



CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

10 CONDUCTED AT LEVEL 2, NORTH TOWER, 515 ST PAULS TERRACE,
FORTITUDE VALLEY WITH RESPECT TO

File No: CO-16-1664

HEARING NO: 17/0001

DAY 8 - TUESDAY 13 JUNE 2017
(DURATION: 00HR 25MINS)

20

Copies of this transcript must not be made or distributed except in accordance with any order made by the presiding officer concerning publication of these proceedings.

LEGEND

PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – GLEN RICE QC
30 HRO Hearing Room Orderly – MELISSA LETONDEUR
W Witness – Kuo Sing Sam TIONG
LR Legal Representative – N/A

CA I call Kuo Sing TIONG.

PO Mr TIONG, do you have any objection to taking an oath on the Bible?

W Yes, I can do that.

PO Thank you.

10 HRO The evidence which I shall give.

W The evidence which I shall give.

HRO In these proceedings.

W In these proceedings.

HRO Shall be the truth.

20 W Shall be the truth.

HRO The whole truth.

W The whole truth.

HRO And nothing but the truth.

W And nothing but the truth.

30 HRO So help me God.

W So help me God.

CA Is your name Kuo Sing TIONG?

W That's me.

CA You're also known as Sam TIONG?

40 W Yes. Call me Samuel, please.

CA I'll call you Mr TIONG, if that's okay.

W Yes.

CA You're here in response to a notice to attend. Can I show you this document?

W Yes, please.

50 CA Is that a copy of the notice that you received?

W Yes. I got a copy here.

CA I tender that.

- PO That's exhibit 120.
- CA I want to ask you, Mr TIONG, about a company you know of, I think, SKL Cables Australia Pty Ltd. Do you know of that company?
- W Yes.
- CA Do you have some association with it?
- 10 W I'm helping the owner to run the company by just charging them the consultation fee, but I'm not-
- CA Charging them what, sorry?
- W Consultation fee. I don't have a formal employment agreement with them.
- CA What's the nature of the company's business?
- 20 W The main business is doing cabling. We manufacture cables overseas and we import and we sell it to the wholesalers.
- CA Where does the manufacture take place?
- W In Shanghai, China.
- CA What kind of cables?
- W It's domestic electrical cables.
- 30 CA So they're manufactured in China?
- W Yes.
- CA You import them?
- W Yes.
- 40 CA And, what, sell them here?
- W Yes, we sell to the wholesaler.
- CA Sell to a wholesaler?
- W Yes.
- CA For how long has that business been operating in that way?
- W I started taking part since February 2014.
- 50 CA For how long have you been associated with the company in a consultancy role?
- W Until now.
- CA Yes, but when did you start?

W February 2014.

CA Is that the same time the company commenced operations?

W I think the company got registered before then, but-

CA How long before, do you know?

10 W I'm not too sure.

CA Was it an operating business importing and selling cables when you joined it, or was it new?

W It was new. Probably six months after I joined, the cables started arriving.

CA Does the company still trade in cables?

W It is.

20 CA You had some background of employment, I think, in Logan Council?

W Yes.

CA Over what time frame did you work for Logan Council?

W From memory, it's from 2010 to 2014 since I started joining SKL Cables.

CA So after leaving the council, you took up this new position?

30 W Yes. Yes, after leaving council, I went straight to join them.

CA What was the nature of the work you did for Logan Council while you were there?

W I was a transport planner.

CA What does that involve? What does that job involve?

40 W We mainly do infrastructure planning across the city.

CA For, what, public transport or any kind of transport?

W Any kind of transport, yes.

CA Infrastructure planning?

W Yes.

50 CA The directors of SKL Cables, are they Australian or not?

W They are permanent residents here.

CA Permanently resident?

W Yes.

- CA Of what nationality?
- W Chinese.
- CA Mainland China?
- W Yes, mainland China.
- 10 CA Is their English sufficiently good to conduct business with English-speaking people?
- W Not as good.
- CA Is that part of the reason you joined the-
- W Yes.
- 20 CA Is there some other reason that you joined the company as a consultant?
- W And also my experience in development applications, and I was an engineer before then, so I know a little bit about the building industry.
- CA Are you an engineer by qualification?
- W Yes, by qualification.
- CA Do you have some university credential?
- 30 W Oh, yes.
- CA From what university?
- W University of South Australia, in Adelaide.
- CA Bachelor of Engineering?
- W Oh, yes. Civil engineering.
- 40 CA And you mentioned some background in development applications also?
- W Yes.
- CA What-
- W I was a DA referral, you know, in the DA process.
- CA Just explain that for us?
- 50 W Which means any development application being submitted into council, the DA officer will refer it to different internal officers within council. I was in the traffic and transport team, so I looked at all the traffic impact assessment, and so on.
- CA Traffic impact assessment on development applications submitted to council?

- W Yes, that's right.
- CA You would, what, assist to process them?
- W I assess.
- CA Assess them?
- 10 W And then - yes, and I provide feedback.
- CA To whom?
- W To the DA officers. DA officers.
- CA Was your background of experience in assessment of development applications of any interest to the directors of the company you now work for?
- 20 W Yes, to some extent.
- CA Why?
- W They try to get into the property market here. So I met this person coincidentally, and then-
- CA Which person?
- 30 W Mr YU, in this case, the owner of the company, the owner of SKL Cables. So we have a bit of chat, and then, you know, that's how we - that's how I joined the company.
- CA Do you actually have anything to do with the cable importing and selling side of the business?
- W Not in the past, no.
- 40 CA So how have you been occupying yourself since about May 2014 when you started there? What activities do you actually go about doing on a day-to-day basis?
- W We started from scratch and then we started doing the sales. We approach the people in the industry-
- CA Are you talking about cables now?
- W Yes, I'm talking about cables. And then later on, we employ some of the sales reps in the industry.
- 50 CA Leaving cables to one side-
- W Yes.
- CA -does the company have some interest in moving into property development?

- W Yes.
- CA Has it already done so?
- W We haven't got anything hitting the ground, but we have something in the process.
- CA What's in the process?
- 10 W We have got one apartment development being approved, I'm talking about DA, and that is in Upper Mount Gravatt by the name of Archer Street.
- CA What about in Logan?
- W In Logan, we have a DA in the process, which is 22 Carol Avenue.
- CA Were you involved in any part of the preparation of that application?
- 20 W Yes, I did.
- CA You would be aware that it was lodged, would you, in mid-November 2015?
- W Yes.
- CA What part did you have to play in the preparation of the application?
- 30 W I was a project manager trying to get the town-planners and the architect to convey our ideas to the design and also helping them to - not helping them, but, you know, as a point of contact in the company, to lodge a DA.
- CA Is it correct to say that there is a range of documents that you need to submit to council with an application of the kind that was envisaged at 22 Carol Avenue?
- W Yes.
- 40 CA What kind of documents did you have to prepare for lodgment?
- W I didn't prepare them myself, but my town-planner did, yes. Basically, he's the coordinator of the applications, so he coordinates with different consultants in different fields for the lodgment of the DA.
- CA More than one consultant?
- W Oh, yes.
- 50 CA What kind of area, what kinds of consultancies?
- W Architect is the main one, and then there's a traffic engineer, there's civil engineer, acoustic engineer, and so on.
- CA You've agreed, I think, that the application for development of 22 Carol Avenue was lodged at the council in mid-November 2015?

- W Yes.
- CA What happened to it after that, so far as you know?
- W We didn't quite push this application quite hard because the current property market is not as good as what we thought, and also we don't have the funding to proceed with the project as well, so various reasons that caused us to put this project on hold.
- 10 CA Did it proceed to assessment within council?
- W Yes, it was under process - it was in the process of DA applications.
- CA Even if you get approval, it doesn't mean, does it, that you have to go about building straightaway?
- W Probably not.
- 20 CA Was SKL Cables interested in getting at least approval for the development, if not proceeding with it?
- W I probably can't say this on behalf of the owner, yes.
- CA Well, the application was lodged for a purpose, we assume, in mid-November 2015. What was the purpose, so far as you understood it?
- W Well, the purpose is eventually to get it built and to get Springwood developed.
- 30 CA First you need approval, don't you?
- W Oh, yes.
- CA Was it lodged for approval with the intention of getting approval?
- W Yes.
- CA Did you get any feedback from council about the adequacy of the proposal?
- 40 W We went in for the pre-lodgment meeting. We understand, back then, the height limit was 10 storeys, which is 30 metres, but I also at the same time got the advice from our town-planner that any building, according to the building regulation, so any building, the height, if it is more than 8 storeys, which is 24 metres, you got to install the fire sprinkler system in the building. So before we went to the pre-lodgment meeting, I got advice from the town-planner and the architect that if it is 10 storeys, so probably it is not commercially viable.
- 50 CA Was it 10 storeys?
- W Sorry?
- CA Was the development proposal 10 storeys?
- W No. Therefore, based on that reason, we proposed for 15 storeys. That

was the intention behind it.

CA The application was submitted for a 15-storey building?

W Yes, and then-

CA It was going to be a hotel, wasn't it, if it was built?

10 W It is a mix of commercial, with restaurants, and residential, which is apartments in this case.

CA You were explaining, I think, what feedback you had from council about the proposal?

W In the pre-lodgment meeting, I think the council, they supported it. They were quite happy-

CA Did you meet with officers or with councillors?

20 W No, with the officers.

CA Officers, yes.

W That was a pre-lodgment meeting with all the officers in the meeting.

CA We've moved on quite a bit from November 2015. What's the status of the application at the moment?

30 W We kind of put it on hold because we don't know what is coming ahead of us. So we are not sure whether we need to proceed.

CA You've agreed, I think, that it was lodged in November 2015-

W That's right.

CA -with a view to getting approval?

W Yes.

40 CA But you say that the application is now on hold. At what point in the time frame after lodgment did you and the directors of the company decide to put the application on hold?

W I couldn't remember the point in time that we decided to put it on hold, but seemingly there were some hurdles, you know, in the process.

CA Some what, sorry - hurdles?

50 W Yes, because in the pre-lodgment meeting we were led to believe that council would support 15 storeys, but later on down the track we were told again that council doesn't support the application.

CA When you say "council", what level are you speaking at - officer level?

W I'm talking about from the officer levels, yes. So that's when we're kind of not sure how to proceed on that, and then we slow down our pace after

that.

CA You can't remember when-

W No, I can't remember when.

CA -that change occurred?

W Yes, I can't remember.

10

CA You know the Mayor, Councillor Luke SMITH?

W Yes. When I was a council officer, you know, we have some association in the council, at councillor and officer levels.

CA What about in your new job as a consultant with SKL Cables, did that bring you into contact with Councillor SMITH?

W Yes, a little bit, yes.

20

CA In what way?

W As a friend, I think, if I put it that way.

CA What kinds of occasions would you have contact, social or professional, can you explain?

W Just social.

30

CA What kind of social?

W A few dinners.

CA With what regularity, can you say? How often?

W How often? Oh, quite rare. Probably once in a few months.

CA Now, do you know that SKL Cables made some donations to Mr SMITH's campaign fund?

40

W I was aware of it.

CA Did you play any part in-

W No.

CA -the decision to make a donation?

W That is something I don't play any part in.

50

CA Did you have any discussion with the directors on that subject?

W No.

CA How did you learn that SKL Cables had made donations to Mr SMITH's fund?

- W The director did mention about it, but I was never aware of the amount. I know that that happened, that, you know, this incident happened, but I wasn't aware of the details of the donations.
- CA Do you know why the company donated to Mr SMITH's fund?
- W Basically I think the owner donated with the intention that Luke was a great candidate for the city future, you know, to create an environment for, you know, the development.
- 10 CA Do you know anything about the timing of the donation that was made, that is, when it was made?
- W No, I wasn't aware of the timing.
- CA If I was to suggest to you that \$35,000 was transferred on the 29th of December 2015-
- 20 W Yes.
- CA -do you know anything about that?
- W No. I knew that eventually, but at that point in time I wasn't aware of it.
- CA When did you learn about it?
- W I think a few months down the track, you know, when the director mentioned it to me about the donation.
- 30 CA Do you know anything about a company called Logan Futures Pty Ltd?
- W Now I know, yes. That was the company who received the donation.
- CA Did you know about the existence of that company before the election in March 2016?
- W No.
- 40 CA Do you have any idea how the director of SKL Cables came to have Logan Futures Pty Ltd's bank details so as to be able to make the transfer?
- W I wasn't involved in that personally, so I wasn't aware of it.
- CA You didn't ask anyone for Logan Futures' bank details to pass on to the director, so that a donation could be made?
- W Because the director transferred the money himself.
- 50 CA Without reference to you?
- W Without reference to me.
- CA Without asking you anything about Logan Futures' bank account details?
- W Not I - not I can remember of.

- CA Do you know a gentleman by the name of Mark PASCOE?
- W Yes, I know him.
- CA Was he an assistant to Mayor SMITH, or Councillor SMITH, in his campaign?
- W Yes.
- 10 CA Did you have any contact with him in that capacity?
- W Yes, I did.
- CA For what purpose?
- W Making an arrangement, like, you know, dinner. Very minor things. Like, if we want to make some arrangement about, let's say, you know, the dinner, then I would normally just contact him.
- 20 CA Dinner with whom?
- W With Luke.
- CA So if you wanted to have dinner with Mayor SMITH-
- W No, if normally the owner, Mr YU, in this case, liked to have a dinner, arrange a dinner with a bunch of friends, including Luke, then, you know, I would be asked to contact Mark PASCOE.
- 30 CA And arrange it?
- W That's right, yes.
- CA How often did you do that?
- W Not very often.
- CA We're talking about before the election?
- 40 W That was after the - both before and after the election.
- CA Before and after?
- W Yes, because Mark PASCOE, he hung around for a little bit after the election. Then I think he left the council, and since then I haven't had any contact with him.
- CA Did you attend any dinner functions with Mr YU and Councillor SMITH?
- 50 W Yes, once, in a restaurant in Underwood.
- CA Was that purely a social occasion or was there some talk about business?
- W Just social.

- CA Can you describe it for us?
- W Just a social occasion I was invited, yes.
- CA Did you turn out on election day to give Councillor SMITH some assistance?
- W No, I didn't. But I think someone else did.
- 10 CA Well, I'm sure someone else did. Someone connected with SKL Cables?
- W Not directly. It's a friend, you know, in the group. But SKL Cables is a small company, so we don't have many staff, so none of the SKL Cables staff attended on election day.
- CA Did you arrange for any persons to attend and assist on election day?
- W I personally didn't.
- 20 CA Do you know of anyone from SKL Cables who did?
- W No idea.
- CA Was any donation made to any other candidate in the 2016 election from SKL Cables?
- W Mark TOOKEY, \$3,000.
- CA Do you know why that donation was made?
- 30 W Again, I have no idea.
- CA Is it the director who was responsible for that?
- W Yes, that's right.
- CA You just happen to know about it?
- W Yes. I know that afterwards.
- 40 CA That's the evidence, Commissioner.
- PO Thank you.
- Mr TIONG, you're excused. Thank you.
- CA That's all the witnesses for today, Commissioner.
- PO Thank you. We'll adjourn until 10 am tomorrow.
- 50