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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GALLEY

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 28 JUNE, 2022

AT 2.00PM

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.

THE COMMISSIONER: Mr Hood.

MR HOOD: Thank you, Commissioner. Mr Yan, until China Liu got clearance from the Chinese authorities in mainland China, he was not able to move large amounts of money from that country to Australia. Do you agree with that?---*Yes.*

10

Thank you. To your knowledge, was China Liu a gambler?---*He is.*

Yes. Was he at the time he came to Australia initially, on your understanding?---*The first time I met him I didn't know but on the following occasions I always saw him going to casinos, playing poker machines and things like that.

Sorry, I missed the last part. Interpreter, if you wouldn't mind.---*And play poker machines.*

20

THE COMMISSIONER: Mr Hood, what's the relevance of this?

MR HOOD: Well, it will become apparent in a moment, Commissioner.

THE COMMISSIONER: All right. All right.

MR HOOD: I wonder if I could just have the last answer repeated, please? ---*Playing poker machine.*

30 Oh, poker machines, all right. In casinos, I think, is that the case?

THE INTERPRETER: Sorry?

MR HOOD: In casinos, was that the case?

THE INTERPRETER: Oh, yeah. I said in casinos.

MR HOOD: Okay. The source of the moneys he was using to gamble, you did not know, true?---*I don't know.*

40

All right. Now, earlier today you told me that Zhao remained in Australia at the time when China Liu returned, this was in the initial trip. Do you understand?---*Yes.*

Yes. And she stayed for an extended time after China Liu returned to China?---*Quite long, yes.*

Quite long, thank you. And do you know if she was received any moneys to sustain herself during that long period?---*She did.*

10

Yes. Do you know where those moneys came from?---*She sometimes asked me or Liu, Wensheng Liu or Elaine to withdraw some cash for her.*

Okay. And do you now have any recollection of the amounts that she received?---*Quite a lot of money. So all together, maybe 200/300,000 Australian dollars.*

And that was over an extended period of time, is that the case?---*Yes.*

20 Thank you. Now, we'll move now to the signing ceremony that involved or concerned the waste management plan. Do you understand?---*Yes.*

Yes. A ceremony for that project took place in Tangshan, is that the case?

THE INTERPRETER: Sorry, in where?

MR HOOD: In Tangshan.---*Yes.*

30 Yes. And again was it the case that local government officials were in attendance for that ceremony?---*Yes.*

All right. I'm going to suggest to you that there was a state parliamentarian, that is a New South Wales state parliamentarian, who attended. But I do not want you to tell me his name. Do you understand?

THE INTERPRETER: Sorry, you did not want him to tell the name?

THE WITNESS: *Yes.*

MR HOOD: Okay. And it is to your knowledge that a New South Wales state parliamentarian went to Tangshan for this signing ceremony that concerned the waste management plant. Is that so?---*Yes.*

And that was to give some credence to the position of China Liu in the eyes of government officials in Tangshan. That was - - -?---*Yes.*

Yes. So on this occasion the person who was attending was from the second tier of government, being State Government. True?---*Yes.*

10

Okay. Now, I'm going to move to a trip to Canberra in May of 2016. Do you understand?---*Okay.*

Okay. And you're going to be shown some photographs of personnel in Canberra but the one thing I must ensure that you do is not mention them by name, okay. I'm just going to show you the photographs one at a time, do you understand, but please don't say their names, okay?---*Okay.*

20 MS HEGER: Mr Hood, can I just clarify, do you want the witness to be handed all five photographs at once or a particular photograph now?

MR HOOD: Well, I'm going to go through all of them, Ms Heger, if that's the way you want to do it.

MS HEGER: So I can hand - - -

MR HOOD: Happy to do it that way.

30 MS HEGER: We can hand all five to the witness now, you have no difficulty with that?

MR HOOD: Yes, thank you.

THE INTERPRETER: Yes.

MR HOOD: Okay. Thank you. Now, this trip to Canberra to your knowledge was organised for the benefit of China Liu.---*Yes.*

40 Yes. And these photographs that I show you now were taken on that trip. Is that the case?---*Yes.*

And you understood the purpose of the photographs being taken was so that China Liu could show them to government officials back in Mainland China.---*Yes.*

Thank you. Now, these should have numbers in the top right-hand corner. Do you see that?---*No, no numbers.*

Okay. Maybe they - - -

10 MS HEGER: They don't have numbers, Mr Hood.

MR HOOD: Oh, okay. I'm not sure what happened there. In any event, I'm just trying to think what I'll, yes. What I'll do, I'll simply go through them one at a time and just get you to confirm who you believe the people are but not by reference to their name other than China Liu. Okay. Do you understand?

THE INTERPRETER: Other than China Liu, sorry?

20 MR HOOD: Yeah, other than China, yes, other than China Liu.---*Okay.*

Okay. Do you have a photograph there in front of you of China Liu shaking hands with a man in a blue tie?---*Yes.*

Yes. All right. And do you understand that the man with the blue tie is a federal parliamentarian?---*Yes.*

Okay. I show you another photograph with China Liu shaking hands with a man with a red and white striped tie. Can you locate that photograph for me?---*Yes.*

30

MALE SPEAKER: Sorry, to interrupt, Commissioner. We on the AVL can't see any of this.

THE COMMISSIONER: Yeah. No, well, you wouldn't because nobody else is looking at the photos apart from the witness.

MALE SPEAKER: Okay.

40 MR HOOD: Can we proceed?

THE COMMISSIONER: Yes, of course, you can, Mr Hood.

MR HOOD: Are you able to locate a photograph, China Liu - - -?---*Yes.*

- - - shaking hands with a man with a red and white striped tie?---*Yes.*

Yes. You understand that the man with the red striped tie is a federal parliamentarian?---*Yes.*

10 All right. Can you locate a photograph of China Liu shaking hands with a lady who has a red coat on?---*Yes, I found it.*

Yes. Do you understand the lady with the red coat is a federal parliamentarian?---*Yes.*

Okay. Thank you. Can you locate a photograph with China Liu standing between a male on one side and a lady on the other?---*Yes.*

20 Yes. Do you recognise the lady as being a federal parliamentarian?
---*Yes.*

And the man with the yellow tie, he also was a federal parliamentarian at that time?---*Yes.*

Okay. Can you locate a photograph with China Liu seated beside a man wearing a blue tie?---*Not sitting.*

Beg your pardon?

30 THE INTERPRETER: "Not sitting."

MR HOOD: Not sitting. Okay. That's okay. I understand the one that you're referring to. Is the one you have in front of you a federal parliamentarian with a photo taken of his side, that is a profile photo?

THE INTERPRETER: Sorry? Is that federal, did you say federal parliament? Sorry? Can I have the question again?

40 MR HOOD: Certainly. Is there a photograph that you have in front of you that shows about six or seven people in the photograph itself?---*No.*

No. Do you have a photograph of a man with a white shirt, blue tie extending his hand out and China Liu standing approximate to that position?---*No.*

MS HEGER: Mr Hood, I don't think we've been provided with that photograph.

10 THE COMMISSIONER: Mr Hood, he's acknowledged that Mr Liu went to China, sorry, to Canberra, he's acknowledged that the photos you've shown him so far involve engagement with federal politicians. Do you really need to go any further? Because your time's running out.

MR HOOD: Okay. Perhaps I can finish it this way, Commissioner, if I may. Just pardon me one moment. Yes, I have nothing further. Thank you, Commissioner.

THE COMMISSIONER: That's the end of your examination?

20 MALE SPEAKER: Is Mr Hindi going to ask questions?

THE COMMISSIONER: No, I think that's it.

MS HEGER: I don't understand there to be any other applications to cross-examine Mr Yan and I have no further questions.

THE COMMISSIONER: All right.

30 MS HEGER: Oh no, I do have one question. Sorry, Mr Yan, did you attend that trip to Canberra?---*I did.*

And were you there when the photographs were taken?---*I wasn't present on the occasions where those photos in my hands were taken.*

Do you know who took them?---*No. No idea.*

I have nothing further.

40 THE COMMISSIONER: Thank you. Thank you for your assistance, Mr Yan. You're free to go.

THE WITNESS EXCUSED

[2.26pm]

MS HEGER: Commissioner, I call Clifton Wong.

THE COMMISSIONER: Mr Stanton, you appear for Mr Wong, don't you?

10 MR STANTON: I do, Commissioner. I seek the Commission's leave to appear for the interests of Mr Wong, who is before the Commission.

THE COMMISSIONER: And I take it he wants a section 38 declaration?

MR STANTON: He seeks to avail himself of that, please, Commissioner.

THE COMMISSIONER: Very well.

MR STANTON: Thank you, Commissioner.

20

THE COMMISSIONER: Mr Wong, will take an oath or an affirmation?

MR WONG: Oath, please.

THE COMMISSIONER: Oath.

THE COMMISSIONER: Mr Wong, I want to explain to your rights and your obligations as a witness before this Commission. As a witness before this Commission, you must answer all questions truthfully and you must produce any item I require you to produce during the course of your evidence. Your counsel has sought a section 38 declaration. If I make that order, and I will, the effect is that although you must still answer the question or produce the item or any item I require you to produce, your answer or the item can't be used against you in any civil proceedings or, subject to – are you still a councillor?---No.

No. Subject to one exception in your case, in any criminal proceedings. The exception is that the protection provided by a section 38 declaration, it does not prevent your evidence from being used against you in a prosecution for an offence under the ICAC Act, most importantly the offence of giving false or misleading evidence.---Yeah.

I'm not suggesting you will give untruthful evidence but if you do, you commit a very, very serious criminal offence for which the penalty can be imprisonment for up to five years. Do you understand that?---(NO AUDIBLE REPLY)

You have to answer, I'm sorry, because we've got - - -?---Understand.

You understand, thank you.

Pursuant to section 38 of the Independent Commission Against Corruption Act 1988, I declare that all answers given by this witness and all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection, and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE

AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION, AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

THE COMMISSIONER: Ms Heger.

10 MS HEGER: Mr Wong, could you please state your full name?---Clifton (not transcribable) Wong

And what's your current occupation?---I am a Director for Corporate Development in a finance company.

Okay. And you were a councillor at Hurstville City Council from September 1999. Correct?---Yes.

20 And you were a councillor until September 2012. Correct?---2012. Yes, that's correct.

And you were part of the Labor Party. Is that right?---Correct.

As was Mr Badalati. Is that right?---Correct.

And you served on Hurstville City Council at the same time as Mr Badalati. Is that right?---Correct.

30 In fact he was there for the whole period that you were on council. Is that right?---Correct.

So that was about 13 years that you served on council together. Does that sound right?---13 years, yes.

And you were also on council with Philip Sansom. Correct?---Correct.

And he also was there the entire time you were there. Correct?---Correct.

40 You were also on council with Mr Con Hindi. Correct?---Correct.

He started in 2004 which was after you started. Is that right?---Correct.

So you were on council together for about eight years. Is that right?---Yes, yes.

You know Philip Uy. Correct?---Correct.

And you've known him since at least the time you started on council, 1999. ---Before that. I think I met him in 1995.

10 How did you meet?---At that time I was working in a bank in Hurstville and he was a real estate agent and at that time, you know, it was a small community in Hurstville so basically, you know, people worked there, are doing business, know each other anyway.

He ran Hurstville Real Estate Agency. Correct?---Correct.

Was that on Forest Road?---Correct.

20 And around this time, so let's say from the year 2000 did you consider Philip Uy to be a friend?---On 2000, yes. Correct.

And you considered him to be a friend from 2000 up until you finished at council in 2012. Is that right?---Correct.

Philip Uy owns some apartments in China and Hong Kong. Correct?---I have never been to his apartments overseas but he told me before that, yes, he did, he, he did own some properties in Hong Kong and China.

30 And Mr Uy spends some of his, well, let's confine it to a time period. Say from the year 2005 or so up until 2012 as you understood it Philip Uy spent part of his time in China or Hong Kong during the year?---He fly frequently between Australia and overseas. I can't tell if he spend more time here or spend more time overseas though.

All right. But when you travelled to, you travelled to China fairly regularly in this period from say 2005 to 2012. Is that right?---Yes, yes.

40 And when you travelled to China you'd call Mr Uy up and see if he was in town. Is that right?---Yes.

And you met up with Mr Uy in China from time to time.---Occasionally.
Not from time to time but occasionally, yep.

All right. From about 2007 you travelled to China about four or five times a
year. Is that right?---More or less. I can't be specific because that was a
while ago, yeah.

Okay. I won't hold you to a particular figure but it was around - - -?
---Around that, yes.

10

Around that amount - - -?---Yeah, around that amount.

- - - each year. Correct?---Yeah.

And would you say most times you'd meet up with Philip Uy in China or
only some of the time?---Some of the time not, not every time.

20

All right. And some of those trips were official trips as a councillor. Is that
right?---Could be, yeah, because we visit the sister city for two or three
times but I can't remember exactly which is which.

That's fine. Sometimes it was just for a holiday. Is that right?---Sometimes
it's not just for holiday but, you know, I try my business opportunity over
there.

Oh, okay. You were cultivating your own business opportunities in China
- - -?---Yep.

30

- - - around this time so sort of 2007 to 2012?---Yep, yep.

But then sometimes it was just for a holiday. Is that right?---I went there for
holiday with my family in 2011, I think. Yeah. That, that's about the only
holiday I have. All the other trips are very structured, yeah, because they
are not (not transcribable) you know?

All right. And sometimes you travelled to China with Vince Badalati. Is
that right?---That was back in long time ago, yeah.

40

Well, what time period?---I travel with him a few times, I think, back in
2007, 2008, yeah.

And sometimes Philip Sansom was on those trips, as well?---Yes, yes. I travel with Philip Sansom for quite a number of times because he has an investment unit in China. He bought an, an apartment there and due to language issue, you know, he ask me to help him out.

And you'd spend time with Mr Badalati and Mr Sansom in China.
Correct?---Yeah, we did before, yes.

You also know Wensheng Liu. Is that right?---Yes.

10

You met him on a council trip to a sister city in China?---No.

When did you meet Mr Liu?---I can't remember exactly when but it was, I think it was in, one of those Chinese function I attended, yeah.

Was that a function in Hurstville?---Could be, yes. I mean, those Chinese function. Either will be in Hurstville or Haymarket. Anyway, either one of those two places.

20 All right. And you attended that function as a councillor. Is that right?
---Yes.

And when do you think that was? What year did you meet Wensheng Liu?
---Could be 2010, I think? I can't be specific, I'm sorry. It may not be inaccurate – it may not be accurate, yeah. But I, I, I think it is 2010.

You estimate 2010?---Yeah, yeah or 2011.

30 All right. Mr Wong, you recall that in 2012, the council was considering a tender for the Gloucester Road car park in Hurstville?---Correct.

And can I show you a document at volume 7.22?---Yeah.

This is a letter addressed to the General Manager of the Hurstville City Council dated 20 October, 2011?---Mmm.

And it starts "We act on behalf of GR Capital Pty Ltd" do you see that?
---Mmm.

40 The subject line is "Expression of interest to purchase and/or joint venture redevelop council-owned land bounded by Gloucester Road, Carrington

Avenue and Garthons Lane, Hurstville (council car park)” See that?---Yeah, yeah.

And the letter conveys an expression of interest on behalf of GR Capital Pty Ltd to purchase the Gloucester Road car park. Do you see that?---Mmm.

Were you aware of this expression of interest at the time it was submitted in October 2011?---I can't remember exactly now. I may, I may not. I, I think I may have, yeah, I may have - - -

10

It's possible you were aware of it - - -?---Possible.

- - - but you're not sure one way or the other. Is that right?---Yeah, not, not sure, yeah, because I, in my, I mean, in my mind, it was, like council initiate a sale or something like that, but possibly, we have receive such an expression of interest and that's why council, you know, are, are, are, well, you know - - -

20 Well, I'll take you through what happens next, which might help clarify things for you.---Okay. Yeah.

But just on the second page, if we go to the next page, sorry, the next page again, you'll see at the end there, “enclosed is a cheque for \$800,000”. Do you see that?---Yes.

And the proposal was to purchase the Gloucester Road car park for \$8 million?---Yes.

30 Are you aware of that?---This is the EOI itself, yes, yes.

Yes. That's the EOI.---Yeah, that's right.

Did you understand at the time that GR Capital Pty Ltd had a connection to Wensheng Liu?---Yes.

And what is that connection, do you know?---I think he, he is the owner of that company.

40 Well, the records indicate it was his wife who was a director of GR Capital. Were you aware of that?---Oh, okay. I can't remember if there was a company search attached to those EOI. I mean, attached to the report from

the, from the officer. If, well, if the, if the company search is there then I will realise, of course, but, you know, as you appreciate that was quite a long while ago. So, so my memory may not be accurate.

I understand.---Yeah. But my understanding is, well, he, he is related.

10 And did you have a conversation with Philip Uy about GR Capital's proposal to purchase the Gloucester Road car park around this time?---Not around this time before they submit EOI, Philip Uy, I recall Philip Uy did tell me Mr Liu will be interested to, to submit EOI, without telling me any company name and I told him that, well, everything has to go through the normal council procedure.

Are you saying that conversation occurred before the date of this letter, October 2011?---Should be well before. I can't remember when but it is not close to, to, to that date, I think, yeah.

Can you say what year that conversation took place?---Oh, could be 2011.

20 Well, this letter was October 2011. So are you suggesting it might have been at some earlier point in 2011?---Yeah, yeah.

And so Mr Uy told you that Wensheng Liu was interested in doing what, specifically?---He will be interested to, you know, to, to, to also submit EOI or something like that, yep, to acquire the, the, the Gloucester Road car park.

30 Did he tell you anything about whether Wensheng Liu had a plan to develop the car park?---Well, he didn't go into details but whenever people want to acquire land like that, you know, certainly you know it will be for development.

And on your understanding, why did Philip Uy mention this to you?---Well, he didn't say why and I'm not interest to go into details even if it's going through EOI process and basically I just told him that, you know, I just explain to him that everything has to go through the normal council procedure.

40 All right. And what did you understand Philip Uy's connection to this potential EOI was?---The, oh, the potential purchase?

Yes.---Well, he seems like he is representing Mr Liu, you know, in, in, in doing everything or saying any, anything, you know? So, so, you know, my, my, my feeling is he must be, he must be either working for him or, or enter some sort of cooperation with him.

All right. So it was your impression that Philip Uy was representing Wensheng Liu or working together with him in some way.---Yeah.

10 Can you be specific as to the basis for that impression?---I can't be too specific because I didn't ask him before.

But had you had other conversations with Philip Uy where he'd mentioned Wensheng Liu before?---Well, could be but it may not be very, how do you say it, it may not be in a very specific way or, or things like that, and yeah.

All right. So you formed an impression based on the conversation you had with Philip Uy on this occasion in 2011?---Yep.

20 That he was somehow working together with Wensheng Liu on this potential project but you weren't aware of any details?---No.

Okay. Are you aware that shortly thereafter council rejected the EOI and returned that \$800,000 cheque?---Yes, yes, it has gone through the council meetings and so on, and I remember there was no general consensus among the councillors, so that's why eventually the, the sale was withdrawn.

But are you talking about later in 2012 after the tender process when you say the sale was withdrawn?---I think so, yeah.

30 Okay. I'm just sticking on October 2011 at the moment. And what I might do is just show you volume 7.23.---Yep.

This is a letter from Hurstville City Council addressed to the same planner who had submitted the EOI. It's dated 25 October, 2011. You see that? ---Yeah, I'm reading it.

40 Subject is "Unsolicited offer to purchase Gloucester Road car park". And it says, "We're in receipt of your expression of interest of 20 October, 2011." ---Mmm.

And company cheque from GR Capital Pty Ltd in the amount of \$800,000.
You see that?---Ah hmm. Ah hmm.

And it says, "As you would be aware, council is subject to very strict
probity guidelines." See that?---Yes, yes.

10 "We will be following these procedures if and when council decides to
address this site. You would of course be entitled to participate in such an
open and widely advertised process at that time." Do you see that?---Yes,
yes.

It says, "Therefore you'll understand the necessity of returning your client's
cheque." You see that?---Yes.

All right. After this, Councillor Sansom moved to take the car park, the
Gloucester Road car park, to an EOI or selective tender. Do you recall that?
---Could be, yes. That was too long ago. I can't remember exactly who
moved what motions, I'm sorry.

20 That's fine. I'll show you volume 7.24.

THE COMMISSIONER: While that's coming, did that expression of
interest go to a council meeting?---Yes, yes.

And can you now recall whether anyone voted in favour of it?---This
particular one?

30 Yeah.---Yes, yes, that, seems like, look, I think I'm, I'm a little bit confused
already. Seems like what Ms Heger just showed me is an unsolicited EOI.

Yeah.---Yep. Whereas, whereas that has been returned, right? And I think
council then did an EOI, if I remember - - -

MS HEGER: There was then a formal tender process.---Yeah.

Where GR Capital submitted a tender.---Yeah.

And I'll come to that shortly.---Yeah. Yeah.

40 Is that your recollection?---I think, I think it was after the formal process,
when all the EOI come in, then we start voting I think.

THE COMMISSIONER: Okay, yeah, thank you.---Yep, yep. If my recollection is correct, yeah, 'cause that was, Commissioner, that was more than 10 years ago.

Yeah, I know. I know.---Yeah.

MS HEGER: I'll show you volume 7.24. This is a document entitled Committee of the Whole, Wednesday, 16th November, 2011.---Ah hmm, ah
10 hmm.

And the subject is "Property matter, Gloucester Road car park, Hurstville".
---Right.

You'll see under the Executive Summary, it says, "An unsolicited offer was received from a developer for the purchase of council's car park on Gloucester Road."---Yep. Yep.

And then at the bottom of the page it says, "Resolution". See that?---Yep.
20

"That the site be taken to market via an expression of interest/selective tender process."---Yep.

With reference to the proposed new town planning instruments, and "that a \$50,000 refundable bond/deposit be required from submitters". Do you see that?---Ah hmm, yep.

And it says, "Moved by Councillor P. Sansom." See that?---Yep. Yep.

30 Did you have any discussions with Mr Sansom around this time about that resolution?---May not be a formal discussion on resolution, but we may have a, you know, talk about it. But, you know, I, I won't, I won't, I don't think we will have a very serious discussion on it, given it has to go to council anyway.

So you think you may have spoken to Mr Sansom about this resolution before it went to council?---I may. I may.

But you can't remember the specifics of those conversations?---No, no.
40

Okay.---Yep, because it's just a, you know, a process to, to, to say yes or no, that's all.

All right. Did Mr Sansom mention whether he'd spoken to Philip Uy or Wensheng Liu about the Gloucester Road car park at this time?---No, I don't recall he, he told me about it.

Okay.---Sorry, I should say I don't recall he has said something like that, no.

10 All right. That resolution was passed. Correct?---That resolution was – sorry, can you repeat the question?

That resolution was passed and council then took the car park to tender. Correct?---I think, yeah, I think that's the, that was the process, yes.

All right. Could I show you volume 7.7, page 2. We'll go straight to page 2 of that volume. This is a document with a Hurstville City Council header. It says "tender submissions".---Ah hmm.

20 It says, "The tender box was opened in view of the public present in the council chambers at 2.00pm on Friday, 30 March, 2012." So that's when the tender closed, is that right, 30 March, 2012?---According to what I can read here, yes.

And the document then lists the tenders that were received, which include one from GR Capital Pty Ltd. Do you see that?---Ah hmm. Yes.

It also included one from Deicorp Pty Ltd. Do you see that?---Yes, I can see that.

30

You were made aware around this time of the tenders that had been received. Is that correct?---I think it was like, you know, the tenders. I will know, you know, when, when, when the council, when the council inform all the councillors, you know, what sort of tenders come in already. So, you know, that will be the time all the councillors including myself knew about this.

So once the tenders are closed and the list of tenders are announced the next step is for council staff to go and assess those tenders. Correct?---Yes.

40

And then they report to - - -?---Council.

- - - council having assessed the tenders Correct?---Yes.

And they ranked the tenders from sort of one through to 10 or however many there might be. Is that right?---I can't remember if the report ranked them but they did, you know, the analysis and, and, you know, and their recommendation and things like that.

10 Okay. So was it only once you received that report from council staff that you became aware of who the tenderers were or could you have found that out at some earlier point?---No, I won't be able, I won't be able to find earlier than that, you know. I mean my recollection is I, I wouldn't know all the tenderers, you know, until, until I read the report.

Okay. Did you have a discussion with Philip Uy around this time about who had submitted a tender?---I can't recall I'm sorry. That was quite a long while ago as I said.

20 Did Philip Uy mention to you that GR Capital had submitted a tender? ---Well, he may, he may have not but look, given they have, they have indicate interest before so, you know, even if without telling me I, I would presume, you know, they would have submitted the tender anyway.

Okay. Can I show you volume 7.9 and you'll see this is an email from what appears to be a staff member at Hurstville City Council to all the councillors at Hurstville City Council. Do you see that?---Ah hmm.

Dated 6 July, 2012.---Ah hmm.

30 And the attachment is said to be Gloucester Road tender score sheet. Do you see that?---Tender evaluation - - -

That's under the field attachments. Do you see that?---Yep.

Just above the grey line.---Yep.

And then go to the next page. This is a Gloucester Road car park tender evaluation.---Yes.

40 Have you see this document before?---I, I can't be certain but I presume I have.

Okay. And you'll see under the heading Deicorp it's given a score of 76.125?---Yes.

And for GR Capital it's given a score of 47. Do you see that?---Yes.

Meaning, on the council staff's assessment it's concluded that Deicorp better satisfies criteria than GR Capital, correct?---Yep.

10 All right. And then can I show you volume 7.26? This is a document entitled Committee of the Whole Wednesday 25 July, 2012.---Right.

And you will see it includes the text of a resolution of the council meeting of 4 July, 2012 under the heading Author Recommendation. Do you see that?

---Yep.

So on 4 July, 2012 council had resolved to accept the tender of Deicorp. Do you see that?---Ah hmm.

20

And had also resolved to negotiate with Deicorp. Do you see that?---Ah hmm.

All right. So this is 4 July, 2012. Can you tell me, prior to this date, did you have a discussion with Philip Uy about these tenders?---Well, I may not have a detailed discussion with him. I may, I may, I may have told him that, you know, this, you know, GR Capital may not be the highest.

30 Okay. Did Philip Uy ask you to arrange a meeting with Councillor Hindi around this time?---Well, around 2012?

In 2012, yeah.---2012. You mean after the tender?

I mean before the tenders closed and council resolved to negotiate with Deicorp.---Now, I cannot remember specific the day or month but I, I think one day he, he called me and said that, you know, you know, "Ask Con for catch-up. Maybe you can" – I think something like "Call, call him for coffee to catch-up" or something like that.

40 And did Philip Uy explain why he wanted to catch-up with Mr Hindi?---No.

What did you do then?---I called Mr Hindi and, and said to him that “Philip Uy, you know, would like to have a coffee to catch-up.”

And what did Mr Hindi say?---For some reason, I can’t remember, he cannot come out, he cannot come out but, you know, he, he indicate that he said that, you know, we can, we could go to his house to meet if, if we like.

And did you and Mr Uy then go to Mr Hindi’s house?---We did.

10 And did you drive together or in separate cars?---In separate cars.

All right. So you then arrived at Mr Hindi’s house. What happened next?
---We went in, we went into his house and Mr Hindi was there at that time, by himself, and we sit down to have a, a, just a brief conversation.

All right. And what did Philip Uy say?---Well, he, basically, when we start just a, a, a brief conversation, just “hello” you know “how’s family” things like that and then without warning, Philip Uy took out an envelope and, and give it to Mr Hindi and told Mr Hindi that Mr Liu is interest to submit
20 tender for the Gloucester Road car park. And he asked him not to help other developer.

You say he asked Mr Hindi not to help other developers. Did he name any particular developer?---No, he did not. I do not recall him mention any names.

Did you understand Mr Uy to be referring to a particular developer?---No. He didn’t mention any company names or, or persons’ names, as I say.

30 All right Did Mr Uy say anything else at this point?---No.

So he handed an envelope to Mr Hindi. Is that right?---That’s correct.

What did Mr Hindi do?---Well, he hold, hold on the envelope and, and, and, like, he just say “thank you”. He didn’t, he didn’t say any, any particular thing or - - -

MR PATTERSON: Commissioner, this is Patterson for Mr Uy. Object to
40 all of this evidence on the basis of relevance. It is entirely outside the terms of reference of the inquiry as announced.

THE COMMISSIONER: No. I amended the terms of inquiry the other day. You may not have been present online but I amended them to include an allegation that Philip Uy paid Mr Hindi \$10,000.

MR PATTERSON: I was aware that that was withdrawn at the outset of the inquiry, Commissioner. I wasn't aware that the terms had subsequently been amended, but if they have, I have to deal with it.

THE COMMISSIONER: Yes, you do. And nothing was withdrawn.

10

MR PATTERSON: Say so, Commissioner.

THE COMMISSIONER: So nothing was withdrawn at the commencement of the Commission hearing. What happened was that, I think it may have been last week, I announced that there was an additional allegation that was to be investigated. Now, I'm not suggesting, I'm not being critical of you. It may be that you just weren't online at that point.

MR PATTERSON: Was not, Commissioner, but thank you for making me aware of it.

20

THE COMMISSIONER: That's okay.

MS HEGER: I should note, Commissioner, that that allegation is also on the public website. And it was announced on 24 June and went on the public website shortly thereafter.

THE COMMISSIONER: Yeah. Anyway, I mean, I accept what Mr, what's been said and you'll just have to deal with it.

30

MR PATTERSON: Yes. Thank you, Commissioner.

MS HEGER: All right, Mr Wong. I think you said that Mr Hindi said, "Thank you." Is that right?---Yeah.

Did Mr Hindi open the envelope?---Well, he did not really open the envelope. No, he did not open the envelope.

Could you see what was inside the envelope?---Yes, because it was, either it was not properly sealed or it wasn't sealed, when he hold it, it flicked open a little bit.

40

And what was inside the envelope?---I can see some green and brown notes in there.

Can you estimate, and I accept this will be a rough estimation, how many notes were in there?---No, not at that moment because I was, like, because I wasn't told about this beforehand, I wasn't prepared to see that, so, so I was, like, didn't even know how to respond.

10 Can you estimate how thick the envelope was?---I think it was something like that, yeah, but I, I can't say - - -

Can you say how many centimetres or, well, you've gestured something. Just for the record, can you indicate how many centimetres you're indicating? That looks to me to be about two or three centimetres. Is that right?---Something like that, yeah.

Okay.---Yeah. As I said, I, I, I wasn't prepared to see that, so, so I was like just shocked and, you know, and I just sat there.

20

All right. So Mr Hindi said thank you. What happened next?---Well, afterwards we didn't stay long, you know, and I did not want to stay long after I, what I saw. And then I noticed Mr Hindi looked very tired too, so I said, "Why don't we just, you know, leave?" And then we left.

Did Philip Uy say anything else before you left on this topic of Gloucester Road car park?---When we were outside the house, walking down the steps, I asked Philip Uy, you know, I said, "You just pay Con?" and he said, "Yes, I don't want him to help other developer." I said, I asked him, "How much did you pay him?" He said, "\$10,000." And then he also said to me that
30 "You took me here and you saw, you saw him take the money." And, and after he said that to me I was, I just froze.

What happened next?---Then we just left.

In separate cars?---In separate cars, yeah.

Did you talk to Philip Uy about this incident again?---No. No. I don't want to, to talk to him again about this.

40

Did you talk to Mr Hindi about this incident again?---No.

All right. Well, this is obviously something very serious that you witnessed. Did you report it to anyone?---No, I did not.

And why is that?---Yeah, because, look, this is, I was in shock, truthfully, and then that was my last term, you know, on council. I, I, I have decided to, to, you know, not to run for council again, given my relationship with Mr Badalati turned sour. I won't be, you know, he won't allow me to be endorsed by, by the party anyway. So I have already decided that will be
10 my last term and, you know, and just don't want to get myself into trouble and so on. Yeah, I regret that but, yeah, that's what happened.

And you finished up on council September 2012, is that right?---Yes.

Okay.---Actually, actually, should be August 2012 because September is the, the election already.

Oh, thank you for that clarification. So did this take place before council resolved to negotiate with Deicorp?---Obviously it was before this, maybe
20 before this EOI process and so on, but I cannot recall exactly, you know, which period of time or day or month.

All right. So, well, logically it must have been before council resolved to negotiate with Deicorp.---Logically, yes.

Because your evidence is that Philip Uy was asking Mr Hindi not to help other developers in the tender process, is that right?---Yes, yes.

And because the conversation was about the tender process, do you think it
30 happened after council had formally announced that the tender process was going ahead or could it have happened before that?---No, should be after it has announced, you know, it will go public.

All right. And I took you earlier to the resolution, which was November 2011, where it was resolved to take the car park to EOI selective tender. Do you recall that?---Ah hmm, ah hmm.

So you think it's likely then it happened sometime after November 2011, is that right?---I believe so. Yes, I believe so. I mean, if not then, what's the
40 point of Philip Uy doing it?

So once council resolved to negotiate with Deicorp, which implicitly means they weren't negotiating with GR Capital, correct? Is that right?---Yeah.

Yep. did you have further discussion with Philip Uy once that was announced?---I can't recall if I have or I haven't. I may have. I may have. Yep.

Do you recall whether Mr Uy was upset with that outcome?---Yeah. He was upset with that outcome.

10

And why was that, on your understanding? Well, what did he actually say to you, let's start with that?---See, I remember, I can't remember the, all of the, the, but I think the Deicorp tender is only a little bit higher than GR Capital. Yeah, in terms of the dollar amount, I think GR Capital should be the second one. If my memory is correct, it was not that far away so Philip Uy was quite upset about that and, and he, he reckoned, you know, you know, Mr Hindi may have something to do with it, given, you know, it is a Middle Eastern company, he believed and, and, you know, like you know, he, he, yeah, he, he wasn't happy about and, and he thought I was, I had something to do with it too.

20

All right. Doing the best you can, what were the words Philip Uy actually used in this conversation?---Something like, oh, you know, I can't remember the exact wording but something like "Oh, the result, it is impossible for the result to be so close." You know, "You guys must have, you know, a, a, a deal with, deal with that company." Something along that line, you know?

Which company was he referring to?---The highest bid, of course, Deicorp.

30

And you said something about it being a Middle Eastern company. Are you referring to words Mr Uy actually used?---He said, he said it was a Middle East company, you know? Middle Eastern company, but I, I, I because I don't know Deicorp, I don't know if it is a Middle East company.

Are you aware of any connection that Mr Hindi actually has to Deicorp?---I am not aware of that, no.

40

And do you know whether Mr Hindi in fact assisted Deicorp in any way in this tender process?---I not, I'm not aware of that. I, I have never heard Mr Hindi mention anything about that.

Can I take you back to volume 7.26? This was the document we were looking at before and I took you through some of that text in italics, but the actual resolution that was proposed on this occasion was to rescind that previous council resolution of 4 July, 2012. Do you see that?---Yep, yep.

And from the heading, which says Committee of the Whole Wednesday 25 July, 2012, am I right in thinking this resolution to rescind the previous resolution was going to be put on 25 July, 2012 at that council meeting, is that right?---Yeah.

And it says the report author is Councillor Sansom, Deputy Mayor, Councillor Hindi and Councillor Wong. Did you actually prepare the resolution for rescission together with them, is that right?---Actually, I think take part in the preparation of the, of the, of the draft or, or the motion but I remember Philip Sansom asked me to, to sign it as well because in the, in the, in the meeting, in the council meeting when we were discussing about the tender, I was one of those who, who, who was not in favour of Deicorp.

Who were you in favour of?---I was in favour of GR Capital on, based on the merits of, of the tender, because I recall they offer a, a sport centre to council for free, they would do the construction and offered to council and I also recall that they can do early settlement as well, which I am not, which we are not being offered by other, other tenderers.

All right. And that rescission motion was successful, wasn't it?---Yes.

That resolution to rescind was passed on 25 July, 2012?---Yes, because, yeah, because I recall councillors were very divided. I mean, there was no general consensus. Some prefer the highest bid. Some prefer sports centre. Some prefer the supermarket and so on. So you can't, you can't just, you know, make a decision when councillors are so divided. So I, I think it's in the best interests to rescind it at that moment.

All right. Can I show you volume 7.10.---Ah hmm.

For the record, it's an email from Philip Sansom to Clifton Wong, dated Monday, 9 July, 2012.---Ah hmm.

At 10.08am.---Yep.

It says that “The following resolution of the council meeting of 4 July, 2012, in relation to tender, sale and development of Gloucester Road car park be rescinded.”---Ah hmm.

Did Philip Sansom draft this motion?---Yes. I think he did, yes. And he asked me to, to sign it and support it as well, yep.

10 And did he explain to you why he was in favour of this motion?---Well, because they were, it was so divided that there’s no general, there was no general consensus among councillors at all.

But what was his reason for supporting the motion. Did he explain that to you?---Yeah, basically he just, you know, also, you know, feel that, you know, it has to be rescinded since, you know, there’s no general consensus, consensus. Council couldn’t make a decision like that. I mean, could not make decision.

20 Well, but they’d made a decision a few days earlier on 4 July, 2012.---Oh, I mean the councillors. The councillors themselves. But, you know, that was like, like, at that time, you know, some councillors were still not happy, you know.

Oh, okay, so even after the vote on 4 July, there was still some councillors expressing different views about - - -?---Yeah. Some, some still want, some still want to see a, a supermarket there. Some still want to see a sports centre there. Some still think that, yeah, it should go to the highest bid. But, you know, some councillors like, including myself, we need to argue that, you know, it’s not just the height it will benefit the community and council, but what we get out of it.

30

Okay. I’ll show you volume 7.17. An email from Con Hindi to Victor Lampe, Philip Sansom and Clifton Wong, 9 July, 2012, 11.52am.---Ah hmm. Ah hmm.

It says, “Victor, I support the motion as printed.” Do you recall any discussions with Mr Hindi about this resolution at the time?---No. No.

40 So you may, you think you may have had discussions with Mr Hindi but you just can’t remember its content? Or are you saying you didn’t have any discussions with Mr Hindi?---I don’t think I have talked to him because I’ve got no recollection I, I have spoken to Mr Hindi about the motion.

All right.---I recall that, yes, Mr Sansom talked to me about that but, no.

Did Philip Uy ask you to prepare this resolution to rescind the motion?

---No.

I mean, sorry, this resolution to rescind the previous resolution?---No, no.

10 He didn't ask you to?---I don't think he understand the council motion or things like that anyway, the internal operation of council, let alone, you know, to rescind the motion of previous council meetings.

He didn't say to you, "Mr Wong, I'm unhappy with the outcome whereby council's negotiating with Deicorp. Can you do something to fix that situation?" or something like that?---No.

Okay.---Not from him.

20 What about Wensheng Liu? Did you have any discussions with him about this?---No. Never speak to him directly like that. As I said, you know, most of the time it would be Philip Uy, you know, doing the talking or, or running around for him.

Going back to the payment of money, did Philip Uy say or do anything to indicate that the payment he was making was on behalf of Wensheng Liu? ---No, he never mentioned that it was on behalf of Wensheng Liu.

30 Other than your evidence earlier to the effect that Philip Uy said Mr Liu is interested to submit a tender?---Yeah, yeah.

He said that at the conversation with Mr Hindi?---Yes.

That's your evidence?---Yes. Yes.

Aside from that, did he give you any indication that it was Wensheng Liu's money that he was handing over?---No. I don't recall he has, he has explained that to me.

40 Do you know where the money came from?---No, no.

Can I show you volume 7.21? Before we go there, can I ask did Philip Uy give you any indication as to whether the money came from GR Capital? ---No. No. I mean, after that day, I just don't want to talk about it at all, you know?

Okay. We'll go to volume 7.21. Go to the next page, please? The next page again. Starting with message number 3 at the top, do you see the phone number there, ending in 8-3?---Yes.

10 Is that your telephone number?---Correct.

All right. Now, the messages are in Chinese but there's an English translation there?---Yeah.

The English translation is, "Big Brother, please help and see him as soon as possible. I need to pay my tax."---Yeah.

Is that an accurate translation?---Yes. Yes.

20 And that's a message to you?---Yeah.

Who is it from?---That is from, I recall that's from Philip Uy, Philip Uy.

All right. And that message is dated 17 October, 2012, 1.49pm?---Yeah. Yeah.

Which is obviously after council resolved to negotiate with Deicorp and then after council rescinded that resolution. Correct? Okay. Message number 4 - - -

30

THE COMMISSIONER: Just before you move on to that, what did you understand him to be asking you in message number 3?---He, he, actually, he, he did call me before about this, before the text messages. He want the money back from Mr Hindi.

Thank you. And this relates to that, does it?---Yeah. This related to that.

Okay. Thank you.

MS HEGER: So when he said “please help and see him as soon as possible” you understood that to be a reference to Mr Hindi. Is that right?
---Yes.

And in message number 4, which is again on 17 October, 2012, at 1.53pm, you say “I have left voice message” - - -?---Yeah.

- - - or “messages”?---Yeah.

10 Is it single or plural, the Chinese, I mean?---Well, I, in Chinese, I said, “I left voice messages and send him text message.”

Okay. “Am waiting for him to reply. Must chase it up. You can hold me responsible for you.”---Yeah.

Is that an accurate translation?---Yes. Yes, I, I tend to use strong word because I don’t want him to think that I’m part of it, that, you know, that Deicorp thing, I don’t want him to think that I’m part of it.

20 You didn’t want Philip Uy to think that you had anything to do with helping Deicorp?---Yeah.

Is that right?---Yeah, that’s correct.

And when you say, “You can hold me responsible for you,” what did you mean by that?---Well, that means I would be, I will, you know, I will help you to, to chase it back.

Okay. And did you feel a sense of obligation to chase it back from Mr
30 Hindi?---Yes. Because I, you know, that day I was there, I saw it so, you know, and I, and he put it in such a, a way that, you know, I was part of it and, you know, on our way out he said I took him there.

And indeed, you had arranged the introduction between Philip Uy and Mr Hindi on this occasion?---Oh, they knew each other already before that.

How do you know that?---Because that was, I recall, that was in, in another Chinese function that, you know, they were there and I just casually said that “Oh, this is Councillor Hindi” or “This is Mr Philip Uy.”

40

Okay. So this meeting at Mr Hindi's house wasn't the first time they'd met on your understanding?---No, no, no, no.

But you organised the meeting at Philip Uy's request, correct?---Yes.

And message number 5, 17 October, 2012, 2.04pm. I take it this is Mr Uy again, is that right?---Yep.

10 It says, "He has made it so miserable for me, causing me huge loss. Thank you." Is that an accurate translation?---Let me read the Chinese. Yeah.

Message number 6 is your response. You say, "I am responsible too as the introducing person. This is another big learning of life for me. Trusted the wrong person." Is that an accurate translation?---Yes, yes.

And when you say "Trusted the wrong person", who are you referring to?
---Mr Hindi, yeah. Because, you know, as I said I, I used all these strong words to, to, to, make him understand that, look, you know, I got no part of it in, in terms of the tender process, what happened during that, yeah. Not
20 that I suggest Mr Hindi is responsible, was responsible but I just want to emphasise to Philip Uy that I was not responsible, I didn't do anything against him.

All right. Message number 7 is from you to Philip Uy at 7.25pm, correct?
---Number 7, is it?

Yes.---Yes.

30 It says "So far he is still not answering my calls or replying to my messages. I will continue to contact him tomorrow. Sorry."---Yes.

Is that an accurate translation?---Yes.

Go to the next page.

THE COMMISSIONER: And the "him" referred to is again Mr Hindi?
---Yes.

40 Thank you.

MS HEGER: Message number 12 is on – sorry – 11 is on 18 October 2012, 7.01am. It says, “Have called him many times this morning but he is not picking up still. I will continue to call until I can get hold of him.” Is that an accurate translation?---Yes.

THE COMMISSIONER: And again, “him” is Mr Hindi?---Yes.

Thank you.

- 10 MS HEGER: If we go through to message 13, this is a message from Philip Uy back to yourself, correct?---Ah hmm, yeah.

At 7.28am on the 18th. It says, “Anyway, listen to me. Don’t get those books for now, don’t chase him up for those books. I need to go to the hospital to get the report. What money?” Is that an accurate translation? ---On what number of the message again, sorry, Ms Heger?

17.---Oh, I’m sorry.

- 20 Oh, sorry. I think I’ve jumped ahead. I apologise. Sorry, Mr Wong.---No, that’s okay.

I should have gone to 13.---Oh, 13, okay.

That’s a message on 18 October, 2012 at 7.11am. So a few minutes after your earlier message. It says, “Big brother, no need to chase him up anymore. Brother Ping has lent to me. Let’s think about it later. Thank you. Sorry to have troubled.” Is that an accurate translation?---Yes.

- 30 And that’s a message from Philip Uy to yourself?---Ah hmm.

And when he says, “No need to chase him up,” that’s a reference to Mr Hindi?---Yeah.

And so you understood from this that Philip Uy was saying don’t worry about getting the money back from Mr Hindi?---Yeah.

Message number 14 - - -

THE COMMISSIONER: Before you move on, do you know who Brother Ping was?---No. No, I don't understand all of a sudden there is a name there. No, I don't know.

MS HEGER: Message number 14, it's from you to Philip Uy, correct?
---Yep.

18 October, 2012 at 7.13am. It says "Can't just leave it like this. He has already betrayed us. Must pressure him otherwise he will go on and harm other people." Is that an accurate translation?---Yep. Again, I use strong words to, to make Philip understand that, you know, I'm not doing anything, you know, with Mr Hindi to, to, you know, make him lose out or something like that.

When you say "must pressure him", who's that a reference to?---Oh, well, yeah, that's a reference. I think the accurate translation should be, yeah, "give him some pressure".

And who's the "him"?---Mr Hindi. Yeah, I want him to return the money to Mr Uy in this case.

All right. Message number 15. Is that from Philip Uy to yourself?---Yes.

That's on 18 October at 7.18am. It says, "His issue is unrelated to me. Anyway, Brother Ping has lent to me this morning. Whether he will harm other people or not is not a matter for me. Let's think about it only later." Is that an accurate translation?---Yes.

So again you understood this to mean he didn't want you to chase up the money from Mr Hindi anymore, is that right?---Yep, yep.

Message number 16 is a message from yourself to Philip Uy, correct?---Ah
hmm.

Again on 18 October at 7.21am. It says, "If you can't do your work, then refund the money. That's the rule." Is that an accurate translation?---Yes.

And then message number 17 is from Philip Uy to yourself, correct?
---Yeah.

It's again on 18 October at 7.28am. It says, "Anyway, listen to me, don't get those books for now, don't chase him up for those books. I need to go to the hospital to get the report. What money?" What did you understand him to mean by "books"?---Well, I think he just referred the, the money from Mr Hindi. I mean the money he gave to Mr Hindi.

And I accept this isn't your text message, but do you have any idea why he was calling the money "books"?---I think he, I think he change his tone just not to be too obvious.

10

Not to be too what, I'm sorry?---Not to be too obvious, yeah.

All right.---About talking money. So at the end he said, "What money?" But that's just my, my estimation.

20

But you'd accept the other messages in the series clearly indicate you're talking about money?---Yeah, yeah, before these messages, he did call me, you know, and asked me to, to get back the money from Mr Hindi for him. So that's subsequently, you know, it is all this exchange of messages you have obtained. I mean, I don't, well, I, I don't know how you obtain it but, yeah, those are the messages that, you know, related to, to the conversation.

Okay.

THE COMMISSIONER: Can I just take you back to 16.---16?

You say that – message 16.---Yep.

30

"You can't do your work, then refund the money."---Yep.

What did you mean by "your work"?---Well, I just want to make him feel, as I said, you know, I just want to use strong word to make him understand that and agree that I wasn't part of it.

40

What did you understand the work to do? Did it have anything to do with the development?---About the tender. Because he, he was still suspecting that, you know, Mr Hindi and me, you know, have, have help other developers instead of him, so I need to make him understand that, "Look, I'm not part of this. You want the money back, I help you to chase it back."

Sure. And I think you said a little earlier that after you'd left Mr Hindi's home, and I think you might have said walking down the stairs, he told you that the payment had been made so that Mr Hindi wouldn't favour other developers.---Yep.

Yep. And that was the work you're referring to there, isn't it?---Yep.

Yep. Thank you.

10 MS HEGER: Did you actually have, did you get in touch with Mr Hindi?
---About - - -

About retrieving the money.---Yes, yes.

Did you actually speak to him?---Yes, eventually.

And what did you say to him?---I said, well, you know, well, Philip Uy want his money back because, you know, it didn't, the tender didn't work out for him, you know, so he want, he want the money back, the money he
20 gave to you, that \$10,000.

And what did Mr Hindi say?---He agree. He said "Yeah, I will, I will return it."

Okay. Did he in fact return the money to you?---No. Eventually not because afterwards, you know, Philip Uy keep saying that he didn't want it back. So, I mean, to my knowledge, it, it wasn't returned.

30 Okay. If we go to the next message, message 18. This is a message from yourself to Philip Uy, correct, on 19 October, 2012, at 3.51pm?---Ah hmm.

It says, "Big brother, the" – how do you pronounce that? "Xihu Longjing Tea"?---Where is that again, sorry?

In the first row.---I mean what number of the message, please?

Number 18.---18. Oh, sorry. Yes.

40 Is that an accurate translation of the Chinese?---Yes, yes.

And when you were referring to tea, what were you talking about?---About the, that money that he wanted back.

And why were you now referring to it as “tea”?---Well, because he used “cake”, you know, before.

He used what, sorry?---Remember in the previous message he used “cake”.

10 Books?---Books, sorry. Yeah. So I, well I just use another code, that’s all, yeah. No special reason for it but, you know, seems like he didn’t want to be too obvious and, okay, I will be subtle in my messages.

Okay. And you said the tea - - -?---Would be available - - -

“You told me to buy for you or come in next Thursday.” What did you mean by that?---Well, it must be Mr Hindi, you know, agreed to pay back the following Thursday.

20 And so you were intending to arrange some sort of meeting, is that right?
---Yes, yes.

Between who?---Between Mr Hindi and, and Mr Philip Uy.

All right.---Philip Uy, yeah.

But that meeting never took place as far as you’re aware?---No, no.

30 In the next message, number 19, that’s a message from Philip Uy to yourself, correct?---Yep.

19 October, 2012 at 6.10pm.---Yep.

It says, “Thank you but I’ve already told you there is no need for them for now. I will handle it in the future myself.”---Yep.

Is that an accurate translation?---Yeah.

40 And what did you understand from that message?---Well, I understand that he didn’t want it back.

All right. And so that's why you never actually arranged the meeting between Mr Hindi and Philip Uy, is that right?---That's correct.

So you called Mr Hindi again and explained the situation to him?---I think I did.

What did you say?---I just said that Philip Uy didn't want the money back.

10 And then you never had any further discussion about this with Mr Hindi, is that right?---No.

Or any further discussions with Philip Uy about this money for the Gloucester Road car park, is that right?---That's correct.

I have no further questions for Mr Wong. What I will do is I will tender – I'm sorry. First I'll just make a correction. I said earlier, Commissioner, that you announced the additional scope of the inquiry on 24 June. It was in fact 22 June.

20 THE COMMISSIONER: Thank you.

MS HEGER: And what I will do is, I will tender – all right. I will tender the documents that I went to. I can do that after Mr Wong has been excused from the witness box but I imagine there may be applications to cross-examine Mr Wong. We've not received any as yet.

THE COMMISSIONER: I can see Mr Corsaro getting excited down there.

30 MR CORSARO: I'm always excited. Yes, Counsel Assisting excites me. I was going to actually say something. I will be seeking leave obviously. These documents have not come to my attention and not come to Mr Hindi's attention. I was going to seek, make an application we be provided with all of them, and I'll need some time to give this mature reflection and properly deal with it. So Counsel Assisting got it right. I do, and will seek leave and I'll do it in the usual way once I have instructions but it won't be today. I'm not in a position to do that - - -

THE COMMISSIONER: No, I understand that - - -

40 MR CORSARO: And I'm sorry to interrupt you.

THE COMMISSIONER: Sure.

MR CORSARO: Can I just say this. I've had a word with Mr Stanton in relation to his commitments - - -

THE COMMISSIONER: Yeah.

MR CORSARO: - - - and Mr Wong's commitments. I'm told that Mr Stanton is available next Monday and I think there might be some time on
10 Tuesday. I don't know what Mr Wong's position is, but we would seek, at least I'll have the transcript by then and I'll be able to give the matters the attention it obviously requires.

THE COMMISSIONER: Yeah. I don't think there'll be a problem with that. I'll just check.

MR STANTON: What my learned friend has very presciently posed is correct, not only as to our understanding, Commissioner, but bearing in mind Monday and Tuesday, I'm sure that Mr Patterson or others may well
20 have questions that they seek to possibly consider and apply for by the usual means, sir, so, and I certainly would be seeking to re-examine him at the end of it.

THE COMMISSIONER: Yeah. Okay.

MR STANTON: Thank you, sir.

MR PATTERSON: Your Honour, I join in those remarks from Mr Corsaro and Mr Stanton. I'll need to get instructions and to consider the documents.
30

THE COMMISSIONER: Certainly. And I think I'm correct in saying that there will be a compulsory examination transcript made available to you, as well - - -

MR PATTERSON: I'd be grateful, Commissioner.

THE COMMISSIONER: Yeah. To all of you who have an interest in this. It's not proposed to put that up on the public website, as such, unless there's an application to do so. For the purposes of cross-examination, I think you
40 people should have it.

MS HEGER: I'm instructed, Commissioner, that that transcript might not be available until tomorrow - - -

THE COMMISSIONER: Okay.

MS HEGER: - - - but if we're reconvening next week, I trust that will be sufficient time.

THE COMMISSIONER: Yeah.

10

MS HEGER: In terms of a particular day, Monday may be suitable. That's going to be a half day - - -

THE COMMISSIONER: Okay.

MS HEGER: - - - in any event.

THE COMMISSIONER: Yeah.

20 MS HEGER: We'll be sitting in the afternoon from 2.00pm.

THE COMMISSIONER: Yeah. We're not sitting Monday morning. There's another matter that has to occur in here and so we'll be sitting Monday afternoon. Mr Wong, would you be able to come back Monday afternoon?---I will try, yeah.

All right. If there's any - - -?---I need to, I need to get time off from work, yeah.

30 Okay. Okay. I'm sorry about that, but you've heard that other people want to ask you questions, so if it's not Monday, it will be another day, so we'll move on that basis. And I'll adjourn now - - -

MS HEGER: I'll just tender the documents that I went to with Mr Wong.

THE COMMISSIONER: Yeah.

MS HEGER: Volume 7.22 will be Exhibit 184.

40 THE COMMISSIONER: Thank you.

#EXH-184 – VOLUME 7.22

MS HEGER: Sorry. Bear with me a moment, Commissioner. Exhibit 184, the volume 7.22.

THE COMMISSIONER: Yeah.

10 MS HEGER: Volume 7.23 will be Exhibit 185.

THE COMMISSIONER: Thank you.

#EXH-185 – VOLUME 7.23

MS HEGER: Volume 7.24 will be Exhibit 186.

20 THE COMMISSIONER: Yeah.

#EXH-186 – VOLUME 7.24

MS HEGER: Volume 7.7 will be Exhibit 187.

#EXH-187 – VOLUME 7.7

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MS HEGER: Volume 7.9 will be Exhibit 188.

#EXH-188 – VOLUME 7.9

MS HEGER: Volume 7.26 Exhibit 189.

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#EXH-189 – VOLUME 7.26

MS HEGER: Volume 7.10 Exhibit 190.

#EXH-190 – VOLUME 7.10

10 MS HEGER: Volume 7.17 Exhibit 191.

#EXH-191 – VOLUME 7.17

MS HEGER: Volume 7.21 will be Exhibit 192.

#EXH-192 – VOLUME 7.21

20 MS HEGER: That's it, Commissioner.

THE COMMISSIONER: That's it, is it? All right. We'll adjourn till tomorrow morning. Thank you very much.

THE WITNESS STOOD DOWN [3.44pm]

30 **AT 3.44PM THE MATTER WAS ADJOURNED ACCORDINGLY [3.44pm]**