

GALLEYPUB01585
19/07/2022

GALLEY
pp 01585-01641

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HEARING

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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 TUESDAY 19 JULY, 2022

AT 9.45AM

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

MS HEGER: Commissioner, we're in a private session now so you'll need to make a direction to that effect and Mr Hood will then ask some questions.

THE COMMISSIONER: We might just have the interpreter sworn in, I think.

<SERENA LU TANG, affirmed

[9.53am]

10

THE COMMISSIONER: 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, any information that might enable the witness to be identified and the fact that the witness has given evidence today in this private hearing shall not be published or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission.

20

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, ANY INFORMATION THAT MIGHT ENABLE THE WITNESS TO BE IDENTIFIED AND THE FACT THAT THE WITNESS HAS GIVEN EVIDENCE TODAY IN THIS PRIVATE HEARING SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION.

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THE COMMISSIONER: Apart from Mr Liu's legal representatives, is there anyone else who is to be present?

MS HEGER: I should just confirm that. Mr Patterson and Mr Hindi's representatives may be on the line? Could I just ask them to identify themselves if they are present? I understand that they've been invited to attend but they haven't dialled in.

THE COMMISSIONER: All right. I direct that the following persons may be present at this compulsory examination and I do so pursuant to section 31A of the Independent Commission Against Corruption Act: Commission officers, including transcription staff; the witness; the witness's legal
10 representatives; and Counsel Assisting. Thank you. Mr Hood.

MR HOOD: Has he been affirmed? I think the witness has been affirmed. Is that right?

THE COMMISSIONER: No. Thank you.

THE COMMISSIONER: Take a seat. Thank you.

MR HOOD: Mr Liu, I'm going to ask you a series of questions that deal with the Gloucester Road car park. Do you understand?---*Yes.*

10 Can you tell me when it first came to your notice that this area was for sale?---*Roughly 2011.*

Okay. How did it come to your notice?---*I heard news that the government has some funding issues, so they need to sell that block of land as soon as possible.*

Okay. And when you refer to the government, you're referring to Hurstville Council. Is that right?---*Yes.*

20 Okay. Did they tell you what the funding issue was or issues were?---*They had some problems investing in stock market.*

Okay. Now, were you told the price of this section of land?---*Yes.*

And what was the price initially, as you understood it?---*First time they told me is 8 million.*

Okay. Who was that? Who told you that?---*I can't remember specifically.*

30 All right. Did you understand the area that comprised this car park, this section of land, did you know that?---*At that time, it was the car park.*

Okay. And did you have a rough idea – sorry, I'll withdraw that. You were familiar with the Hurstville area at that time?---*Yes.*

And did you consider the price that you'd been told was satisfactory for the area that was being offered?---*It, it was an attractive offer.*

40 Okay. Did you do anything to accept that attractive offer?---*What do you mean?*

Okay. Did you offer to pay for that particular area?---*Yes, I did.*

How did you do that?---*Through a consulting firm. We provided a bid. So that is to bid for that block of land with the government.*

Okay. Was that SPD?---*Yes.*

Okay. All right. Was a cheque sent or made available to SPD to send to the council?---*Yes.*

10

All right. Now, were there other prices placed on this land at different times, other values?---*It was.*

All right. Did you hear back from SPD, did they tell you what had happened with your initial offer?---*I can't remember very clearly.*

All right. Okay. Do you recall providing any other cheques to the council for the purchase of this land?--*Yes.*

20

All right. Can you indicate to the Commissioner what the different prices were that were related to you for the purchase of this area of land?---*As far as I can remember there were three different prices.*

All right. And they were?---*There is 10 million and 13 million.*

Okay. Now, were you in a position yourself to be able to purchase this area of land at those prices?---*I was with other investors.*

30

All right. Okay. Thank you. Now, and did you tell the Commissioner about those last week, who those people were?---*Yes.*

All right. Now, at a point in time – sorry, I withdraw that. You were shown a letter I think for the first time by a Commission officer on Hurstville Council letterhead that said that your tender was successful. Firstly, is that how that letter came to your attention?---*Yes.*

All right. You'd not seen it before it was shown to you I think by an investigator, is that the case?---*Correct.*

40

All right. After it was shown to you it was made known to you that the letter in fact was fake. Is that the case?

THE INTERPRETER: Sorry, the letter in fact?

MR HOOD: Was fake.

THE INTERPRETER: Was fake?

MR HOOD: Yes.---*I realised that at the hearing last week.*

10 Okay. All right. Now, at a point in time there was a tender lodged for this area of land. Were you aware that that tender was made?

THE INTERPRETER: In May?

MR HOOD: "Was made". Were you aware that the tender was lodged?---
Yes.

Who arranged for the lodgement of the tender?---*SPD.*

20 Okay, all right. Now, were you made aware eventually that the tender, your tender was not successful?---*No. I wasn't aware.*

All right, thank you.

MS HEGER: Could I just interrupt, Commissioner? I notice Mr Patterson has entered the room and obviously was invited to do so but I think you now need to make a direction permitting him to be present.

30 THE COMMISSIONER: Yeah. I vary the order made by me pursuant to section 31A of the Independent Commission Against Corruption Act to include Mr Patterson as being a person who may be present.

MR PATTERSON: Thank you, Commissioner.

MS HEGER: It's been pointed out to me that out of caution we should probably make an order permitting Mr Hindi's representatives to be present as well, in case you wish to make the transcript available to them.

40 THE COMMISSIONER: And that order will be varied further to include Mr Hindi's representatives. Thank you, Mr Hood.

MR HOOD: Thank you. Did you become aware at some time that the tender process had been completed and GR Capital was not successful?---*I didn't become aware until I went through the investigation.*

Yeah, all right. Thank you. All right. Now, were you aware of Philip making any offers to a third party of money to favour a tender on your behalf?---*I didn't, no.*

10 Okay, thank you. All right. Now, at one point in time there's been a reference to the sale price for this land being at \$80 million. Had you ever heard of a price so high as that relating to this area of land?

THE INTERPRETER: Sorry, did you say 80 million or 8 million?

MR HOOD: 80, 8-0, 80.

THE INTERPRETER: 8-0.

20 MR HOOD: Yeah.---*I wasn't aware.*

Okay, thank you. Was it ever worth anything like that in your estimation? ---*It doesn't.*

Okay, thank you. Might we bring up Exhibit 269, Mr Commissioner, please? I hope I've got the right one. Sorry, yes, the map, site map that's attached to this I think. Yeah, thank you. Now, Mr Liu, do you recognise this document as having been sent to you at a point in time?---*Yes.*

30 How did you receive it?---*Clifton Wong sent to me.*

Okay. Thank you. All right. Do you see the handwriting that's on this document, did you put that handwriting there was it there when you received it?---*It was already there when I received it.*

All right. You recognise the area bordered in green as the car park area, Gloucester Road car park area?---*Yes.*

40 All right. And do you see in the top left-hand corner or in the space that's marked 66 feet wide, you see there it's got "zoning:3(b)". Do you see that there?---*Yes.*

Okay. I take it that was on the document at the time was received by you with all the other markings?---*Yes.*

At the time you received this document, did you know specifically what that meant?---*That is the, should be the nature of the block of land.*

Okay. All right. Did you know that at the time you received this particular document?---*I should know, yes.*

10 You should have. Okay. Thank you. All right. Now, I want to go then to Exhibit 270. Did you receive this document also via email?---*That should be right.*

Yes. Okay. And do you understand that this relates to the area of the Gloucester Road car park?---*Yes.*

Okay. Did it arrive in your email box as it is shown on the screen now?---*I can't remember clearly but it seems it was a lot of contents, it was a contract.*

20

Okay. When you say "a lot of contents" there were more pages than just this one. Is that right?---*Yes.*

All right. Okay. Thank you. Did you know how to obtain the particulars that relate to this land that are shown on the document, in particular the folio identifiers?---*Sorry? What do you mean? I couldn't quite understand.*

Okay. Thank you. Do you see on the left-hand side the word "land"? You're able to read that in English?---*Yes.*

30

Okay. Now, after that, there are a number of particulars that relate to the area alongside address, plan details, et cetera. Do you see those specific details there?---*Yes.*

All right. They were on this document when it was received by you. True? ---*Yes.*

Okay. And, all right. Did you know where to obtain those particulars as at this particular date?---*Obtain those particulars?*

40

Yeah. I'll withdraw, Commissioner.

THE COMMISSIONER: Who sent you the email that had this contract attached to it?---*Clifton Wong, should be Clifton Wong.*

Thank you.

MR HOOD: Last week, Mr Liu, you said this, that on a number of occasions cheques were sent in regard to the purchase. Those cheques were not bank cheques, is that the case?

10

THE INTERPRETER: Sorry, can you repeat?

MR HOOD: Yes. Last week you told the Commissioner that that some cheques were sent at various times.---*Yes.*

The Commissioner pointed out to you last week that there was a reference to a bank cheque or bank cheques and I think you say this, that no bank cheque was ever sent by you or on your behalf to the council for the purchase of this land. Is that the case?---*Correct.*

20

Company cheques were sent on the basis that it was an indication of good faith on your part?---*Yes.*

All right. Now, did you realise this, that the – sorry. I withdraw that. For a good period of time after the initial bid to buy this land, the area stood idle for quite some time, is that the case?---*Correct.*

And during that time did you believe that your offer – sorry. Let me withdraw that. Did you know why that was the case, why the land was idle for a long period of time?---*I wasn't quite sure.*

30

Okay, thank you. In case I have not addressed this, the prices that were being provided to you, who was giving you those, who was telling you this was the price on one occasion and then the price on another?---*I remember it was, might be the consulting firm.*

All right. Thank you. Yes, thank you. That's the examination on this area, Mr Commissioner, thank you.

40 MS HEGER: I just have a couple of questions, Commissioner.

THE COMMISSIONER: Sure.

MS HEGER: Mr Liu, Mr Hood just asked you about a letter on Hurstville City Council letterhead telling you that the tender for the Gloucester Road car park had been successful. Do you recall that?

THE INTERPRETER: Sorry, had been or had not been?

10 MS HEGER: Had been.

THE INTERPRETER: Had been successful.

THE WITNESS: *Yes.*

MS HEGER: Can I just show you that letter again? It's volume 7.1, Exhibit 259 in the private hearing, a couple of pages in. Is this the letter that you understood Mr Hood to be asking about?---*Yes.*

20 And I think Mr Hood asked you, is the first time this letter came to your attention when someone from ICAC showed it to you and you said, "Yes, that's right," didn't you?---*This letter is fake. I had seen this one before.*

Yes, you'd seen this before someone at ICAC showed it to you, hadn't you?---*Yes.*

Yes. Because indeed if we go back to the first page of this volume, you'd sent that letter onto someone else in November 2011, correct?---*Yes.*

30 And I suggested to you on Friday that you knew very well by 11 November, 2011, that your tender for the Gloucester Road car park hadn't been successful, didn't I?---*I don't quite understand that.*

All right. Well, I'll just suggest it to you now. You knew very well by 11 November, 2011, when you've sent on that letter, that GR Capital's tender for the Gloucester Road car park hadn't been successful. Correct?---*It was successful.*

40 And how do you say it had been successful by this point, November 2011?
---*Because this letter and also the consulting firm said the offer, the tender has been accepted.*

All right. Well, I suggest to you you must have known that the tender hadn't been accepted because you knew that the council had returned your cheque for \$800,000 by this point, didn't you?---*That's not the case.*

Right. No further questions.

THE COMMISSIONER: Thank you. I've got some concerns as to whether this evidence should remain out of the public arena, I have to say. And I
10 know Mr Wong's name has been mentioned but, and no doubt that's one matter we'd have to take into account but I can't see why it's in the public interest to keep this matter suppressed. Does anyone want to say anything about that?

MR HOOD: Can I just speak to my client for a moment? There may not be a problem with that, Commissioner.

THE COMMISSIONER: Okay. Just before you do, Ms Heger, what do you say? I mean, I'm happy to continue it for the moment, but I am
20 concerned that it remain that way. Anyway, if you give some thought to it and perhaps if you can - - -

MS HEGER: Yes. It may be that we should all review the transcript to properly reflect on that question?

THE COMMISSIONER: Yeah. Sure.

MS HEGER: But I understand, Commissioner, you're referring to both the evidence that was given by this witness at the private hearing on Friday, as
30 well as the private hearing today?

THE COMMISSIONER: Correct. Yeah.

MS HEGER: Yeah. So I think the parties probably need to reflect on that and make some submissions in due course.

THE COMMISSIONER: Okay. Well, I think we have to adjourn now, don't we, to go into public session?

40 MS HEGER: Yes.

SHORT ADJOURNMENT

[10.23am]

THE COMMISSIONER: Take a seat, thanks.

MS HEGER: Commissioner, I just have a couple of extra questions of Mr Liu before Mr Hood begins his examination.

10 THE COMMISSIONER: Sure.

MS HEGER: Mr Liu, it's correct, isn't it, that sometimes Philip Uy paid expenses relating to 1-5 Treacy Street and then sought reimbursement from GR Capital Group?---*Correct.*

And the same applied to Landmark Square, that is sometimes Philip Uy would pay expenses relating to Landmark Square and then seek reimbursement from The One Capital Group?---*Yes.*

20 And often he would provide some evidence of having made those payments to the third parties when he sought reimbursement?---*Possible.*

But he didn't always do that, did he? That is he didn't always provide evidence of having made the payments when he sought reimbursement, and that applied to both Treacy Street and Landmark Square, correct?
---*Correct?*

In fact his account keeping in general was quite messy, would you agree?
---*Correct.*

30

All right. So is it the case that sometimes he would just say, let's start with Treacy Street, "I've paid some money on consultancy fees. Could you pay me back for it?"---*Possible.*

And does the same apply to Landmark Square, sometimes he would say "I've spent this amount on consultancy fees. Can I get that back from One Capital Group?"---*Yes.*

40 So can I ask you this, if Mr Uy did give \$70,000 in cash to Mr Badalati for Treacy Street, is it possible that he sought reimbursement from GR Capital

Group for that and you paid him for it without you knowing what that payment was for or to whom it was paid precisely?

THE INTERPRETER: Did you say 70,000?

MS HEGER: Yes.---*He didn't seem to tell me this.*

10 No, but I'm asking you, if he did pay \$70,000 to Mr Badalati, is it possible that he asked for reimbursement from GR Capital for that without telling you that it was a payment to Mr Badalati?---*I don't know.*

But it's possible, isn't it?---*I, I'm not quite sure, sorry.*

20 Well, I want you to accept one way or the other. What I'm suggesting to you is, he said to you "I've paid \$70,000 on consultancy fees for Treacy Street," for example, and you've, or GR Capital Group has reimbursed him for that without you knowing that it was a payment to Mr Badalati in fact. That's possible, isn't it?---*I don't know what, what the purpose of him using the money for.*

Yeah, but that's my point. It's possible that he didn't tell you what the purpose was but he sought reimbursement for the \$70,000 and you've paid it to him without knowing anything about it being given to Mr Badalati or what the purpose of the money was. You must accept that's a possibility.

MR HOOD: Before the witness answers, Commissioner, I don't know whether this is based on some analysis of the accounts or is - - -

30 THE COMMISSIONER: No, no. We're entitled or Counsel is entitled to explore the possibilities. It doesn't have to be based on anything to be - I mean, this witness will either say, well, I'm not going to go into what he can say, but you go ahead.

40 MS HEGER: Well, I suggest to you, Mr Liu, that in light of the evidence you've already given, that is that sometimes Mr Uy sought reimbursement without providing evidence of the payments, it must be possible that he sought reimbursement from GR Capital Group for an amount he paid to Mr Badalati - assuming that that occurred - and that GR Capital Group has reimbursed him for that amount without you knowing that it was, in fact, a payment to Mr Badalati. That's possible, isn't it?---*I don't know.*

Well, you must know one way or the other. Either it's possible or it's not. Which one is it?---*Because I didn't know what he used the money for.*

No, but that's the very premise of my question. Do you understand? I'm suggesting to you that even if you didn't know that a payment was made to Mr Badalati or what it was for, if Philip Uy did in fact make such a payment to Mr Badalati, it's possible that he sought reimbursement from GR Capital Group, and GR Capital Group has paid that amount without you knowing what the payment was for?---*I only knew it was for consulting fee.*

10

Okay. Well, let's take that scenario. It's possible, if Mr Uy paid \$70,000 to Mr Badalati, it's possible he's come to you and said, "I've paid \$70,000 in consultancy fees. Can GR Capital Group reimburse me for that amount?" isn't it?---*I didn't know about the 70,000 payment.*

Yes, but Philip Uy sought reimbursement from GR Capital Group for expenses on Treacy Street and sometimes they were for significant amounts, weren't they, that is \$20,000 and upwards?---*Yes.*

20 Yes. And so it's possible that he said to you, "I've paid \$20,000 on consults" - - -

MR PATTERSON: Commissioner, I object at this point. This has gone beyond fair questioning and is now badgering the witness. The same question's been answered.

THE COMMISSIONER: No, it's not. Mr Patterson, please, it's not at all. Sit down.

30 MR PATTERSON: Well, it's a matter for submission, Commissioner.

THE COMMISSIONER: Please.

MR PATTERSON: If you please.

MS HEGER: So I'll ask you one more time. It's possible, isn't it, that if Philip Uy did pay \$70,000 to Mr Badalati, he said to you, "I've paid, say, \$20,000 on consultancy fees. Will GR Capital Group reimburse me for that

amount?" and then you have, in fact, reimbursed him for that amount?
That's possible, isn't it?---*I don't know.*

I won't pursue it any further. I think it's a matter for submission based on other evidence he's given. Thank you.

THE COMMISSIONER: Now, who has questions for Mr Liu? Looks like it's over to you, Mr Hood.

10 MR HOOD: Thank you.

MR PATTERSON: Commissioner, can I just ask for clarification of one point? Is this evidence in public or private?

THE COMMISSIONER: It's in public.

MR PATTERSON: In public. Thank you, Commissioner.

MR HOOD: Thank you. Mr Liu, it was apparent to you that Philip was
20 keen to explore areas for development in the Hurstville district, is that the case?---*Yes.*

All right. And Philip travelled to Hong Kong and China at different times of the year?---*Yes.*

All right. I take it you didn't keep track of when and where he went specifically at any point?---*Correct.*

All right. But you understood that he had businesses of some type in Hong
30 Kong and/or China, is that the case?---*Yes.*

All right. I think you heard Mr Badalati give evidence about being shown a line of credit. Firstly, do you recall that evidence being given by him?---*At this hearing, yes.*

Yes, okay. Did you at any point in time produce to him a line of credit?
---*No.*

Okay, thank you. All right. Now, when Treacy Street was first purchased,
40 was the intention there to construct a building that had a limit of six storeys?---*Correct.*

Right. And did you understand this, from your business acumen at that time, that you could make a profit with that limitation?---*Yes.*

All right. However, I think Philip wanted it to be built to 11, is that the case, 11 storeys?---*Yes.*

All right. You weren't necessarily happy with that scenario, is that the case?---*Correct.*

10

All right. If approval had been given and the building constructed at six, you would make the profit much earlier, is that the case?---*Yes.*

All right. Now, in the end a development application was lodged for the 11 storeys, is that the case?---*Later I was involved much less.*

Okay, all right. Now, I just want to take you to the signing ceremonies that took place firstly here in Chinatown. It's clear – sorry, let me withdraw that. At that location on that evening you signed a document together with China Liu, is that the case?---*Yes.*

20

All right. And it's the case, is it not, that that agreement placed on you a number of obligations to do things for China Liu, true?---*Yes.*

It's clear in that agreement that he wanted you to do a number of things to satisfy his residence here in Australia?---*Yes.*

All right. And not only his residence but the residence of the lady named Zhao, Z-h-a-o?---*Yes.*

30

And the agreement also gave you, or put upon you, a number of other obligations, one of which was to arrange for personnel to travel to Tangshan?

THE INTERPRETER: Sorry? To where?

MR HOOD: Travel to Tangshan.---*Yes.*

40

All right. Now, bearing in mind those obligations, did you attempt to put in place what was required of you?

THE INTERPRETER: Sorry? Can you say that again?

MR HOOD: Did you attempt to meet those obligations, abide by them?
---*Yes.*

All right. Now, you heard evidence given here yesterday I think by Mr, well, certainly by Mr Sansom at one point and I think by Mr Yan, that the office of mayor is one of some prestige in China?---*Yes.*

10 All right. And one of the obligations placed upon you was to have Mr Badalati travel to Tangshan?---*Yes.*

All right. And arrangements were made in that regard. Is that the case?
---*Yes.*

All right. And photographs were taken here in the signing ceremony in Chinatown, firstly?---*Yes.*

20 Right. Do you know who was taking those photographs at that time?---*Not too sure.*

All right. In any event, was it the case that you, Mr Badalati and the Hindis all travelled to Tangshan to meet - - -?--- *Yes.*

Yes. And that was for the purpose of meeting your obligation to attend the signing ceremony in that particular city?---*Yes.*

30 All right. Now, to move money from China to Australia requires a number of government permissions. Is that the case?---Yes.

It has to have a business basis to allow you to move large amounts of money from China to another country?---*Yes.*

All right. And did the agreement that was signed firstly in Chinatown, did that give a basis to allow Mr China Liu to move moneys that he had in that country to Australia?---*Yes.*

40 All right. And the same agreement was signed in Tangshan in front of a number of government officials, that's Chinese government officials?
---*Yes.*

And the banner, there was a large banner there with the words “Mayor Badalati” on it. You’ve seen the photograph of that?---*Yes.*

All right. And, as you understood it, was that to raise in the eyes of those Chinese government officials the prestige position held by firstly Mr Badalati. True?---*Yes.*

And to recognise that Mr China Liu had such contacts?---*Yes.*

10 All right. I just want to digress for a moment. There was at a later time a confidential agreement signed by yourself and Mr China Liu. Is that the case?---*Yes.*

And this confidential agreement specifically sets out the requirement of you firstly to obtain citizen for he and Zhao?---*Yes.*

And also to organise the transfer of large amounts of money from China to Australia?---*Yes.*

20 All right. Now, I just want to go to Landmark Square. You had some dealings with Mrs Hindi in regard to that particular area, is that the case? ---*No.*

All right. Did you have a meeting with Mrs Hindi and Philip in regard to Landmark Square at some point in time, do you recall that?---*Possibly in Novotel.*

Okay. Did you see an agreement at some stage, an agency agreement that required the payment of \$500,000?---*I’ve seen that.*

30

Okay. Was that delivered to you by Philip?---*Yes.*

All right. Did you sign it?---*I did.*

Did you understand it related to Landmark Square?---*Yes.*

All right. You’ve seen the detail of that document since the time you signed it, is that the case?---*I didn’t look carefully.*

40 All right, okay. Have you ever dealt with anybody named Malcolm James in regard to the purchase of Landmark Square?

THE INTERPRETER: Sorry, what's the name again?

MR HOOD: Malcolm James.

THE INTERPRETER: Sorry, what's the name, James?

MR HOOD: Malcolm James.---*At that time I didn't know.*

10 Okay, thank you. All right. Was the document once signed returned or given back to Philip, is that right?---*Yes.*

All right. Now, did you at a point in time make an assessment as to what could be built on this particular site?---*Roughly, yes.*

All right. I wonder if Exhibit 207 could be brought up on the screen, please? All right. You see the whiteboard in that Exhibit 207, Mr Liu? ---*Yes.*

20 Yes, okay. It has a date on the bottom, 19/04/2016 but I think you've said previously that it was written up, that is the detail on the board was written up, prior to that date, is that the case?---*Yes.*

Yes. And do you see on that whiteboard that it relates entirely to the construction of units within the buildings on this site?---*Yes.*

All right. It made no provision for a hotel on this particular site?---*At the very beginning, no.*

30 Right, okay. Was the hotel later mentioned as something that should be built in one of the buildings on this site?---*Later. Yes.*

Yes. Did you want the hotel in this particular site?---*At that time, no.*

All right. It reduced the degree of profitability, did it not, if it was constructed on this site?---*Yes.*

40 Right. That aside, that is the taking up of space, did you believe that a hotel would work effectively in this Hurstville area?---*At that time, it wouldn't work.*

Right. Why was that?---*Because it's just a local area. It's not in the city.*

Right. Okay. Wouldn't be attracting international tourists or the like?---*It might.*

All right. But building apartments on eight floors that the hotel would have occupied was more profitable. Is that the case?---*You mean with or without the hotel?*

10 Without the hotel.---*Yes.*

All right. Thank you. That can be taken down. And I wonder if Exhibit 213 could be put on the screen? All right. See this two-page document comprising Exhibit 213 sets out a number of expenses paid by GR Capital Group between the months of 1 April, 2016, to 30 June, 2016?

THE INTERPRETER: Sorry? Can you repeat the date again?

20 MR HOOD: Certainly. These are the accounts of GR Capital or an extract from the accounts, GR Capital, between 1 April, 2016, and 30 June, 2016? ---*Yes.*

All right. Now, do we see on this document a number of references to Apex Migration? Do you see that in May, June, April, June again? Do you see that on the second page?---*Yes.*

What were those payments for?---*That is the migration fee paid on behalf of China Liu.*

30 Right. He came here, came to this country, I think, prior to the signing agreement, is that the case, at Chinatown?---*Yes.*

Okay. Now, it also sets out on this document payments made to DGK & Associates about three-quarters down the page at 35, 2016?---*Yes.*

All right. Then there are other payments to other entities, AFT Services. Do you see that?---*Yes.*

40 All right. And they're under other entities that appear to be associated with the company at that time?---*Yes.*

Now, who was preparing this particular document to the best of your recollection?---*I don't know.*

All right. Okay. Did you have accountants that were associated with preparing document of this type for GR Capital?---*I wasn't involved in managing the company accounts.*

Okay. All right. And you're not sure now who was, is that the case?---*I don't know where this piece of paper came from.*

10

All right. Okay. All right. Now, just pardon me one moment. On the trip to Tangshan, if I can just go to that for the moment, were the guests that were invited to the signing ceremony required to pay for their costs, being airfares, accommodation and the like?---*Who required them to pay?*

Well, at the end of the day, China Liu paid for all of the costs associated with the travel and accommodation of people to Tangshan, is that the case? ---*His lawyer verified that.*

20 Okay, all right. Now, did you make some payments initially in regard to arranging for persons to travel to Tangshan?---*No.*

All right. I want to take you through to – just pardon me a moment, Mr Commissioner. There were proceedings taken by China Liu against yourself, or the company, is that the case?---*Yes.*

All right. Did you engage solicitors for a period of time to assist you in those proceedings?---*Yes.*

30 All right. And did you pay a large city firm a large amount of money to assist you in that regard?---*Yes.*

Yes. And were you given advice at a point in time to consent to the orders that were being sought by China Liu?---*Yes.*

After that, did you move to another lawyer or other lawyers to assist you? ---*Yes.*

40 All right. And at that point in the proceedings was a notice to produce served on the lawyers representing Mr Liu here in Sydney?

THE INTERPRETER: Sorry, can you say that again?

MR HOOD: Yes. With the aid of the newly engaged solicitor were you aware that a notice to produce was served on the solicitors representing Mr Liu, China Liu?---*Yes.*

Yes. The result of that was this, no documents were produced, true?
---*Yes.*

10 Those solicitors ceased to act?---*Stopped acting for China Liu?*

Yes.---*Yes.*

However, by that time most of the evidence had been already presented, is that the case?---*Yes.*

All right. Now, you referred to – sorry, I withdraw that. Was there a company known as Everest Finance that took a role in the Landmark Square area at a point in time? Do you know Everest Finance?---*Yes.*

20

All right. I think you heard some evidence from Philip that an amount of money had to be raised to pay to Everest Finance. Is that the case?---*Yes.*

All right. And was the payment or payments made to Everest Finance?
---*What kind of payment?*

Well, a payment of \$100,000 or thereabouts. Was a payment of that sort made, a large amount of money, to Everest Finance at some point in time, do you recall?---*Yes, that's for Treacy Street project.*

30

All right. Now, I just want to take you to some photographs that were taken in Canberra of China Liu. I wonder if those documents that have been marked could be shown to this witness?

THE COMMISSIONER: I'm not sure what MFI number it is? Perhaps
- - -

MR HOOD: Perhaps if I can do it this way. Did you travel to Canberra at a point in time with China Liu and meet some politicians there? Don't tell
40 me who they were but did that occur?---*Yes.*

All right. And were there a number of photographs taken of China Liu with various federal politicians?---*Yes.*

And did you understand the purpose of those photographs being taken?
---*He would take them back and use them.*

Yes. Again, to raise his position as one of prestige in the eyes of those people in China. Is that the case?---*Yes.*

10 All right. Now, and I think the same applied with a state politician who travelled to Tangshan, arranged by Mr China Liu, for the same purpose. Is that the case?---*Yes.*

All right. Now, is it the case that there were various transfers between yourself and China Liu in regard to – sorry, I withdraw that. Were there payments made by you to China Liu through your Chinese account from time to time?---*Yes.*

20 All right. Did he likewise make reimbursements to you for expenses incurred in Australia?---*Yes.*

All right. And again were those payments made to accounts that were then located in China?---*Yes.*

All right. And did those various reimbursements from time to time run into the hundreds of thousands of dollars?---*Yes.*

30 All right. Now, you've heard evidence given here that Philip Uy firstly paid Mr Badalati a sum of \$70,000 in cash. I think your position is this, that you had no knowledge whatsoever of that?---*Correct.*

All right. The same amount of money purportedly paid to Mr Con Hindi, you had no knowledge of such a payment being made by Philip to Mr Hindi?---*Correct.*

40 All right. And later a second payment made at Rhodes in the amount of \$100,000 each to Mr Hindi and Mr Badalati, I take it you had no knowledge of payments of that sort being made to those individuals, is that the case?
---*Correct.*

All right. In the main, was the position this, as far as contact with the

council, that was left to Philip I think to deal with, is that the position?
---*He is the consulting firm, yes.*

Yes. Okay. So did you understand this, in that role as the consulting firm he was dealing with people necessary to progress the respective developments?---*Yes.*

You took no role in that, you left it to Philip?---*Yes.*

10 All right. Okay. Now, there's one payment that I have not dealt with. That's a payment made by Philip to Clifton Wong. You heard evidence given in regard to that? To Con Hindi, I'm sorry, I beg your pardon. To Con Hindi.---*Yes.*

Yes. You were not aware of such a payment being made, is that the case?
---*I don't know.*

And nobody told you that such a payment had been made, is that the case?
---*Correct.*

20

All right. I want to go to a phone call made to you in August of 2020. Did you receive a call from Mr Badalati at about that time looking for – did you receive a call from Mr Badalati when he told you he was looking for Philip?

THE COMMISSIONER: He was looking for Philip?

MR HOOD: Philip, yep.---*Yes.*

30 And did he tell you why he was looking for Philip?---*Because Philip borrowed some money from him.*

And Mr Badalati was looking for him for repayment of that money, is that what you understood?---*Yes.*

All right. A number of photographs were shown here that depict large amounts of cash at the Rhodes property of Philip. Do you recall being shown or seeing those photographs?---(NO AUDIBLE REPLY)

Do you recall seeing those photographs?---*Yesterday, yes.*

Yes, okay. Were you aware that Mr Uy, Philip Uy was storing money of that sort at his premises?---*I don't know.*

No, okay. All right. He's never spoken to you about storing large amounts of money at any time, I take it, is that the case?---*Correct.*

Thank you. Thank you, Commissioner.

10 MS HEGER: I have a couple of matters arising, Commissioner. Can I show you, Mr Liu, Exhibit 207 again, the whiteboard? You see the figure of \$66,765,000 at the end there?---*On the bottom?*

Yes.---*Yes.*

At the time this time you understood that was the projected profit for The One Capital Group from the Landmark Square development if it went ahead, correct?---*Yes.*

20 Was it your understanding at this time that Philip Uy was to get some portion of that profit?---*Yes.*

And at this time what portion did you understand Philip Uy would get of that profit?---*At first the agreement was after China Liu made investment he would take all the invested money and also a percentage from here.*

You're saying Philip Uy would get a percentage of the \$66 million-odd, is that what you're saying?---*He would take the money he invested into the square first and then he was responsible for construction.*

30

Yes, but I'm asking you, was the intention that aside from recovering his investment, Philip Uy would get some portion of the \$66 million?---*Yes. A portion.*

And what proportion did you understand he would get at this time?
---*Roughly 20 to 30 per cent.*

Of the \$66 million, correct?---*Yes.*

40 And would that be on top of the fees he would be paid for actually building the development if it went ahead?---*Yes.*

All right. Can I show you Exhibit 213? You see on 18 April, 2016 there is recorded a payment to Gencorp in the amount of \$31,429.63, do you see that?---*Yes.*

And as you sit here now, do you know what that payment was for?---*I don't know.*

10 All right. And then on the same day there's another payment to Gencorp of \$5,132.25. As you sit here now, do you know what that payment was for? ---*I don't know.*

And then on the same day there's another payment to Gencorp in the amount of \$1,021,541.64. As you sit here now, do you know what that payment was for?---*That should be construction cost.*

All right. By this time had construction of 1-5 Treacy Street actually commenced?---*Yes.*

20 All right. And then on 16 May, 2016 there's another payment to Gencorp in the amount of \$769,052.84. Do you know what that payment was for? ---*I don't know.*

And then there was another payment to Gencorp on 23 May, 2016, for \$112,335.92. Do you know what that payment was for?---*I don't know.*

And on the same day, another payment to Gencorp in the amount of \$3,793.35. Do you know what that payment was for?---*That should be construction consulting fee.*

30

All right. Commissioner, I'm going to ask you to make a direction under section 35(2) of the Independent Commission Against Corruption Act that Mr Liu produce records relating to those payments to Gencorp identified in Exhibit 213, including but not limited to invoices and receipts in respect of those payments.

THE COMMISSIONER: By what time?

MS HEGER: By 5.00pm tomorrow?

40

THE WITNESS: *This should be done by Chris and Elaine. When do you need this by?*

MS HEGER: I'm proposing by 5.00pm tomorrow.---*Chris Yan has gone to the UK for the sports competition, Commonwealth Game.*

All right. Well, if there's some difficulty you getting hold of the records, you can communicate that to staff at the Commission.

10 THE COMMISSIONER: All right.

THE WITNESS: *I can contact Elaine but I can't make sure she can produce those before 5.00pm because the two of them look after the accounts.*

MS HEGER: All right. Well, we'll deal with any practical difficulties that arise throughout the course of today and tomorrow.

20 THE COMMISSIONER: All right. Pursuant to section 35(2) of the Independent Commission Against Corruption Act 1988 I direct the witness to produce all records in relation to the payments identified by Counsel Assisting including but not limited to invoices and receipts by 5.00pm on, what's tomorrow - - -

MS HEGER: Wednesday, 28 July, no, not the 28th, 20 July.

THE COMMISSIONER: - - - 20 July, 2022.

30 **DIRECTION TO PRODUCE: PURSUANT TO SECTION 35(2) OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988 I DIRECT THE WITNESS TO PRODUCE ALL RECORDS IN RELATION TO THE PAYMENTS IDENTIFIED BY COUNSEL ASSISTING INCLUDING BUT NOT LIMITED TO INVOICES AND RECEIPTS BY 5.00PM ON 20 JULY, 2022.**

40 MS HEGER: Could I ask you to make another direction under section 35, subsection (2), Commissioner, and that is for the accounts of GR Capital Group Pty Ltd and The One Capital Group Pty Ltd from the period 2014 to 2020?

THE COMMISSIONER: When you say “accounts”?

MS HEGER: I mean, a document like this, Exhibit 213, that records the expenditure for GR Capital Group and The One Capital Group in that time period.

THE COMMISSIONER: Pursuant to section 35(2) of the Independent Commission Against Corruption Act, I direct the witness to produce, it’s the
10 accounting records, isn’t it - - -

MS HEGER: Yes.

THE COMMISSIONER: The accounting records of GR Capital Group Pty Ltd and One Capital Group Pty Ltd between the period 2014 to 2020 by 5.00pm - - -

MS HEGER: Tomorrow.

20 THE INTERPRETER: Sorry, Commissioner, did you say 2014 to 2022 or 2020?

THE COMMISSIONER: 2020.

THE INTERPRETER: 20, 2-0?

THE COMMISSIONER: Yeah. 2-0, yeah. By 5.00pm on 20 July, 2022.

30 **DIRECTION TO PRODUCE: PURSUANT TO SECTION 35(2) OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DIRECT THE WITNESS TO PRODUCE THE ACCOUNTING RECORDS OF GR CAPITAL GROUP PTY LTD AND ONE CAPITAL GROUP PTY LTD BETWEEN THE PERIOD 2014 TO 2020 BY 5.00PM ON 20 JULY, 2022.**

MS HEGER: And finally, Commissioner, yesterday I took Mr Liu to
40 Exhibit 271, which was a table of cash transactions, and Mr Liu mentioned that at least some of the cash withdrawals to be given to China Liu or his partner and that receipts were issued in respect of that cash. I would ask

that you make a direction under section 35(2) of the ICAC Act that Mr Liu produce any receipt relating to the cash withdrawals recorded in Exhibit 271?

THE COMMISSIONER: Pursuant to section 35(2) of the Independent Commission Against Corruption Act I direct that the witness produce any receipts relating to the cash withdrawals in Exhibit 271 by 5.00pm on 20 July, 2022.---*Okay.*

10

DIRECTION TO PRODUCE: PURSUANT TO SECTION 35(2) OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT I DIRECT THAT THE WITNESS PRODUCE ANY RECEIPTS RELATING TO THE CASH WITHDRAWALS IN EXHIBIT 271 BY 5.00PM ON 20 JULY, 2022.

MS HEGER: Thank you, Commissioner. That completes Mr Liu's evidence.

20

THE COMMISSIONER: Can I just ask, one question? You said that in August 2020, Mr Badalati telephoned you.---*Yes.*

Yeah. And he was trying to find Philip Uy?---*Yes.*

And I think you said that, as you understood it, the reason why he was trying to contact Philip was that he had borrowed money, that is Philip had borrowed money from him.---*Yes.*

30 Yeah. Do you know how much Philip was said to have borrowed from him, how much money?---*I'm I can't remember.*

All right. Did he tell you why Philip had borrowed money from him?
---*No.*

No. Okay, thank you. All right.

MS HEGER: Next I will be calling Mr Badalati. Is it appropriate to take the morning adjournment?

THE COMMISSIONER: Yes. And this witness is free to go now. Is that right? Mr Hood, I'm proposing to of course allow the witness to go but I'm not going to release him from his summons just yet.

MR HOOD: Thank you.

THE COMMISSIONER: If you can explain to that to him.

10 MR HOOD: Yes, I will.

THE COMMISSIONER: Thank you. I'll adjourn.

THE WITNESS STOOD DOWN

[11.34am]

MS HEGER: Sorry, before we take the adjournment could I just tender a few MFIs?

20

THE COMMISSIONER: Oh, of course.

MS HEGER: Mr Liu, feel free to step down. MFI 14, which was volume 16.7, I tender that. It's Exhibit 272.

THE COMMISSIONER: Thank you.

#EXH-272 – VOLUME 16.7

30

MS HEGER: MFI 22, which was volume 16.3, I tender that, Exhibit 273.

THE COMMISSIONER: Thank you.

#EXH-273 – VOLUME 16.3

40 MS HEGER: MFI 23, which was volume 16.14, I tender that, Exhibit 274.

THE COMMISSIONER: Thank you.

#EXH-274 – VOLUME 16.14

MS HEGER: MFI 31, which is the Xingfeng/The One Treacy Street investment agreement, that will be Exhibit 275.

10 THE COMMISSIONER: Thank you.

#EXH-275 – TREACY STREET INVESTMENT AGREEMENT

MS HEGER: And MFI 32, which was the Xinfeng Landmark Square project investment agreement, that'll be Exhibit 276.

20 **#EXH-276 – LANDMARK SQUARE INVESTMENT AGREEMENT**

THE COMMISSIONER: Thank you.

MS HEGER: Could I also ask for confirmation as to who intends to cross-examine Mr Badalati at this stage, appreciating his evidence isn't yet completed? I understand it currently includes Wensheng Liu, Philip Uy. Is there anyone else who presently intends to cross-examine Mr Badalati?

30 MR KUTASI: Commissioner, can you hear?

THE COMMISSIONER: Yes.

MR KUTASI: It's Mr Kutasi here for Mr Hindi. We certainly will be cross-examining.

THE COMMISSIONER: Thank you.

40 MR FAHD: Mr Fahd, solicitor for Mrs Hindi. At this stage, we do not intend to cross-examine Mr Badalati.

THE COMMISSIONER: All right.

MS ALDERSON: And, Commissioner, Jaye Alderson for Council. At this stage, I foreshadow a very short application to cross-examine Mr Badalati. Thank you.

THE COMMISSIONER: Thank you. Just remind me who you appear for? I'm sorry?

10 MS ALDERSON: Council. Thank you.

THE COMMISSIONER: Thanks. That's it?

MS HEGER: Now is an appropriate time to adjourn.

THE COMMISSIONER: Thank you.

SHORT ADJOURNMENT

[11.36am]

20

THE COMMISSIONER: Take a seat, Mr Badalati.

MR BADALATI: Thank you.

THE COMMISSIONER: I think we'll administer – I think you took an oath last time, didn't you?

MR BADALATI: Yep.

30

THE COMMISSIONER: Yep.

MR PARARAJASINGHAM: Commissioner, Pararajasingham for Mr Badalati. He seeks a continuation of the section 38 declaration as well, of course.

THE COMMISSIONER: Yeah, yep.

THE COMMISSIONER: Thank you. Mr Pararajasingham has asked me to continue the section 38 declaration, which I do. But I remind you again that you have to answer all questions truthfully, and although your evidence can't be used against you in any civil or criminal proceedings, there is that exception in respect of offences under the ICAC Act and, most importantly, an offence of giving false or misleading evidence. And I think I told you on
10 the last occasion that if you give false or misleading evidence, then it's – you will commit a very serious crime for which the penalty can be imprisonment for up to five years. Thank you.---Thank you.

Can I ask you to keep your voice up too?---Yep, sure.

Thank you.

MS HEGER: Mr Badalati, you were in the room today when Wensheng Liu was giving evidence, correct?---Yes.
20

And you heard him give some evidence about a loan of money that you supposedly gave to Philip Uy, correct?---Correct.

And did you loan Philip Uy an amount of money around about 2020?---I did.

And how much was that loan?---He came to me on three occasions. First time he asked for 10,000.

30 And when was that first occasion? In 2020 or some other time?---It could have been around late '18, early '19. And he repaid that.

When did he repay it?---Oh, about a month afterwards.

And was the loan by you in cash?---Yes.

And did he repay it in cash?---Yes.

40 All right. So that was the first time.---Yep.

What was the second time?---Second time he came back to me for another 10,000. And - - -

And when was that?---That would have been sometime in '19. Would have been about four months after he repaid the original loan.

And you loaned that to him in cash?---Yes.

And did he repay it?---Yes. Well, 9,000 of it he's repaid.

10

And when did he pay you that 9,000?---It was over a period of time. Would have been about over four months or so.

In 2019 or stretching into 2020?---I think it was, it may have stretched into '20.

Okay.---But I'm not exactly sure.

So he repaid that in instalments, did he?---Yep.

20

In cash?---Yes.

All right. And the third time?---The third time he came to me and told me that Mr Liu needed some cash if I would loan him 10,000, which I did.

And you gave that cash to Philip Uy, did you?---Yes.

And that was in 2020?---Yes.

30 And was that amount repaid?---No.

All right. And so is it right that you got in touch with Wensheng Liu asking for that money to be repaid?---I don't recall ringing Wensheng Liu. What I did do, I met for coffee with Elaine Tang.

And when was that?---It would have been in 2020 sometime.

40 And what happened at the coffee with Elaine Tang?---I asked if she knew, if she had heard from Philip 'cause I knew she was working for him, and I told her that I'd given him a loan, and she kind of reassured me that he would pay it back to me.

THE COMMISSIONER: Do you know what the purpose of these loans, why was he borrowing money from you, can I ask?---Well, he, he was starting a school with a friend of his.

Yeah.---And he said he needed some money for that.

Okay, thank you.

10 MS HEGER: You'll recall when you were last here I played you a recording of a phone conversation between yourself and Mr Hindi. Do you recall that?---Yes.

I think I also showed you the transcript of that telephone call.---Yes.

And you recall that in that telephone call you told Mr Hindi you were trying to get in touch with Philip Uy?---Yes.

20 And I asked you, I think, what you were trying to get in touch with him about and you couldn't remember. Is that right, at that stage?---I thought I wanted to let him know about the, from memory, it was straight after a council decision.

It was after the gazettal of the planning proposal?---Yeah. I thought I wanted to, to let him know about that.

To be fair, you might have said that.---Yeah.

30 You were trying to inform Philip Uy about the gazettal of the Landmark Square planning proposal.---Yeah, yeah.

So that didn't relate to trying to recover this money?---No, no.

Okay. Can I show you volume 18.1, Exhibit 260, which is a video and it was taken on 14 March, 2013.

VIDEO RECORDING PLAYED

[12.01pm]

40

MS HEGER: All right. The lady in the green pants, she was an escort, correct?---Yeah, I think so, yep.

You paid for her company on this occasion?---I think that Mr Uy paid.

All right. Well, do you have a recollection of Mr Uy actually paying for this escort on this occasion?---I don't.

10 So why do you say that he paid?---Well, so I don't recall paying so I'm not exactly sure who paid.

Right. Did Mr Uy make the arrangements for this lady to attend dinner on this occasion?---He may have, I don't recall.

All right. So when you say Mr Uy paid that's sort of your best guess but you're not really sure, is that right?---Sure.

20 Okay. And you didn't know that Philip Uy was filming you on this occasion, did you?---No.

And I take it as at March 2013 if this video had been shown to your family you would have been embarrassed about that?---Absolutely.

All right. Do you have any idea why he was filming you on this occasion? ---At the time, well, no. It's obvious now to me.

30 Well, and why do you say it's obvious, what's your belief now?---Well, well, having seen this one and the other video, I believe it was a blackmail tool.

You believe he was taking it so that it could be used against you in the future, correct?---Yes.

And possibly used against you to influence your vote in planning decisions, is that right?---Yes.

All right. But had you ever seen this video prior to being shown it in the course of this investigation?---No.

40 So Philip Uy didn't in fact use this video to blackmail you, correct?---No.

All right. Can I show you another video, volume 18.2, Exhibit 261.

VIDEO RECORDING PLAYED

[12.05pm]

MS HEGER: I think we can pause the video there, actually. The lady standing with you is an escort, correct?---Yes.

- 10 You'd paid for her company on this occasion?---Again, I don't recall if I paid or somebody else paid.

All right. And you didn't know you were being filmed on this occasion, correct?---No.

And the date of this video was 27 July, 2013. I take it if this had been shown to your family at the time, you would have been very embarrassed? ---Yes.

- 20 And do you have any idea why Philip Uy was filming you on this occasion?---Same belief as I explained.

Your belief is he was filming it so he might use it against you in the future, correct?---Yeah.

And possibly to influence you in planning decisions that you might make related to him, correct?---Correct.

- 30 All right. But prior to this investigation you hadn't seen this video, had you?---No. No.

And he's never, in fact, used it to blackmail you, correct?---No.

Has Philip Uy ever blackmailed you?---Sorry?

Has Philip Uy ever blackmailed you?---No.

All right. I'll show you volume 18.6, which is Exhibit 234.

- 40

VIDEO RECORDING PLAYED

[12.07pm]

MS HEGER: You've already seen this video in the course of this investigation, haven't you?---Yes.

But you hadn't seen it prior to this investigation, had you?---No.

Did you know you were being filmed on this occasion?---No.

10 Okay. So the date of this video is 21 August, 2013, and I can tell you on that day a mobile phone was registered in Philip Uy's name. Can you just tell us what was happening in this video?---I think he was getting, they were buying a small phone or, so I could use it to ring home.

That is use it when you were overseas in China or Hong Kong, correct?
---Correct.

So he paid for the phone, did he?---Yes.

20 But you then used it for a period of time, correct?---Only when I was in China.

All right. And how long did you use this phone for?---Roughly to about 2016.

And did Philip Uy pay for the credit on the phone initially?---I don't recall. But I, yeah, I, I just can't remember who paid.

All right. Can I show you volume 3.15. I should just correct myself. It was
30 the SIM card as opposed to the phone - - -?---The SIM card, yeah.

- - - that was registered on that day.---Yeah.

Philip Uy paid for the SIM card. Is that right?---Look, I think he did, from memory.

Okay. All right. And so you can see this is a record in Philip Uy's name and you see the date connected 21 August, 2013, and then if we go to the next page, you'll see that there are records of recharges. If you go to the
40 bottom, the first date is 25 July, 2014.---Yeah.

Just bear with me one moment. All right. So what this indicates is that recharges on that SIM card were only made from 25 July, 2014, so what I'm suggesting to you is that Philip Uy paid for the credit between 21 August, 2013, up until 25 July, 2014. What do you say about that?---Look, he, he may have. He, 'cause I think I brought the SIM card home - - -

And then started using it in Australia, you mean?---I used it here, I think. I, I don't recall.

10 All right. And why on your understanding was Philip Uy, let's assume that he did pay for the credit for the first year or so, why on your understanding was he paying for it?---Well, I, I don't know. I think maybe in the first year, the phone was in China and he would use it when he was there. And when I was there, he'd give it to me to use - - -

Okay. Can I show you volume 2.30, page 7? I just ask you to look at message number 52. So this is a message from Philip Uy to Wensheng Liu on 17 November, 2015. Just read the English there to yourself and I'll ask you a question.---Yeah.

20

All right. So I want you to assume that "Chubby" and "Middle East" is a reference to yourself and Mr Hindi respectively.---Yeah.

Did you have a conversation with Philip Uy around this time where you told him something to the effect of be quiet about either Treacy Street or Landmark Square?---I, I don't recall but I, I wouldn't have told Philip Uy to be quiet.

Well, why do you say that?---Well, it's not the way we spoke.

30

Right. Do you have any idea what Philip Uy was referring to here insofar as he was suggesting he'd had a discussion with you?---No, I, I don't recall what that relates to.

Okay. But around this time period, November 2015, you were talking to Philip Uy from time to time about Landmark Square, correct?---I was, yes.

And also about 1-5 Treacy Street, correct?---Correct.

Okay. So this could be a reference to either project but you're not really sure?---Yeah. And I'm not sure if it was me or Mr Hindi who may have said, you know, to keep quiet. I don't think it - - -

All right. Are you aware of Mr Hindi having discussions with Philip Uy around this time about Landmark Square or Treacy Street?---Yes.

Can you name a specific instance of such discussion around this time, November 2015?---I may have been at one or two of the meetings that Mr Hindi had with Philip Uy.

And where were those meetings?---I don't recall, sorry.

All right. From time to time you met with Mr Hindi and Philip Uy at coffee shops, for example?---Yes.

Okay. But you can't remember Mr Hindi saying anything to Philip Uy to the effect of, you know, "Be quiet" about either project?---I, I don't recall that at all, I'm sorry,

20

Okay. I should just tender volume 3.15 I went to earlier, Exhibit 277.

THE COMMISSIONER: Thank you.

#EXH-277 – VOLUME 3.15

MS HEGER: Can I show you Nigel Dickson's statement, paragraph 75?
30 Just read paragraph 75 to yourself and then I'll ask you a question. Let us know when you need to turn the page. If you go to the next page, please. All right. You've read paragraph 75?---Yes.

Okay. If we go back to the previous page. Did you in fact attend a meeting at the Novotel Brighton-Le-Sands with Philip Uy, Wensheng Liu and Councillor Hindi?---Do we know exactly when in February that was?

No. Mr Dickson doesn't give a particular date in February.---Because I've checked my records and I know three out of the four Saturdays I was
40 umpiring cricket games.

All right. And which Saturday weren't you umpiring cricket games?---I think it was the 13th or - - -

13 February?---I think, from memory.

Okay. I might just ask my instructor to confirm that that was in fact a Saturday. Now I'm told that was in fact a Saturday. Okay. So first of all, do you have a recollection of attending this meeting?---No.

10 Okay. But you don't deny that it occurred, I take it?---If you say it did, it did.

Well, Mr Dickson says it did and you don't dispute that, do you? You just don't have a recollection of it.---I don't have a – the only recollection I have of meeting with Mr Dickson was when he came to the council building.

All right. But I take it if the meeting did occur you're saying it's likely it occurred on 13 February, 2016, is that right?---If I was there.

20 Yep.---I think it was the 13th that I didn't have a game.

Okay. Yep, so if you were there, it's likely it was the 13th?---But I, I'd have to check the records, yep.

Sorry, what records do you need to check?---Oh - - -

The records of umpiring?---Umpiring, yeah.

30 Okay, okay. Can I ask you a couple more questions about the dinner in Chinatown on 18 March, 2016.---Yes.

First of all, can I take it that by the date of that dinner you had reviewed the planning proposal for Landmark Square that was lodged in June 2015? ---Yes.

And there was also an amendment to the planning proposal in November 2015. Can I take it you had reviewed that as well?---Yes.

40 All right. And I take it from reviewing those documents you knew by 18 March, 2016 that the company The One Capital Group was the applicant for the planning proposal, correct?---Yes.

And you knew that was Wensheng Liu's company, correct, by this time?
---Correct.

All right. Can I show you volume 18.8, which is a video of that dinner in Chinatown.

VIDEO RECORDING PLAYED

[12.22pm]

10

MS HEGER: All right. You could see in that video that there was a cover page to the document they were signing that had some writing on it. You saw that in the video?---No, I didn't notice. I'm sorry.

All right. Could we just play the first few seconds again, please.---Sorry.

VIDEO RECORDING PLAYED

[12.23pm]

20

MS HEGER: Just pause it there a moment. You can see Wensheng Liu is holding a volume that has some writing on the front. Do you see that?
---Yes.

Can we play another few seconds, please. Just pause it there again. You can see that now in front of China Liu is a volume with some writing on the front. See that?---Yes.

30 Now, I want you to assume that writing included the words "The One Capital Group" when answering my next question.---Yep.

You were obviously sitting right next to China Liu on this occasion and could easily see that cover page to that agreement, correct?---Yes.

And you saw that it said "The One Capital Group", correct?---I may have. I don't recall.

40 I want to suggest that it's very likely that you did, given you were sitting right next to him.---Right.

What do you say about that?---Oh, it's possible.

Well, it's likely, isn't it, given how close you were sitting next to China Liu?---Yes.

Okay. And so it's likely you saw that it said "The One Capital Group", correct?---Yes.

10 And it's likely that at that point you thought, "Well, I know One Capital Group is the applicant in the Landmark Square planning proposal. This agreement might have something to do with the Landmark Square planning proposal." You thought that, didn't you?---Well, no, 'cause I didn't know what they were doing, what they were signing. That's why just after this, I asked the interpreter for China Liu what they had just done and he's - - -

And what were you told?---He, I was told by him that they were signing an MOU for some projects in China.

20 All right. So despite the fact the agreement said The One Capital Group, you just thought that The One Capital Group might be doing some projects in China, did you?---Yeah, with China Liu. Yeah.

All right. Who paid for your meal on this occasion? Sorry. I'll just tender 18.8. That'll be Exhibit 278.

THE COMMISSIONER: Thank you.

#EXH-278 – VIDEO AT VOLUME 18.8

30

MS HEGER: Who paid for your dinner on this occasion?---Well, I don't remember who paid for it but it wasn't me.

All right. Well, China Liu invited you to this dinner. Correct?---Yes. I assume he paid for it but I never saw him actually pay.

Okay. All right. And did Mr and Mrs Hindi pay for their dinner?---I don't recall that.

40

Did you see them leave any cash on the table?---No.

Did you leave the dinner at the same time as Mr and Mrs Hindi?---I think so.

Okay. Can I ask you about the trip to China in April 2016. What was your purpose in going?---It was about the kitchen waste-to-energy project.

Right. So you were going over there to see - - -?---Just - - -

10 - - - China Liu's waste-to-energy plant in Tangshan. Is that right?---Yeah. Yes.

And also to talk further about the possibility of a waste-to-energy plant being established in Australia. Is that right?---Correct.

Right. Although you knew that there was no suitable land within Hurstville City Council. Correct?---Correct.

20 And, in fact, you'd told China Liu that at the meeting in your office, hadn't you?---I think so, yeah.

Right. So, in your mind, was it a serious possibility that a waste-to-energy plant would be established in Australia at this point?---I personally didn't think so. There were a lot of governmental rules around that.

30 So why were you so interested to see China Liu's waste-to-energy plant, then?---Because a couple of years before then, I had chaired a committee on Southern Sydney Regional Organisation of Councils which included electricity for, provision for one and a half million people in, in southern Sydney. It was an interest I had.

All right. So you were just generally interested in the idea of waste-to-energy and thus were interested to see China Liu's plant in Tangshan. Is that right?---Yes. Yes.

Okay. Did you know there was going to be a signing ceremony in Tangshan when you travelled over there?---No.

40 No one had mentioned that to you?---No.

No one had mentioned to you that China Liu and Wensheng Liu were going to sign an agreement in Tangshan?---Correct.

Okay. Can I show you volume 3.1?---Yeah.

Which is Exhibit 231. All right.---Yes.

This is a receipt issued by Marconi Travel to you, and it relates to your flights to China for this trip in April 2016, doesn't it?---Correct.

10

That was for a business class airfare?---Yes.

A return airfare. Correct?---Yes.

Okay. Do you usually fly business class?---I have on many occasions.

Well, was it your habit to fly business class around this time, April 2016? ---I think I explained at the start of this inquiry that I had worked at Qantas and quite often travelled business class. On this occasion I got caught out because I didn't realise it was school holidays and the aircraft was quite full so I couldn't get onto a Qantas flight. The only way I could get up there was flying from Sydney to Brisbane and then caught a Cathay flight from Brisbane to Hong Kong.

20

And when you travelled business class with Qantas, did you use your Qantas points to book those tickets generally?---No. Staff travel.

All right. And I assume that involves discounted rates for business class trips, correct?---Yes. I think I pay 10 per cent.

30

Staff only pay 10 per cent of the actual ticket price?---Yep, roughly.

Roughly. Okay. So on any measure this \$6,500 was a pretty significant expenditure for you, wasn't it?---It was, yes.

Okay. And why were you willing to incur such a significant expenditure to go and see a waste-to-energy plant in Tangshan?---Because I, I had said that I would go. Unfortunately they organised it that weekend to go. As I said I got caught out. I didn't realise it was school holidays.

40

All right. You then ultimately arrived in Shenzhen and stayed at the InterContinental in Shenzhen, correct?---Correct.

You stayed two nights at the beginning of the trip and then two nights at the end of the trip, is that right?---Just thinking, at the end it may have been more than two nights. I, I don't recall but, yeah, roughly.

Okay. I'm going to show you volume 3.3, which is Exhibit 232.---Yep.

10 All right. So you paid for the InterContinental in Shenzhen on your American Express card, correct?---Correct.

All right. And in answering my next questions I want you to assume that the four amounts there for the InterContinental Shenzhen total \$1,456.65. ---Yes.

All right. Can I now show you volume 2.15, page 17, which is Exhibit 229? All right. That's your handwriting, isn't it?---It is.

20 And that's your hand?---Yes.

And that's your car in the background?---Yes.

All right. This photograph was found on Philip Uy's phone, and you can see it's dated 22 April, 2016. Can you explain why – first of all, you showed this piece of paper to Philip Uy, correct?---Correct.

Why did you do that?---I was hoping he could contact China Liu to see if he would reimburse that expenditure to me.

30 Is that what you said to Philip Uy?---Yes.

And what did Philip Uy say?---He said he was going to try and contact China Liu.

And what happened then?---Well, basically nothing. I was never repaid that money.

40 Okay. You've been shown this photograph before in the course of this investigation, haven't you?---Yes.

And when you were asked about it, you didn't mention anything about wanting to seek reimbursement from China Liu, did you?---No.

All right. So what's caused you to come up with that explanation now? ---Now? It, it's the truth of - - -

All right. But when you were previously asked about it, did you just not have a recollection of why you showed it to Philip Uy or were you lying to the Commission?---I didn't have a recollection of why, and I think at the
10 time I said it was just to show him how much I had spent.

Well, another possible explanation is that you were showing Mr Philip Uy so that Philip Uy could reimburse you for these expenses. What do you say about that?---Well, I don't think so because China Liu had invited us to go up there, so I can't see why Philip Uy would have repaid that money.

Well, you now know that what happened in Tangshan was that Wensheng Liu and China Liu signed an agreement that related to Landmark Square and Treacy Street. You know that now, don't you?---Correct, yes.
20

And you were asked to give a speech on that occasion, correct?---Correct.

And there were banners proclaiming the arrival of Mayor Badalati on that occasion, correct?---The usual thing, yeah.

And there were photographs projected on the stage of you and Mr Hindi and China Liu. You recall that?---I don't because I was facing away from the stage.

30 All right. Well, I'll show you those photographs later. But you now understand, don't you, that one of the reasons you were invited on this trip, and to come to that signing ceremony, was to demonstrate that that agreement, which Wensheng Liu and China Liu signed, had the support of the government back in Australia. You understand that now, don't you? ---Now I do, yes.

All right. And you understand now that Philip Uy had a commercial interest in both Landmark Square and Treacy Street, correct?---I was not aware at the time. Now I do - - -
40

But you understand that now?---Sorry, yes, I do now.

So that's a pretty good reason why Philip Uy might reimburse you for your expenses on the trip to China? That is he had an interest in you being there, correct?---Well, again, let's say China Liu invited us and I don't understand why Philip Uy would refund money to me.

All right. Well, I've given you one possible explanation for that. Do you deny that's a possible explanation as to why Philip Uy might want to reimburse you?---I do deny that.

10

Okay. Did Philip Uy reimburse you for these expenses recorded on this note?---No.

Did anyone reimburse you for those expenses?---No.

THE COMMISSIONER: Was this before or after, just remind me, you received the \$70,000?---It was after.

20 Well, Mr Uy had demonstrated, had he not, at that point in time, that he was prepared to make a significant payment in relation to you assisting him in respect of the Treacy Street development?---Yes.

So why wouldn't you have had an expectation, in those circumstances, that he would have repaid? So why wouldn't you have had an expectation that he would repay you for your accommodation and flights?---Commissioner, as I said earlier, it's because China Liu is the person who invited us up there, and normally it's whoever invites you will pay.

Thank you.

30

MS HEGER: All right. When you arrived in Shenzhen, you then took a flight from Shenzhen to Beijing, correct?---Correct.

You met Mr and Mrs Hindi at Shenzhen Airport on that occasion?---No, they stayed at the InterContinental.

Right. And then you travelled to Shenzhen Airport.---And then we went to the airport.

40 Okay.---The next morning I think it was.

This was on 10 April, correct?---I think so, yes.

Okay. And Philip Uy was at the airport as well?---Yes.

So was Tommy Wong?---Yes.

And Philip Uy paid for your ticket to Shenzhen, to Beijing at the airport, didn't he?---Yes.

10 Did you reimburse him?---I think I did.

And how did you do that?---Gave him cash.

At the airport?---Yes, I think it was.

Do you actually have a recollection, as you sit here now, of giving him cash at the airport that day?---I don't have a recollection but I think I did.

All right.

20

THE COMMISSIONER: Why would you have done that? Why did you repay him, if you did?---It was only \$200-odd and I thought I should, I should pay.

Why did you think you should pay?---Because as, at that stage, I believed that China Liu may have paid it, may have reimbursed, well – sorry. At that stage, I thought that China Liu would reimburse us - - -

30 Well, he could have just reimbursed Mr Uy?---Well, he could have but
- - -

I'm having some difficulty with that - - -?---Yes - - -

- - - as to why you'd bother to repay him in circumstances where he'd already made a \$70,000 payment to you - - -?---Yeah.

- - - and you're talking about repaying \$200, I mean, doesn't make much sense, does it?---No, it doesn't and - - -

40 Is it true?---Well, I really don't recall whether I did pay him or I didn't pay him.

It's unlikely, isn't it?---It is unlikely.

Yeah.---Yes. Yes.

Thank you.

MS HEGER: All right. When you arrived in Beijing, you checked in to the Beijing International Hotel. Correct?---Yes.

10

And so did Mr and Mrs Hindi. Correct?---Yes.

So did Philip Uy?---Yes.

And you stayed there for one night before moving on to Tangshan. Correct?---Correct.

And Philip Uy paid for your accommodation at the Beijing International Hotel for that night?---Correct.

20

Did you reimburse him?---No.

Did Mr and Mrs Hindi reimburse Philip Uy for - - -?---I don't - - -

- - - that stay at the Beijing International Hotel?---I don't know.

Did you witness them give him any money?---No.

30 All right. Can I show you volume 1.4, page 242? So this is an itinerary for the trip to Tangshan in April 2016.---Right.

You'll see the first entry says, "Staff of Tangshan Xinfeng Thermoelectric Group will pick up the merchants at Beijing Capital International Airport." And I want you to assume "the merchants" includes yourself.---Yeah.

That's what happened, isn't it? China Liu's staff picked you up from the Beijing Airport?---No. They picked us up at the hotel.

40 Of course. Yeah. And can I show, we'll come back to the itinerary in a moment but can I show you volume 2.27, page 2? You were picked up in this car on this occasion. Correct?---I was.

And was that a car just for you or were you travelling with someone else?
---No, it was just for me.

All right. Did you pay for this car?---No.

Do you know who did?---The car belonged to China Liu.

10 Well, do you know it belonged to China Liu or is it possible he just arranged
for it to be hired?---No. When we were at the Chinatown dinner, he told me
through his interpreter that he had a Rolls-Royce and he said he would pick
me up in it.

Okay. You, I'll just tender that. That'll be Exhibit 279.

THE COMMISSIONER: 279.

#EXH-279 – PHOTO AT VOLUME 2.27 PAGE 2

20

MS HEGER: Now go back to the itinerary. All right. It then says there'll
be a visit to the Tangshan Xinfeng Jiangmai Industrial Park. See that at
point 3?---Yes.

And that's what happened, isn't it?---Yes.

And you toured Mr Liu's, that is China Liu's, waste-to-energy plant,
correct?---Correct.

30

And can I show you volume 2.27, page 5, which is Exhibit 175? You saw
this banner when you arrived in Tangshan, of course?---Correct.

And what did you think when you saw this banner welcoming Mayor Vince
Badalati?---I had been to China before on sister city trips and they would
always have a banner like that with the mayor's name on it, et cetera. So it
was nothing new to me.

40 All right. I'll show you now volume 2.27, page 7, which is Exhibit 200.
You saw this sign when you were touring around Tangshan, correct?---I
actually didn't.

Well, this was in the Xinfeng building. You didn't see this at any point?
---No. I, I, I don't recall it at all.

Did you see any marketing material for Landmark Square when you were in Tangshan?---No. Oh, in Tangshan?

Yes.---No.

10 Well, did you see any marketing material for Landmark Square on this trip to China?---No. From memory, no.

All right. There's been a suggestion there were some plans for Landmark Square being displayed in the Xinfeng building, that is something different to this. You didn't see those?---No.

All right. Let's go back to the itinerary, please. It then says at point 4 on 11 April – no, sorry, point 3, "The merchants will have dinner at the banquet hall on the second floor of the office building of Tangshan Xinfeng
20 Thermoelectric Group." That's what happened, isn't it, this night you had dinner at the banquet hall?---My recollection is a little bit different to this itinerary.

All right.---My recollection, and I could be wrong, memory fades after a while, but it was we got to Tangshan, we checked in at the hotel, we were, I think we had lunch there on the first day then we were picked up and taken to the industrial park. We had the inspection of the waste-to-energy thing, then we were taken into like a little boardroom or something where their experts explained how each process worked. And my recollection is from
30 there we went to the big hall for where they ended up having the signing ceremony.

But the signing ceremony was the next day, on the 12th, so I'm just asking you about the first day at the moment.---Yeah, but my recollection – and as I said, I could be wrong – the signing ceremony they had was on the first day.

All right.---I know other people have said differently, but that was my recollection.

40

All right. Well, I might just ask you about the signing ceremony, then.

THE COMMISSIONER: Just before you do, at the time you went to China in April 2016, did you have an understanding that China Liu was proposing to invest in developments in Australia?---The only understanding I had, Commissioner, was that he wanted to invest in a waste-to-energy plant. I did not know of his investment into either Landmark Square or 1-5 Treacy Street.

10 Mr Uy's told us that the next day – that is the day after the dinner – in Chinatown he told you that the agreement which was signed concerned developments in the Hurstville Local Government Area, including Landmark Square.---That is not correct, Commissioner.

Right. Sorry. You go on.

MS HEGER: All right. So you did attend the signing ceremony at the Xinfeng building, whether that was on the first day or the second day, correct?---Yes.

20 And can I show you volume 2.8, page 8. All right. So as I understand it, this photograph was taken before the signing ceremony commenced, as it was being set up in the hall that afternoon. Did you see the hall set up in this way prior to actually attending the signing ceremony itself?---No.

You didn't pass by the hall in the afternoon before the signing ceremony commenced?---If it was the second day, they had taken us out to look at the city, the flower show that was opening the next day or something. And then they took us for lunch by a lake.

30 All right. I take it you didn't pay for that lunch?---No, no. So I didn't see them setting, setting it up.

You didn't see it being set up?---No. But I saw it when we walked into the hall with everybody else.

All right. Mr Uy has given some evidence that when you were told about the signing ceremony, you didn't want to go initially. Is that what happened?---No. Not true.

All right. So you were quite happy to go along to the signing ceremony, is that right?---Well, when I went into the hall, I didn't know they were having another signing ceremony.

Okay. So as you arrived in the hall, you did see this image projected on screen, correct?---Correct. And that is when the penny dropped for me.

All right. And why did the penny drop?---Because I think once again they had the Capital, First Capital Group and name there.

10

And at that point you knew that One Capital Group was the applicant for the Landmark Square planning proposal, correct?---Correct. And that's when I first got suspicious of what the trip was about.

All right. So at that point you formed a suspicion that the agreement they were going to sign had something to do with Landmark Square, correct? ---Correct.

20 And you formed a suspicion that you'd been invited to Tangshan so that it might look like the local government supported this agreement, is that right?---Well, I, I didn't really think of that but now it, I believe I was used for that.

Okay. But did you have a sense when you arrived at the signing ceremony that you were being used in some way?---When I saw that banner I thought that this is quite strange.

Okay.---Why would they have another signing ceremony?

30 And did you ask someone about that, "What's going on here"?---I asked China Liu's interpreter and he said to me "It's just a repeat of the signing ceremony that happened in Chinatown", here.

Okay. And at that point if you express some discomfort about attending this signing ceremony at all?---No.

You just happily went along with attending the ceremony, is that right? ---Well - - -

40 Yes?---I, I didn't want to be rude to anyone.

All right. And you were asked to give a speech of course?---Yes.

And did they tell you what the speech should be about?---No.

Did you speak about the fact that the agreement related to projects in Australia?---No.

Chris Yan has given some evidence that you did. I take it you dispute that, do you?---I dispute that, yes.

10

All right. So you just talked about Hurstville generally, is that right?
---Yeah. I, I was given five minutes' notice. When I was first asked I said, no, I didn't want to give a speech. Philip Uy said "Oh, you should really" et cetera. So I just used a general speech about Hurstville, how many Chinese live there, how they're all good citizens, they saved the local economy when Chinese shopkeepers started going into Forest Road because the Westfield had killed Forest Road.

All right. Can I show you volume 2.8, page 19?---Ah hmm.

20

I should tender 2.8, page 8, which is Exhibit 280.

THE COMMISSIONER: Thank you.

#EXH-280 – PHOTO AT VOLUME 2.8 PAGE 8

MS HEGER: 2.8, page 19, which is Exhibit 178. All right. You can see
30 there projected on the screen behind China Liu and Wensheng Liu is an image from the dinner in Chinatown on 18 March. Do you see that?---Yes.

And you saw that image at this signing ceremony, correct?---No. As, as I explained earlier I was facing the other way. I wasn't aware that they had photos up on the, there behind me.

Okay. Can I show you the next page, page 20, which is Exhibit 179. Did you see those pictures being projected behind you?---No, I didn't.

40 All right. Do you recognise now the gentleman in the orange high-vis standing next to China Liu?---No.

Okay. Have you met Kurt Vegners before?---I think I've met him once.

When was that?---I think it was during the building of 1-5 Treacy Street.

Okay. So you say you formed a suspicion around this time that the agreement related to Landmark Square. Did you form any suspicion that it also related to 1-5 Treacy Street?---Well, I think it was the relationship between the two Lius and I, I think I did - - -

10

Okay. All right. At that point, did you mention to Mr or Mrs Hindi, "Hang on, I think this might have something to do with Landmark Square or Treacy Street"?---Well, they weren't there at the signing ceremony - - -

No, but they attended the dinner that followed. Correct?---They attended the dinner but I think we were on different tables and there were a lot of people around, so I may not have that evening.

20 All right. Did you tell them at some point?---Look, I don't recall if I did or didn't, yeah, I really don't recall. Sorry.

Okay. Is now an appropriate time for a lunch break, Commissioner?

THE COMMISSIONER: Yeah. I take it that, you say the penny dropped when you went to the signing ceremony. Did you subsequently receive confirmation whilst you were in China that, in fact, the signing ceremony did concern Landmark Square and other properties?---No, I didn't ask anybody.

30 Why not?---I don't know why, Commissioner.

So you're saying by the time you left to come home to Australia, all you had was a suspicion the signing ceremony concerned Landmark Square and other properties?---I think it was more than a suspicion I had.

Yeah.---At that stage, all I knew was I had been invited up there for the kitchen waste-to-thing and when I had more than a suspicion, I thought I was being used again - - -

40 And – sorry. You go on.--- - - - and it relates back to the first payment.

Okay. I think I understand that. Anything arising from that? No?

MS HEGER: No, thanks.

THE COMMISSIONER: All right. Thank you.

LUNCHEON ADJOURNMENT

[1.03pm]

10