.

THE COMMISSIONER: Thank you. All right. I'll adjourn till 10 o'clock.

20 THE WITNESS: *I have to be back?*

THE WITNESS STOOD DOWN [4.01pm]

AT 4.01PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.01pm]