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# COPYRIGHT

# INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC COMMISSIONER

# PUBLIC HEARING

**OPERATION GALLEY** 

Reference: Operation E19/0569

# TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 27 JUNE, 2022

AT 1.45PM

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

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

MS HEGER: Mr Yan, before the break I was asking you about a photograph and we'll go back to that, volume 2.8, page 19. And I asked you whether the photograph being projected on the screen on stage was from the Chinatown dinner on 18 March. Remember that?---\*Yes.\*

And you confirmed that it was .---\*Yes.\*

10

And the individuals in that photograph are Yuqing Liu on the left, correct? ---\*Yes.\*

And then Vince Badalati and Con Hindi, correct?---\*Yes.\*

And on your understanding was this photograph being shown to demonstrate that the councillors supported the projects that were the subject of the agreement?---\*You should, you should say that it is to show the support for the cooperation between Xinfeng and The One.\*

20

And to show that the two councillors supported the project, correct?---\*That I don't know. I don't know why this photo had to be shown.\*

THE COMMISSIONER: Please ask that question again.

MS HEGER: On your understanding, this photograph of the two councillors with Yuqing Liu could only have been shown to demonstrate that the councillors supported the agreement between Yuqing Liu and Wensheng Liu, correct?

30

THE INTERPRETER: I'm not sure what he said just now. I'm going to repeat and ask him if he, if he needs that translated.

THE WITNESS: \*That's correct.\*

MS HEGER: And it would only make sense to demonstrate the councillors supported the agreement if it concerned projects in Australia. Do you accept that?---\*Agree.\*

40 Can I show you the photograph on the next page, page 20? I'll just tender that photograph first of all. That will be Exhibit 178.

THE COMMISSIONER: Thank you.

## #EXH-178 – PHOTO AT VOLUME 2.8 PAGE 19

MS HEGER: This is another photograph from the signing ceremony, correct?---\*Are you referring to the projected one at the back or the, the one in the front2\*

10 in the front?\*

No, I'm referring to the one in the foreground.---\*Yes.\*

But projected on the screen at the back is a photograph, again of Yuqing Liu with Vince Badalati and Con Hindi, correct?---\*Correct.\*

And Gensheng Yu is in that photograph as well, on the left with the orange curtains, correct?---\*Correct.\*

20 Where was that photograph taken with the orange curtains?---\*I don't know.\*

And on the right-hand side there's projected another photograph with Yuqing Liu in a high-vis orange vest, correct?---\*Yes.\*

And who's the other man in that photograph?---\*The project manager for 1-5 Treacy Street project.\*

His name is Kurt Vegners, correct?---\*Yes.\*

30

He's the builder for Gencorp, correct?---\*Yes.\*

Which is Philip Uy's company, correct?---\*Correct.\*

And it would only make sense to show a photo of the project manager for 1-5 Treacy Street if this agreement concerned 1-5 Treacy Street. You'd have to accept that, wouldn't you?---\*Correct.\*

Who gave these photographs to the organisers of the event, do you know?

40 ---\*I don't know.\*

I'll tender that photograph, which was page 20 of volume 2.8, Exhibit 179.

THE COMMISSIONER: Is that one photograph or is it three? I can't tell.

MS HEGER: It's one photograph. And there are three photographs in the background, you're quite right, Commissioner. But the two on the left seem to be from the same event.

THE COMMISSIONER: Yeah, okay.

10

MS HEGER: That was Exhibit 179.

THE COMMISSIONER: Yeah.

## #EXH-179 – PHOTO AT VOLUME 2.8 PAGE 20

THE COMMISSIONER: That's Mr Badalati too, is it, standing there?

20

MS HEGER: On the left?

THE COMMISSIONER: Yeah.

MS HEGER: Yes. Do you mean on the stage, Commissioner? Or on the photograph?

THE COMMISSIONER: No, no, that's him in person, isn't it, I think?

30 MS HEGER: That's him in person on the stage.

THE COMMISSIONER: Yeah, thank you.

MS HEGER: And he's also depicted in the photographs projected behind him. Mr Badalati gave a speech at this ceremony, didn't he?---\*Yes.\*

And he was introduced as the Mayor of Hurstville, correct?---\*Yes.\*

Did he mention 1-5 Treacy Street or Landmark Square in his speech?

40 ---\*I think he has mentioned certain project, but he did not specify which project.\*

And were those projects in Hurstville? Or did he say they were in Hurstville?---\*He only said that this, there would be some projects these two companies will be working together on.\*

And did he say that those projects were in the Hurstville area?---\*I can't remember.\*

Did he say they were in New South Wales or Australia?---\*He did say that 10 they were in Australia or it is in Australia.\*

What else did Mr Badalati say in that speech?---\*I can't remember very well.\*

All right. There was a dinner that followed that signing ceremony in the same hall in the Xinfeng building, correct?---\*Correct.\*

And Mrs Hindi attended that dinner, didn't she?

## 20 THE INTERPRETER: Did you say Mr Hindi or Mrs Hindi?

MS HEGER: I said Mrs.---\*My recollection is that either she, she or Mr Hindi was unwell and did not make it.\*

Well, you gave evidence earlier that they didn't attend the signing ceremony itself, is that right?---\*Correct.\*

I might just show you a photograph and do it that way. Volume 2.27, page 20. You attended the dinner after the ceremony, correct?---\*Yes.\*

30

THE COMMISSIONER: Was it your understanding that Mr and Mrs Hindi didn't attend the signing necessarily because one or both of them were ill? ---\*Yes.\*

Thank you.

MS HEGER: Do you recognise Mrs Hindi in that photograph?---\*Yes.\*

And this is the dinner that followed the signing ceremony in that same hall 40 at Xinfeng, correct?---\*Yes.\* I'll tender that. Exhibit 180.

10

THE COMMISSIONER: Thank you.

#### #EXH-180 – PHOTO AT VOLUME 2.27 PAGE 20

MS HEGER: Can I then show you page 21 of the same volume, the next page? That's also a photograph from the dinner that followed the signing

ceremony, correct?---\*Yes.\*

And you recognise Vince Badalati in the background there?---\*Yes.\*

Elaine Tang was there as well, that's her drinking from the wine glass to the left, correct?---\*Yes.\*

I'll tender that photograph. Exhibit 181.

20 THE COMMISSIONER: Thank you.

## **#EXH-181 – VOLUME 2.27 PAGE 21**

MS HEGER: I'll show you the photograph on the next page, page 22. That's Con Hindi, isn't it?---\*Yes.\*

And that's also the dinner that followed the signing ceremony in the same 30 hall at Xinfeng, correct?---\*Yes.\*

I'll tender that. Exhibit 182.

THE COMMISSIONER: Thank you.

## #EXH-182 – VOLUME 2.27 PAGE 22

40 MS HEGER: You didn't pay for your dinner this evening, did you? ---\*No.\*

Did you see anybody else pay for their dinner that night?---\*No.\*

Who do you believe paid for the dinner that night?---\*It's a dinner prepared by the Xinfeng canteen themselves.\*

All right. Which was in the building of Xinfeng, which is Yuqing Liu's company, correct?---\*Yes.\*

10 At this ceremony or dinner, or indeed at any other point on the trip, did you witness any discussions regarding Landmark Square or Treacy Street, and particularly involving Mr Badalati or Mr Hindi or Mrs Hindi?---\*I did not see any.\*

Well, I'm going to ask you about that again. The agreement that was signed that day concerned Treacy Street and Landmark Square, correct?---\*Yes.\*

And there were photos, there was a photo projected on the screen of the builder for Treacy Street, correct?---\*Yes.\*

20

And there were signs in the Xinfeng building talking about Landmark Square and Treacy Street, as you said earlier, correct?---\*Yes.\*

And Wensheng Liu and Philip Uy and Yuqing Liu were there at the signing ceremony and the dinner and – well, let's start with that.---\*Yes.\*

And there were two councillors from Hurstville City Council at the dinner that evening, correct?---\*Yes.\*

30 At this time both Treacy Street and Landmark Square were before Hurstville City Council, correct?

THE INTERPRETER: When you say both before the council, can I interpret it as the application's been lodged with them?

MS HEGER: Yes.

THE WITNESS: \*Treacy Street one has been approved already.\*

40 MS HEGER: Yes, but there was a modification application lodged in late 2015, correct, for Treacy Street?---\*Yes.\*

And so I want you to think carefully before you answer my next question, Mr Yan. In that context, there must have been discussions about Treacy Street or Landmark Square that you witnessed, correct?---\*By "discussion" do you mean that there have been introduction to the Tangshan leaders and municipality leaders? Or do you mean that there is a discussion between them, the three or the people, about this project, these projects?\*

I mean any discussions involving Mr Badalati, let's start with Mr Badalati,

10 any discussions between Mr Badalati and anyone about Landmark Square or Treacy Street?---\*I did not see any.\*

Either at this ceremony or this dinner or at any point on this trip to China, you didn't witness any discussions involving Mr Badalati about Treacy Street or Landmark Square, is that your evidence?---\*Correct.\*

And what about Mr Hindi, did you witness any discussions, either at the dinner that followed the signing ceremony or at any other point on this trip to China, between he and anyone else concerning Landmark Square or the

20 Treacy Street development?---\*I haven't seen any.\*

And I'll ask the same question about Mrs Hindi. Did you witness any discussions between her and anyone else at any point on this trip to China concerning Landmark Square or Treacy Street?---\*No.\*

Did you ever witness Yuqing Liu or Wensheng Liu or Philip Uy talk about Treacy Street or Landmark Square on this trip?---\*They have had discussions about these projects but I have not witnessed it.\*

30 Well, then how do you know they had the discussions during this trip?
---\*Wensheng Liu has asked me to issue a receipt to Xinfeng to acknowledge the payment of the deposit. So that tells me that they had, must have discussion about it.\*

And he asked you to issue that receipt after this trip, is that right?---\*Yes.\*

Was that the deposit for \$2 million?---\*Yes.\*

All right. The next day you checked out of the hotel in Tangshan, is that 40 right?---\*Yes.\* And who paid for the hotel in Tangshan?---\*I don't know who paid for it.\*

Did you check out around the same time as Mr Badalati?---\*More or less.\*

Did you see him in the lobby or at reception that morning?---\*Yes.\*

What about Mr and Mrs Hindi, did they check out at about the same time too?---\*Yes.\*

10 You saw them in the lobby as well that morning?---\*Yes.\*

Now, it's been suggested that Mr Badalati and Mrs Hindi had a discussion with Yuqing Liu's staff about payment for the hotel. Did you witness that? ---\*I saw that they had a conversation at the front desk but I don't know what they had talked about specifically.\*

So you saw Mr Badalati talking to Yuqing Liu's staff, is that right?---\*Yes, with the staff of Yuqing Liu and the receptionist.\*

20 And which staff member of Yuqing Liu was it that was having the conversation?---\*I can't remember.\*

Was there anybody else who was part of that discussion at the time?---\*Do you mean anyone other than the three and the Xinfeng staff?\*

Yes.---\*I don't think there was anyone else.\*

And you saw Mrs Hindi having a discussion with Yuqing Liu's staff as well in the lobby at reception?---\*Yes.\*

30

Did you overhear the discussion?---\*No, they were very far away.\*

Was Mr Hindi there as well with Mrs Hindi?---\*Yes.\*

Did you see Mr Badalati or Mr Hindi or Mrs Hindi give any money to Yuqing Liu's staff?---\*I did not see that, and I have no idea whether they paid or not.\*

Did you then travel back to Beijing?---\*Yes.\*

And Mr and Mrs Hindi and Mr Badalati went back to Beijing as well, didn't they?---\*Yes.\*

Did you all leave at about the same time for Beijing?---\*Yes.\*

Did you travel in cars organised by Xinfeng?---\*Yes.\*

Did you have breakfast with Mr Badalati at the hotel that morning?---\*I believe I had.\*

10

And were Mr and Mrs Hindi at that breakfast at the hotel in Tangshan as well?---\*I believe so.\*

And was breakfast before or after the discussion at reception between Mr Badalati, Mrs Hindi and Yuqing Liu's staff?---\*I think before.\*

So is it fair to say that you spent most of the morning, well, the whole morning at the hotel in Tangshan with Mr Badalati and Mr and Mrs Hindi after you left your room that day?---\*We were all at the big table at the

20 breakfast, but after that when they were at, when they had that conversation, I was not next to them.\*

So talk me through the morning. You came down to the hotel restaurant for breakfast, correct?---\*Yes.\*

And when you got there was Mr Badalati already there?---\*I can't remember.\*

When you got there were Mr and Mrs Hindi already there?---\*I can't remember either.\*

But you had breakfast together at the same table in the restaurant in the hotel, correct?---\*Yes.\*

And then did you go back to your room to get your baggage?---\*Yes.\*

And then you went to the lobby and witnessed this discussion at reception between Mrs Hindi and Mr Badalati and Yuqing Liu's staff, is that right? ---\*Yes.\*

40

And when you left breakfast, were Mr Badalati and Mr and Mrs Hindi still there or did they leave before you?---\*I can't remember now.\*

Right. But you didn't witness Mr Badalati or Mrs Hindi leave any money on the table at breakfast, correct?---\*I didn't see.\*

And nor did you see them give any money in the lobby near reception? ---\*Didn't see.\*

10 All right. Did you spend the night in Beijing before flying home? ---\*Correct.\*

And was that at the same hotel as Mr Badalati and Mr and Mrs Hindi? ---\*No.\*

Which hotel did you stay at in Beijing?---\*I can't remember.\*

And who paid for your flights to and from China?---\*I, I paid first, I disbursed first, then I got reimbursed by the company.\*

20

30

By which company?---\*I believe it was GR Capital Group.\*

And does the same apply to your accommodation in Beijing, you paid first and then were reimbursed by GR Capital Group?---\*No. The accommodation, the same happened with this accommodation where I only left the room card at the reception and I left.\*

All right. And do you know who paid for your accommodation in Beijing and Tangshan?---\*I'm not sure about Tangshan, but the one in Beijing I believe Liu Wensheng did.\*

Wensheng Liu paid for your accommodation in Beijing, is that right? ---\*Yes.\*

Are you aware of any arrangement for Wensheng Liu or Philip Uy to pay for Mr Badalati's flights or accommodation in China for this trip?---\*I don't know.\*

Well, are you aware or are you not of such an arrangement?---\*I was not 40 aware.\* Are you aware of any arrangement for Wensheng Liu or Philip Uy to reimburse Mr Badalati for expenses he'd already incurred for flights or accommodation on this trip to China?---\*I was not aware.\*

Well, I'll ask the same question in respect of Mr and Mrs Hindi's expenses. Were you aware of any arrangement for Wensheng Liu or Philip Uy to pay for those expenses or reimburse them for what they had paid? And when I say expenses, I mean their flights and accommodation in China on this trip. ---\*No.\*

10

All right. You're aware that in May 2016, Yuqing Liu's company Xinfeng signed an agreement with another company called Variable Solutions, correct?---\*Yes.\*

And you yourself and Yuqing Liu were the only directors of Xinfeng at that time, correct?---\*Yes.\*

And Variable Solutions was Con Hindi's company, correct?---\*Yes.\*

20 And the agreement concerned the establishment of a waste-to-energy plant in New South Wales, correct?---\*Yes.\*

Did you draft that agreement?---\*No.\*

Who did?---\*That I don't know, but it was not me.\*

All right, can I show you volume 1.8, which is Exhibit 131. So first this agreement was signed in Australia, correct? You can wait until it comes up on-screen before answering that question. Sorry, I'll go back a step. Do

30 you recognise this as the agreement that Yuqing Liu and Con Hindi signed? ---\*Yes.\*

And that was first signed in Australia, correct?---\*Yes.\*

And then it was signed again on another trip to China in June 2016, is that right?---\*If you are referring to this agreement, yes, I drafted it for them.\*

Oh, you did draft this agreement, is that right?---\*Yes.\*

40 Okay. And the same agreement was signed in Australia as was signed in China in June 2016, is that right?---\*Yes.\*

All right. I'll come to that June trip in a moment. Can I just show you another document? Volume 1.5, page 114. So that will be Exhibit 128. For the record, this a document called Estimation of Fees and at the bottom it says "Variable Solutions Pty Ltd". The total amount is 795,000 to 905,000. Have you seen this document before, Mr Yan?---\*I have not seen this document before.\*

Do you recall receiving any estimates of fees from Variable Solutions during 2016?---\*No.\*

Did you arrange any payments to Variable Solutions in 2016 or any time thereafter?---\*No.\*

Were you managing the accounts of the Xinfeng company in Australia in 2016?---\*Not me.\*

Who was?---\*Huinan Zhao.\*

10

30

20 That's Yuqing Liu's girlfriend, correct?---\*Yes.\*

And she also works for him, correct?---\*Yes.\*

Okay. Could I show you another document from around this time? Volume 2.6, and it's message number 81. So that should be on page 12 of the volume. Can we make that a little bit larger, please? Do you see row 81 there?---\*Yes.\*

And that's a message from yourself to Wensheng Liu, correct?---\*Yes.\*

For the record, it's 25 May, 2016 at 4.11pm and it says, "Uncle, Philip brought Vince to the office just now." Is that an accurate translation? ---\*Yes.\*

You're referring to Philip Uy?---\*Yes.\*

And Vince Badalati?---\*Yes.\*

And you're saying there that Philip Uy had brought Vince Badalati to the 40 office at 124 Forest Road, is that right?---\*Yes.\* And you were there at the office at Forest Road on this occasion, I assume? ---\*Yes.\*

And a meeting took place between Philip Uy and Vince Badalati on this occasion, correct?---\*They came and they saw that Wensheng Liu wasn't there and they left. And also there was another situation I want to say, and that is in 2016 I represented the country to attend the Olympics and the council wanted to write up an article about me, so he had talked to me about it.\*

10

All right. You went to the Olympics for ping pong, is that right?---\*Yes.\*

And are you saying that that was the purpose of Vince Badalati coming to the office this day was to talk about ping pong?---\*That was one of the reasons, and I think he had intended to have a meeting with Philip as well.\*

Why was Philip – well, and why was he meeting with Philip on this occasion, on your understanding?---\*I don't know.\*

20 Did you witness the meeting between them?---\*No.\*

All right. Can I ask you about the June 2016 trip to China, then. You travelled to China in June 2016, correct?---\*Yes.\*

And you attended a signing ceremony between Xinfeng and Variable Solutions, correct?---\*Yes.\*

Was that in Tangshan as well?---\*Yes.\*

30 And there the same agreement that we've been to earlier was signed? ---\*Yes.\*

And Yuqing Liu and Mr Hindi participated in that signing ceremony, correct?---\*Yes.\*

Mrs Hindi was there as well?---\*Yes.\*

And indeed you travelled on the same flight as Mr and Mrs Hindi to China, didn't you?---\*Yes.\*

40

Wensheng Liu was on that flight too?---\*No.\*

Was Philip Uy on that flight?---\*No.\*

10

Mr and Mrs Hindi travelled in business class and you travelled in economy, correct?---\*Yes.\*

Was Elaine Tang on that flight too?---\*Yes.\*

Wensheng Liu did meet you in China on this occasion, though, didn't he? ---\*Of course, yes.\*

And given this trip was concerning the waste-to-energy project, why was Wensheng Liu there?---\*He went back to meet with Liu Yuqing to discuss about his investment here.\*

He went to discuss his investigation with Yuqing Liu, is that right?---\*Yes.\*

And you mean his investment in Landmark Square, is that right?---\*Yes.\*

20 Are you talking about Yuqing's investment in Landmark Square?---\*Yes.\*

And did you fly on Air China on that occasion?---\*Yes.\*

All right. Who paid for Mr and Mrs Hindi's flights to China on that occasion?---\*I don't know.\*

All right. At this time you were still managing the accounts of GR Capital Group, correct?---\*Yes.\*

30 Okay. Can I first go to volume 3.10? For the record this is a tax invoice from Air China addressed to Xinfeng Australia International Investments Pty Ltd. Mr Yan, have you see this document before?---\*I've never seen it.\*

Do you see the invoice date is 30 May 2016?

THE INTERPRETER: 30 May?

MS HEGER: 30 May, which is just before the trip to China in June. And you see on the left-hand side it has "C/Class" and "Y/Class", which indicates to you, does it, business and economy class tickets? Do you understand C to be a reference to business and Y to be a reference to economy?---\*I don't know.\*

All right. Well, you see there amount there is \$14,775?---(NO AUDIBLE REPLY)

And can I show you another document which comes from the accounts for GR Capital Group? Volume 3.10 I will mark for identification as, I think it's 19.

10

THE COMMISSIONER: Yeah, that's correct.

#### #MFI-019 – VOLUME 3.10

MS HEGER: You see, well, first of all, do you recognise this as an extract from the accounts for GR Capital Group Pty Ltd?---\*Yes.\*

20 And for the record, the title says GST April 2016 to June 2016. You'll see at the bottom of the page there's an entry for 30 May, 2016. The name is Air China and the purchase value is \$14,775. Do you see that?---\*I see it.\*

And do you accept that records a payment from GR Capital Group's account for that Air China invoice I took you to earlier, MFI 19?---\*Agree.\*

THE COMMISSIONER: And you know, don't you, that – you know that GR Capital paid for Mr and Mrs Hindi's airfares, don't you?---\*Well, if they were invited to the trip by Yuqing Liu, and Yuqing Liu has, had

30 mentioned that he can pay for their air tickets. Whether GR paid them on Yuqing Liu's claim at a later stage or what, I do not know how it happened at the end.\*

But the one thing you do know is that Mr and Mrs Hindi did not pay.---\*If Yuqing Liu hasn't paid, I mean, I, that's right, I don't think they have paid.\*

Yep, thank you.

40 MS HEGER: And you were the one who was responsible for entering 40 expenses into GR Capital Group's accounts, correct?---\*Yes.\* And in the name column on these accounts, that represents information that you inserted, correct?---\*Yes.\*

And those names represent the person or company to whom you paid the money, correct?---\*Yes.\*

And so you accept this payment was made to Air China as opposed to anyone else, obviously?---\*Yes.\*

10 THE COMMISSIONER: And when you made payments, I take it you needed to see an invoice before the payment was made?---\*Yes.\*

And that payment that we see there in the GR Capital Group's accounts, that amount was paid against the invoice that you were shown earlier, wasn't it? ---\*The amount matched but the invoice was sent to Xinfeng.\*

Well, can you give any explanation as to why the amounts matched?---\*It is possible that an invoice was sent to GR and then payment was made and then it was then sent to, it was then sent, another copy was sent to Xinfeng,

20 that was possible.\*

But whether that's right or wrong, GR Capital paid the amount referred to in that invoice, correct?---\*Based on the record there, yes.\*

Thank you.

MS HEGER: And if Xingfeng or Yuqing Liu reimbursed GR Capital for that amount, doing your job properly as accounts manager, you would have recorded that in GR Capital Group's accounts if they'd made such a

30 payment, correct?---\*If I was aware of such an arrangement, yes, I would.\*

I'll mark those accounts for identification, number 20.

THE COMMISSIONER: Thank you.

## #MFI-020 - GR CAPITAL ACCOUNTS

40 THE COMMISSIONER: But the fact that there's no record of a repayment in the GR Capital accounts suggests, does it not, that there was no repayment?---\*It was also, it is also possible that Yuqing Liu has done some transfer in renminbi when he was in China.\*

I'm not sure I follow that.---\*So this payment has been made by GR and Xinfeng had to pay but if it happened at that time they did not have so much Australian money in the account, then he, he could have been, there could have been a transfer in renminbi in China back to Wensheng Liu.\*

But you're just guessing, aren't you?---\*That's right.\*

10

Thank you.

MS HEGER: All right. Those accounts are marked for identification, number 20.

THE COMMISSIONER: Thank you.

MS HEGER: I'll show you another document, volume 2.6, message number 85. Message number 85. Volume 2.6 is MFI 16, it's already been

20 marked. It'll come up on-screen in a moment. You see message number 85. It's a message from yourself to Wensheng Liu, correct?---\*Yes.\*

For the record, it's dated 25 July, 2016, at 5.53pm and it says, "Is there any proof for the agency fee of 500K?" Is that an accurate translation?---\*Yes.\*

And by "500K", you meant 500,000 Australian dollars, correct? ---\*Correct.\*

What's the agency fee you're referring to?---\*The agency fee refers to the

30 agent who, who brought Mr Liu to the option to purchase Landmark Square.\*

All right. And that agent was Mireille Hindi, wasn't it?---\*Yeah, I do not know.\*

Well, was it a company called Sydney Realty?---\*I've never heard of this company name.\*

Well, can I show you a document, volume 3.22, page 6. It's page 6 ofvolume 3.22. Have you seen this document before, Mr Yan?---\*No.\*

All right. Well, for the record, it's a buyers' agency agreement between One Capital Group. The agent is listed as Malcolm James trading as Sydney Realty. And if you move over to the next page under the heading Agent's Remuneration, it says, "\$500,000 plus GST." Do you see that, Mr Yan?---\*Yes.\*

And you know Malcolm James is Mrs Hindi's son, do you?---\*I don't know.\*

10 All right, and the \$500,000 agency fee you're referring to in the text message to Wensheng Liu was the agency fee owed under this agreement, wasn't it?---\*Yes.\*

Out of fairness I should note that the terms of the agreement was that the agency fee would only be paid in the circumstances set out therein, which would include where One Capital enters a contract for the purchase of the property. Going back to the previous page, Mr Yan, you'll see under the heading Property it has an address at Forest Road and Durham Street, Hurstville. That's the address for the Landmark Square development, isn't it? \*Vec \*

20 it?---\*Yes.\*

And you know, of course, that The One Capital Group entered into options for some of the Landmark Square property in August 2014, correct? ----\*Yes.\*

And you'll see that this agreement was signed by – well, if we go to page 9 of the volume. Where it says "Signature of the principal", that's Wensheng Liu's signature, isn't it?---\*Yes.\*

30 And you'll see the date is 24 July, 2014. Can you tell us anything about how this agreement came about?---\*I don't know much about this agreement. I think at that, around that time I was not in Sydney, I was in Glasgow attending a competition.\*

All right. Well, if we go back to your message to Wensheng Liu in MFI 16, volume 2.6, message 85. You're asking Mr Liu "Is there any proof for the agency fee of \$500,000?" Is that because you were arranging a payment of the \$500,000?---\*No.\*

40 So why were you asking Mr Liu if there was any proof of that agency fee? ---\*If there was, then I can record it in the accountant claim for GST.\* But you'd only record it in the accounts if the payment had actually been made, correct?---\*That's right.\*

So on your understanding had the payment already been made by this point?---\*I think I was told, told at that time that it has been paid and therefore I need that proof, I needed that proof.\*

And who told you it had been paid?---\*I did ask Liu Wensheng, Wensheng 10 Liu and Philip. I asked them both.\*

And they both confirmed that the payment had been made, did they?---\*I think so. Yes. They did not say clearly as to whether that has been paid or not but they confirmed that there was an agency fee of 500,000.\*

And did they tell you how it had been paid?---\*No.\*

But you were asking this question of Mr Liu so that you could record it in the accounts, correct?

20

THE INTERPRETER: Did you say Mr Liu or Uy?

MS HEGER: Liu, Wensheng Liu.

THE WITNESS: \*Yes, given that he confirmed that this exists, so I had to ask for proof so I can record it on the account.\*

MS HEGER: The account for One Capital Group, is that right?---\*Yes.\*

30 And he's responded to your message "Yes" and then you say, "Great." Did he give you any other proof regarding the payment of this fee?---\*No.\*

Did he show you the agency agreement?---\*No.\*

And so because of his text message that said, "Yes," you then understood that it had been paid, is that right?---\*My understanding was that the proof, there is such a proof.\*

All right. And so you then recorded it in One Capital Group's accounts, is 40 that right?---\*I don't think so.\* Well, how did you record it?---\*I did not make such a record.\*

Well, you said you asked this question because you could claim the GST. How did you go about claiming the GST?---\*Well, if there was such a proof, I would pass on – and if there was such an invoice and a payment made, then I would then, I would refer it to the accountant, who will then do the claim. But if there wasn't, then there would be no record as such on the account.\*

10 Well, you said that you, through this exchange, considered there was proof of the payment, so did you then pass on these details to the accountant? ---\*No.\*

I don't understand that, Mr Yan. You said the purpose of asking this question was so that you could possibly claim the GST. You said that if there was proof of the transaction, you'd then pass on the details to your accountant so that the GST could be claimed, didn't you?---\*Yes.\*

So did you pass on these details to the accountant or not?---\*No, because there was no invoice and no payment receipt.\*

So did you do anything with this information after this exchange with Wensheng Liu?---\*I have asked a few times for the invoice and proof. Wensheng Liu said there was but I was never given one at the end.\*

Are you aware of any payments being made to Sydney Realty or Mireille Hindi other than this potential payment?---\*No.\*

I'll show you another document. It's back in MFI 16, message 89. Message 30 number 89 is a message from Wensheng Liu to yourself, correct?---\*Yes.\*

It's dated 21 July, 2017 at 9.44am and it says "IHAP" I-H-A-P "yesterday." Is that an accurate translation?

THE INTERPRETER: I-H-A-P?

MS HEGER: Yes.

THE WITNESS: \*Yes.\*

MS HEGER: IHAP stands for the Independent Hearing Assessment Panel, doesn't it?---\*Yes.\*

And IHAP had met the day before and made a decision regarding the Landmark Square planning proposal, hadn't it?---\*By the look of it, yes.\*

And you're aware that the IHAP decided that the Landmark Square planning proposal should be deferred so that provision could be included for affordable housing?---\*I don't know about the specifics of it.\*

10

Okay. In message number 19 you respond to Wensheng Liu, correct?

THE COMMISSIONER: 91.

THE WITNESS: \*Yes.\*

MS HEGER: That's also on 21 July at 9.47am and you say, "Elaine said there was no IHAP deferred but only said that other condition would be required." Is that an accurate translation?---\*Correct.\*

20

And you say, "Elaine and Philip will have a meeting with Con today and they will give you a call after the meeting." Is that an accurate translation? ---\*Correct.\*

And you're referring to Elaine Tang and Philip Uy, correct?---\*Yes.\*

And "Con" is a reference to Mr Hindi, correct?---\*Yes.\*

Did you attend that meeting with Elaine, Philip and Mr Hindi?---\*No.\*

30

Do you know whether that meeting in fact occurred between Elaine, Philip and Mr Hindi?---\*I don't know\*

Did Elaine or Philip tell you what the meeting was about?---\*No.\*

But it was obviously concerning the Landmark Square planning proposal given your reference to IHAP, wasn't it?---\*Yes.\*

Do you have an understanding of what involvement Mr Hindi had with the

40 Landmark Square planning proposal around this time? And just for context, at this time Georges River Council was in administration, so Mr Hindi was

not serving as a councillor at this time. Do you know what involvement he had? Was he providing any sort of advice to Elaine or Philip about the Landmark Square planning proposal?---\*I don't know what they had discussed at that time.\*

But do you know whether Mr Hindi was advising Elaine and Philip generally about the Landmark Square planning proposal? Not just at this meeting but generally.---\*I believe so.\*

10 You believe that he was providing advice to them about the Landmark Square planning proposal, correct?---\*That's my estimate, my guess, yes. If they have had a meeting, that would relate to the Landmark Square.\*

Are you aware of Wensheng Liu or One Capital Group making any payments to Mr Hindi regarding the Landmark Square planning proposal? ---\*Not aware.\*

Are you aware of Philip Uy making any payments to Mr Hindi regarding the Landmark Square planning proposal?---\*I didn't know at that time.\*

20

You didn't know at that time? Did you find out later?---\*Vince said so at the public inquiry here, I suppose.\*

You're aware of Mr Badalati's evidence that both he and Mr Hindi received \$100,000 each from Philip Uy regarding the Landmark Square proposal, correct?---\*Yes.\*

Did Philip Uy make those payments to Mr Badalati and Mr Hindi?---\*I don't know.\*

30

Philip Uy never said anything to you about that?---\*No. He never told me who he paid money to, no.\*

Did he tell you about any payments he'd made regarding Landmark Square?---\*No.\*

What about Wensheng Liu? Did he ever tell you anything about payments being made to Mr Badalati and Mr Hindi?---\*No.\*

And you're also aware Mr Badalati has given evidence that he received
 \$70,000 from Philip Uy regarding the Treacy Street development?---\*Yes.\*

You're also aware Mr Badalati has given evidence that Mr Hindi told him he had received a similar amount from Philip Uy regarding Treacy Street? ---\*Yes.\*

Did Philip Uy make those payments to Mr Hindi and Mr Badalati regarding Treacy Street?---\*I do not know and I have not witnessed it.\*

Right. Did Philip Uy or Wensheng Liu tell you anything about suchpayments to Mr Badalati or Mr Hindi?---\*No.\*

Can I show you one more message in volume 2.6 again, message number 94? This is a message from yourself to Wensheng Liu on 22 September, 2017, correct?---\*Which date was it?\*

22 September, 2017 at 2.00pm.---\*I see that now.\*

And it says "Philip and Vince are here."---\*Yes.\*

20 And you're referring to Philip Uy and Vince Badalati, correct?---\*Yes.\*

And are you telling Mr Liu that Mr Uy and Mr Badalati had come to the office at 124 Forest Road?---\*Yes.\*

And did you witness them have a meeting and was it on this same day, 22 September?---\*They might have stayed briefly in the office and had a quick meeting.\*

And if it helps your memory, this was just after the Georges River Council
elections which occurred on 9 September, indeed the previous message
seems to be about that, that you sent to Wensheng Liu. So by this point, Mr
Badalati had been re-elected to Georges River Council. Does that help you
remember what the meeting was about?---\*I believe that's right.\*

But did you witness the meeting?---\*Once they got into the meeting room they had the door closed so I was not able to hear what they were discussing in the room.\*

All right. Who else was at that meeting?---\*I believe there were just the two 40 of them.\* All right. One Capital Group entered an agreement with Prime Hurstville, giving Prime the right to exercise the options for Landmark Square, didn't it?---\*Yes.\*

That was in November 2016, correct?---\*Probably right.\*

And then in November and December 2017, Prime Hurstville purchased the Landmark Square land, correct?---\*Yes.\*

10 But One Capital had an agreement with Prime to be paid an amount if the Landmark Square planning proposal was gazetted, didn't it?---\*Yes.\*

I'll show you a document. It's volume 16.5. I'll just check the exhibit number. MFI 13. Thank you. Again, for the record, this is an email from Adrian Liaw to an email address that starts lan-liu but it's addressed to Mr Liu. Have you seen this email before, Mr Yan?---\*I have seen it before.\*

And Mr Liaw says, "Based on our agreement, the formula to calculate how much to pay you is as follows." And he sets out the formula. You see that?---\*Yes.\*

And he refers to some payments that have already been made. There are four different payments there. Do you see that?---\*Yes.\*

And then he says, "The amount outstanding is about \$1.9 million." You see that?---\*Yes.\*

And I'll show you another document at volume 16.7. That's MFI 14. This is an email from yourself to Adrian Liaw, correct?---\*Yes.\*

30

20

It's dated 1 September, 2020, and it says, "Please see attached invoice for Landmark site." Is that right?---\*Yes.\*

Go to the next page. The invoice is attached. And you'll see first of all that the amount excluding GST is about \$1.9 million, the same amount referred to in Mr Liaw's email. You accept that?---\*Yes.\*

And this invoice was issued by you in response to Mr Liaw's email, correct?---\*You can say so.\*

It's issued in the name of Vertex Corporation Pty Ltd. You see that? ---\*Yes.\*

Why did you issue it in the name of Vertex Corporation?---\*Because The One is under administration at that point and therefore it was not operating anymore. Prime Hurstville was doing a project involving a hotel, they had a hotel. They intended to sell the hotel. I believe there was a commercial deal between Prime and Vertex. Wensheng Liu wanted to introduce this company so they can sell the hotel business.\*

10

Well, a hotel was proposed as part of the Landmark Square site, wasn't it? ---\*Correct.\*

And this invoice says "On account of agreed consultancy fees to be partpaid subject to the gazettal of Landmark site rezoning", doesn't it?---\*That's right.\*

And this invoice was issued in order to recover the payments you understood to be owing to One Capital under the agreement it had with

20 Prime Hurstville. That's right, isn't it?---\*That's not my understanding. My understanding was there is commercial deal between Vertex and Prime Hurstville.\*

And are you saying that deal had nothing to do with the Landmark Square site, is that right?---\*It is related because it referred to, it, it related to the hotel, building, in relation to the hotel in Landmark Square.\*

All right. And who was running Vertex Corporation at this time?---\*They had their own director.\*

30

Was that Rongdi Shao?---\*Yes.\*

Who was also listed on the itinerary for that April 2016 trip to China, correct?---\*Yes.\*

And he was listed on that itinerary as having a position in One Capital Group, correct?---\*Yeah, that was, that was what was written at that time but that wasn't the case.\*

In fact, is it your evidence that in fact he wasn't doing any work for One Capital Group at that time on the Landmark Square planning proposal or otherwise?---\*Correct. He was not related.\*

And what work was he doing in relation to the Landmark Square site at the time of this invoice?---\*I believe the commercial deal involves them using this company to look for investors in China who had, perhaps, private funds to buy the hotel.\*

10 And how was this deal recorded? Was it in writing?---\*That I don't know.\*

Who negotiated the deal with Prime Hurstville?---\*I don't know.\*

Well, was it Wensheng Liu or somebody else? You don't know?---\*I believe it was someone else.\*

Was it Rongdi Shao?---\*I think it could be one of them.\*

Okay. Did Philip Uy have any involvement in negotiating this deal?---\*I
don't think Philip was involved in the dealings between these two companies.\*

Right. Can I show you volume 16.9. While we're waiting, just before I get to that, the address for, the registered address for Vertex Corporation, do you know what that was?---\*I believe the address was the accountant who registered the company at that time.\*

Well, if it was the case that it was actually your address, can you explain why that was, assuming that to be right?---\*Not my address, but the accountant's address.\*

All right. So if it does record your address, you can't explain how that came about?---\*I can't, you mean I can't explain why my address would appear, is that right?\*

I'm saying if the company search records your address for Vertex, do you have any idea how that came about?---\*There must be a reason.\*

But you're not aware of it, is that right?---\*If that is the case, then probably 40 that was because we had not been able to – the company, the company address has not been confirmed at that point.\*

It was GR Capital that paid the registration fees for Vertex Corporation, is that right?---\*I'm not sure about that.\*

Okay. Can we go back to volume 16.9. This is an invoice from Wensheng Liu to Vertex Corporation, 15 January, 2021. The consulting fee is \$150,000. Were you doing the accounts for Vertex at this time?---\*Like I said before, I might, I might have collected invoices for each quarter and then sent them to the accountant to the extent that I've done this.\*

10

All right. So you weren't personally processing – did you personally process a payment in response to this invoice, noting it says "Paid" at the bottom of the page, or did you send that to the accountant to do?---\*I did not pay personally. I only, I have only, I might have only just forwarded it to the accountant to make payment.\*

And what was the invoice for, do you know? It says "Consulting fee." What sort of consulting was Wensheng Liu doing for Vertex?---\*I don't know the details of it, I don't know how it worked for them. Perhaps just

20 sort of consultation services.\*

But in respect of what? Establishing this hotel to something else?---\*I don't know.\*

I'll mark volume 16.9 for identification, 21.

THE COMMISSIONER: Thank you.

#### 30 **#MFI-021 – VOLUME 16.9**

MS HEGER: Can I show you volume 16.3? 16.13. This is an invoice from The One International Corporation to Vertex Corporation. The One International Corporation is Wensheng Liu's company. Was it at this time? ---\*Yes.\*

This time being 10 June, 2021. So this was Wensheng Liu's company at that time?---\*Yes.\*

And it says under the description "Rent for period 1 July, 2020 to 30 June, 2021" and the total amount, including GST, is \$118,800. Do you see that? ---\*Yes.\*

What was this an invoice for?---\*I think it's in relation to the rent where The One International Group had a warehouse in 2-6 - - -\*

THE INTERPRETER: Sorry, I missed the street.

10 THE WITNESS: \*- - - in Hurstville and the partial rent, it was partially rented to them.\*

MS HEGER: Is this warehouse you speak of, is that what the address at the top refers to, 2-6 Perry Street, or is that the address for The One International?---\*The address up there was the warehouse address.\*

2-6 Perry Street, Campsie, correct?---\*Yep.\*

So are you saying this invoice was completely unrelated to the Landmark 20 Square development?---\*I don't think it's related.\*

I'll mark that for identification, number 22.

# #MFI-022 – VOLUME 16.3

THE COMMISSIONER: Why is this money being paid to Vertex? ----\*Who's paying Vertex?\*

30

I thought the customer's name was Vertex.

MS HEGER: This is an invoice to Vertex. So The One International is claiming \$118,000.

THE COMMISSIONER: Oh, I see, sorry. I do apologise.

MS HEGER: Could I show you volume 16.14. It's an invoice from AEC Consulting to Vertex Corporation, dated 19 June, 2021, for \$198,000. Have

40 you seen this before, Mr Yan?---\*I have.\*

And this one is said to be also for rent for the period 1 July, 2020 to 30 June, 2021, which is the same description from the previous invoice from The One International Corporation. AEC Consulting, that's who you currently work for, isn't it?---\*Yes.\*

That's a company which Wensheng Liu was once a director of I think you said.---\*Correct.\*

But is no longer a director, is that right?---\*Correct.\*

10

20

Is he still involved in the running of that company? Or was he involved as at June 2021, I should ask.

THE INTERPRETER: Sorry, can I get the question?

MS HEGER: Sorry, was Wensheng Liu involved, was he still a director of the company as at June 2021?---\*No longer.\*

Was he still involved in the running of AEC Consulting as at June 2021? ---\*No.\*

All right. Did you issue this invoice?---\*Yes.\*

And what was it for?---\*AEC Consulting had an office in Hurstville at that time, but the school was in the process of renewing its licence and therefore could not use the office, and an oral arrangement has been made as a result to rent the place from them for a year.\*

AEC was renting this from Vertex Corporation, is that right?---\*The other 30 way around. Vertex is renting from AEC.\*

Well, if Vertex is the one doing the renting, why is AEC invoicing Vertex for the rent?---\*AEC was the landlord.\*

All right. And it's invoicing Vertex for the amount of rent, is that your evidence?---\*Correct.\*

And this invoice was paid?---\*On the face of the document, yes, but it's actually a loan, it actually operated as a loan.\*

Oh, it's a loan from Vertex to AEC, is that right?---\*On, on the face of the invoice it was for the rent but I think Vertex was low with funds at that point so we actually did not pay and therefore it owned the money to AEC at that point.\*

Right. And still hasn't paid the money to AEC, correct?---\*Not yet.\*

Mr Yan, can I suggest to you that what happened is this, there was an agreement between The One Capital Group and Prime Hurstville by which Prime was to pay One Capital when the planning proposal was gazetted.

THE INTERPRETER: Prime Capital was, sorry, Prime Hurstville was - - -

MS HEGER: Prime Hurstville.

10

30

THE INTERPRETER: Prime Hurstville was to pay?

MS HEGER: One Capital Group when the planning proposal was gazetted. And then when the planning proposal was gazetted, Vertex invoiced Prime

20 Hurstville for the amount owning under that agreement and then Wensheng Liu recovered that money by issuing the invoices to Vertex. Is that what happened?---\*Not to my knowledge.\*

Are you aware of any arrangement for Vince Badalati or Con Hindi to be paid an amount of money upon the Landmark Square planning proposal being gazetted?---\*I am not aware of any. I don't know.\*

You're still working with Wensheng Liu, correct?---\*I don't directly work with him but if, but sometimes I will ring him and ask him about issues relating to the company.\*

And when was the last time you spoke to Wensheng Liu?---\*In, in what context, in relation to the company or any conversation I have had?\*

Well, let's start with any conversation, when did you last speak to him? ---\*Yesterday.\*

All right. Did you speak about the evidence you would give today?---\*No.\*

40 Have you ever spoken to Mr Liu about the evidence you would give in this inquiry?---\*No.\*

Have you ever spoken to Mr Liu about this investigation by the Commission at all?---\*Not the, not about the specifics but he's definitely aware that ICAC has approached me.\*

All right. And what did you tell him about ICAC's approach to you?---\*I told him that ICAC had spoken to me but I have not told him anything further than this.\*

10 You didn't tell him what questions you were asked by ICAC?---\*No.\*

Are you still in touch with Philip Uy?---\*Yes.\*

When was the last time you spoke to Philip Uy?---\*Well, about two weeks ago.\*

And did he call you or did you call him?---\*Usually it's him contacting me.\*

20 And on this occasion did he contact you two weeks ago?---\*Yes.\*

And what did you talk about?---\*He wanted me to lend him some money.\*

All right. Did you talk about this investigation?---\*No.\*

He didn't ask you what evidence you were going to give in this inquiry? ---\*No.\*

Have you ever talked to him about the questions you've been asked by the Commission in interviews?---\*No.\*

I have no further questions for Mr Yan.

THE COMMISSIONER: All right.

MS HEGER: I understand there is an application to cross-examine him. Sorry, I'll just mark 16.14 as MFI 23.

THE COMMISSIONER: Thank you.

#### #MFI-023 – VOLUME 16.14

MS HEGER: That application was by Wensheng Liu, but it may be that they wish to reflect on that as a result of the evidence given today.

THE COMMISSIONER: Mr Hood, isn't it, I think?

MS HEGER: Yes.

10

THE COMMISSIONER: Right. And that's the only application, isn't it?

MS HEGER: Yes.

MR HOOD: Counsel Assisting has correctly stated our position, Mr Commissioner.

MR CORSARO: Commissioner, I'd like to reflect on the evidence given today and indicate to the Commission whether I intend to cross-examine.

20

40

THE COMMISSIONER: Is that Mr Hood? I didn't quite hear what you said.

MR HOOD: Yeah, simply, Commissioner, we likewise would like to reflect on the evidence given today.

THE COMMISSIONER: All right. I suppose, then, in relation to both of you, you may or may not require this witness tomorrow?

30 MR CORSARO: Can we let the Commission know as soon as I'm aware of that? I'll try and do that this afternoon.

THE COMMISSIONER: Okay. No, that's okay. I can understand that too. Mr Yan, I'm not going to release you from your summons yet. You'll have to come back tomorrow unless you hear from the Commission that you're not required.

MR RIZK: Commissioner, it's Mr Rizk. We may make a similar application. We do intend to review the transcript first, and I'm conscious that it's often the case that the transcript is not available until later on in the

day tomorrow. It may not be that we're not in a position to make an application until the transcript is available.

THE COMMISSIONER: Well, you're going to have cross-examine tomorrow, that's for sure, so just bear that in mind. We just can't delay things. There are more witnesses that are due to give their evidence. In fact there was one who was due to give his evidence today and hasn't. So you really will have to be ready to go. I don't have any control of the transcript but I can see that there's an indication it will be ready. So, who do you

10 represent again?

MR RIZK: Mrs Hindi.

THE COMMISSIONER: Right, okay.

MS HEGER: I think the current plan, Commissioner, is for Mr Gunning to be cross-examined tomorrow morning.

THE COMMISSIONER: Right.

20

MS HEGER: We can start with Mr Gunning.

THE COMMISSIONER: All right.

MS HEGER: I understand the transcript for today won't be available tonight, it will be tomorrow morning.

THE COMMISSIONER: Okay. Well, on the basis that Mr Gunning's going to be cross-examined tomorrow morning there's still time then. Mr Corsaro, if you did cross-examine, would you be concerned to go first?

30 Corsaro, if you did cross-examine, would you be concerned to go first?

MR CORSARO: Would I be what, I'm sorry? Would I be keen to go first?

THE COMMISSIONER: Would be prepared to go first, just to give - - -

MR CORSARO: I'm prepared to go first. I will try and give you, Commissioner, an indication tomorrow in the usual way as to the areas. I don't believe I will be necessary for Mr Gunning. I don't see that affecting me. If I could ask Counsel Assisting how long she may need to complete

40 Mr Gunning's evidence, I will then come after Mr Gunning if that's a convenient course for the Commission. Could I just ask?

MS HEGER: I understand somebody is cross-examining Mr Gunning tomorrow morning.

MR PARARAJASINGHAM: Commissioner, I have indicated to Counsel Assisting that I intend to ask Mr Gunning some questions tomorrow.

THE COMMISSIONER: Sure.

10 MR PARARAJASINGHAM: I'm yet to notify my learned friend of the topic and estimate but I can't imagine it would be longer than 15 minutes or thereabouts.

THE COMMISSIONER: Okay.

MS HEGER: I think we also received notification from Mr Hood about cross-examining Mr Gunning. I stand to be corrected on that.

MR HOOD: That's the correct position, Commissioner. We will also send the parameters of our cross-examination overnight.

THE COMMISSIONER: Thank you very much.

MS HEGER: Can you give an estimate of time, Mr Hood?

MR HOOD: Half an hour or so.

MR CORSARO: I've got broad shoulders. I'll try and take the time and I'll go first and – assuming I'm going to cross-examine, I haven't formed that view yet.

THE COMMISSIONER: Are you talking about Mr Gunning?

MR CORSARO: No. I'm not going to cross-examine Mr Gunning but to cross-examine this witness.

THE COMMISSIONER: If Mr Gunning's going first, I understand Mr Hood was saying he would take an hour. Is that right?

40 MS HEGER: I thought he said half an hour and Mr Pararajasingham said about 25 minutes.

MR CORSARO: We know what counsel's estimates are like.

THE COMMISSIONER: No, I know, I know.

MR PARARAJASINGHAM: 15 minutes.

MS HEGER: 15. So 45 minutes and I don't presently intend to ask Mr Gunning anything further. So hopefully we'll be done with Mr Gunning within 45 minutes to an hour.

THE COMMISSIONER: Right, okay. Thank you. I'll adjourn until tomorrow morning.

MR STANTON: Commissioner, might I be seen and even more heard in respect of Mr Wong, who was to be called. I've not sought leave to appear for him, sir. Could I just indicate to the Commission that Mr Wong's late father-in-law will be buried on Wednesday.

20 THE COMMISSIONER: Oh, jeez.

> MR STANTON: And it's at the Macquarie – I'm sorry, Mr Wong, where is it?

MR WONG: In Minchinbury.

MR STANTON: Oh, sorry, Minchinbury, I'm sorry, Your Honour. At the Minchinbury crematorium, I understand. It's a fair way away, but Your Honour, sorry, Commissioner, I'm just keen to see if he can be fitted in

30 tomorrow because I'm not in the jurisdiction on Thursday, well, not in the Sydney area, and Friday I'm at a sentence where my client is in custody.

THE COMMISSIONER: No, that's okay. I think I can safely say we'll get to him tomorrow.

MR STANTON: Thank you very much, Commissioner. Thank you, sir.

THE COMMISSIONER: All right. I'll adjourn.

40

10

#### THE WITNESS STOOD DOWN

#### [4.04pm]

27/06/2022	XIN (CHRIS) YAN	555T
E19/0569	(HEGER)	*through interpreter*

# AT 4.04PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.04pm]