

AUBURN PUBLIC INQUIRY

Before the Commissioner: Mr Richard Beasley SC
Counsel Assisting: Mr Paul Bolster
Officer Assisting: Mr Darren Sear

PRIVATE HEARING: Steve Yang

Held at the Civic Precinct Centre
1 Susan Street, Auburn NSW

On Thursday, 9 June 2016 at 1.20pm

1 THE COMMISSIONER: Yes, Mr Bolster.

2

3 MR BOLSTER: I call Mr Yang, Mr Commissioner. Perhaps the
4 interpreter should be sworn first.

5

6 THE COMMISSIONER: Yes.

7

8 <MEYOUNG YO, sworn to interpret: [1.20pm]

9

10 <STEVE YANG, sworn: [1.20pm]

11

12 THE COMMISSIONER: I am just going to make some formal
13 orders first, Mr Gardiner. I give the following directions
14 in relation to Mr Steve Yang who has been summonsed to
15 appear at the Auburn Public Inquiry:

16

17 (1) Pursuant to section 12B of the Royal Commissions
18 Act, I direct that part of the questioning by
19 Counsel Assisting is to now take place in private.

20

21 (2) Pursuant to section 12B(3) of the
22 Royal Commissions Act, I direct that only the following
23 persons be present during the private hearing involving
24 Mr Yang:

25

26 (a) Counsel Assisting and the inquiry staff;

27

28 (b) The legal representatives of Mr Yang, being
29 Mr Gardiner and Mr Chang, and the interpreter
30 whose name is Meyoung Yo.

31

32 (3) Until such time as I give a different direction,
33 I direct that publication of the transcript of this private
34 hearing involving Mr Yang be restricted to the persons
35 referred to in the previous direction.

36

37 (4) I direct that the completion of this private
38 hearing does not excuse Mr Yang from his summons to appear
39 at the inquiry subsequently.

40

41 Mr Bolster.

42

43 MR BOLSTER: My learned friend wished to make a short
44 statement.

45

46 MR GARDINER: Yes, prior to my friend opening,
47 Mr Commissioner. Mr Yang has asked me to indicate to you

1 that he does understand English. At times I think perhaps
2 the nuances of legal-speak might trouble him, but on the
3 whole he understands English and is able to follow
4 proceedings without the use of the interpreter, but he
5 recognises that the interpreter may assist given his Korean
6 accent.

7
8 THE COMMISSIONER: Does that mean that we should only use
9 the interpreter if Mr Yang is uncertain as to what he is
10 being asked?

11
12 MR GARDINER: I am in your hands, to some extent, on that
13 point.

14
15 MR BOLSTER: I think we will see how we go, with me
16 speaking to him directly, and if he's got a problem --

17
18 THE COMMISSIONER: All right. The way we're going to
19 proceed, Mr Yang, is that Mr Bolster will ask questions to
20 you directly for you to answer directly, but if you feel
21 you haven't understood a question then we will involve the
22 interpreter.

23
24 MR GARDINER: It may be, with respect to the transcript,
25 that the answers may come via the interpreter. Having had
26 some little time with Mr Yang, it may cause some issues
27 down the track.

28
29 MR BOLSTER: Is this the position, that whilst he's pretty
30 good on understanding English, his communication in
31 speaking it is less developed?

32
33 MR GARDINER: That is so.

34
35 MR BOLSTER: Perhaps we might adopt that process then.

36
37 THE COMMISSIONER: Why don't we see how we go?

38
39 **<EXAMINATION BY MR BOLSTER:**

40
41 MR BOLSTER: Q. Mr Yang, do you understand that I'm
42 going to ask you questions in English?

43 A. I have some understanding, but the meaning of the
44 lawyer wording, wording of the lawyer, in that case I have
45 a difficulty, actually, but normal construction of word and
46 some general English, okay, no problem.

1 Q. Let's just proceed. Could the witness be shown a copy
2 of exhibit PH1. I think my learned friend has been
3 provided with a copy. Mr Yang would you have a look at
4 that --
5
6 THE COMMISSIONER: That's PH4.
7
8 MR BOLSTER: Q. PH4, sorry. Would you have a look at
9 that document in front of you. You can see that the first
10 page is an index of a council business paper?
11 A. I'm look at that. (Through interpreter). Yes.
12
13 Q. Would you turn over the page to page 2?
14 A. Yes.
15
16 Q. Do you see there that there is a motion that you moved
17 back in April 2013?
18 A. (Interpreted). Yes, according to document, yes,
19 I understand.
20
21 Q. Do you remember moving that motion?
22 A. (Interpreted). Yes, I remember that.
23
24 MR BOLSTER: Was that "yes"?
25
26 INTERPRETER: Yes, he remembers.
27
28 THE WITNESS: Yes.
29
30 MR BOLSTER: Q. Why did you move that motion?
31 A. (Interpreted). First thing, we make the town centre
32 better Auburn City development because as I elected a
33 member, I can communication between community and the
34 council. Second --
35
36 Q. Mr Yang, could you just stop. Could you give your
37 answer to the interpreter in Korean, please?
38 A. Okay. (Through interpreter). First of all, at this
39 council we can develop more better Auburn town centre to
40 development, the reason why he was move.
41
42 MR BOLSTER: Why you did you choose --
43
44 THE WITNESS: Second --
45
46 MR BOLSTER: I'm sorry, keep going.
47

1 THE WITNESS: (Through interpreter). So secondly, the
2 reason why he was move because in order to make it
3 developing and it's close to the - the Auburn railway
4 station is closer. It's easy access for the transportation
5 and the gateway; that is the reason.
6

7 Q. Did you discuss that motion with anyone before you
8 moved it?

9 A. (Through interpreter). No, no, I haven't.
10

11 Q. No-one suggested to you, did they, that you should
12 move that motion?

13 A. (Through interpreter). No, no-one. I will have
14 additional information for the reason.
15

16 THE COMMISSIONER: Yes, please.
17

18 MR BOLSTER: Q. Yes, please, tell us the additional
19 reasons.

20 A. (Through interpreter). First of all, depending on our
21 workshop, we would just follow, and second reason is the
22 council also had a recommendation. That is two reasons to
23 make a change to motion and it is in connection to the
24 urban development that we move into that action.
25

26 Q. Could the witness be shown a copy of the South Auburn
27 bundle, please, opened at page 5. Just wait a minute and
28 it will be handed to you. Do you see there for 17 April
29 2013 there is a reference to your motion, Mr Yang. Do you
30 see that?

31 A. Yes.
32

33 Q. Do you see immediately before that there's reference
34 to earlier resolutions of council not to proceed with a
35 slightly different planning proposal; correct?
36

37 INTERPRETER: The date was 8 February 2013, is that the
38 one?
39

40 MR BOLSTER: Yes, and if he looks up to 31 October 2012,
41 do you see there?
42

43 INTERPRETER: 31 October 2012. Okay, I will.
44

45 THE WITNESS: (Through interpreter). Yes.
46

47 MR BOLSTER: Q. Do you recall that?

1 A. (Through interpreter). This period is October 2012,
2 that was the initial period, so I wasn't even aware with
3 that.
4
5 Q. No. I'm just asking him about in April 2013, okay?
6 A. (Through interpreter). Yes.
7
8 Q. Why did he choose a B4 zoning for Auburn Road?
9 A. (Through interpreter). It is gateway is close by,
10 nearby the train station, so if I proceed that then will be
11 Auburn town centre will be more developing, that's what
12 I think.
13
14 Q. Could you turn over that large bundle in front of you
15 to page 283.
16
17 THE COMMISSIONER: Can I just ask you, on page 2 of
18 exhibit PH4 where it says, "Councillor Yang by notification
19 of 8/10/2013", what does that mean? Do you want to explore
20 it?
21
22 MR BOLSTER: No, I don't think so. I think it means that
23 he gave notice of the motion in advance.
24
25 THE COMMISSIONER: In writing?
26
27 MR BOLSTER: Probably.
28
29 THE COMMISSIONER: Do you want to ask that?
30
31 MR BOLSTER: Not now.
32
33 THE WITNESS: (Through interpreter). Yes, we turned to
34 page 283.
35
36 MR BOLSTER: Q. Do you see the land between Harrow Road
37 and Auburn Road?
38 A. (Through interpreter). Yes.
39
40 Q. Why didn't you want to rezone that land?
41 A. (Through interpreter). The Auburn Road is most of the
42 shops, all the shops is there. A lot of shops is at the
43 Auburn Road located. So therefore, at the workshop we had
44 a discussion with this matter.
45
46 Q. Yes. All right. Did he discuss his proposal with
47 Mr Mehajer?

1 A. (Through interpreter). I haven't no relate with
2 Mr Mehajer. I don't even know what he was get a permission
3 to do that, I don't even know that.
4
5 Q. Did you know that Mr Mehajer had an interest in
6 property in Auburn Road, at 84A Auburn Road?
7
8 INTERPRETER: I'm sorry, "84 or", did you say?
9
10 MR BOLSTER: Q. 84A Auburn Road.
11 A. (Through interpreter). I have no idea, I don't know.
12
13 Q. Some time passed and council staff prepared a report
14 to council in April 2015 dealing with this rezoning. Does
15 he remember that?
16 A. (Through interpreter). Well, we only followed the
17 agenda for the first meeting, but one day will be the
18 rezoning with like this, I assuming we'll be coming like
19 this, but that's all I know.
20
21 Q. Can he look at page 284, please.
22 A. (Through interpreter). Yes.
23
24 Q. Do you see there that council staff recommended an
25 Option 2(a)? Do you see that?
26 A. (Through interpreter). I cannot able to remember
27 page 284 for this zoning, but do I remember 283 for the
28 zoning, but I can't remember the 284 page for this zoning,
29 no.
30
31 Q. Does Mr Yang remember that when council came to vote
32 on this matter in May 2015, it adopted Option 2(a)?
33 A. (Through interpreter). Option 2(a)?
34
35 Q. Yes, Option 2(a).
36 A. (Through interpreter). Well, in my memory, the zoning
37 was selected by the page 283.
38
39 Q. 283?
40 A. (Through interpreter). Yes, but this is first time
41 I knew if this zoning they took 2(a) site plan. I don't
42 even - I mean, now I know first time but I didn't even know
43 before.
44
45 Q. Mr Yang knows that council adopted an option; correct?
46 A. (Through interpreter). As per the documents as
47 listed, maybe you're right.

1
2 Q. When did he find out about Option 2(a)?
3 A. (Through interpreter). Well, we just progressed, ran
4 through it from, initially through the workshop and then we
5 have a progression and then finally we adapted the plan
6 2(a), so yes, we just followed the rules, that's all.
7
8 Q. All right. Did he agree with Option 2(a)?
9 A. (Through interpreter). I can't remember exactly.
10
11 Q. Isn't it the case that he is surprised, sitting there
12 today, to hear that Option 2(a) was the option that was
13 adopted by council in May 2015?
14 A. (Through interpreter). Yes, for me the first time
15 I knew this Option 2(a).
16
17 Q. Until today is it fair to say that you thought it was
18 Option 1 that was adopted by council?
19 A. (Through interpreter). Yes, I remember the option
20 283, the page number 283, Option 1.
21
22 Q. You didn't agree to a change from Option 1 on page 283
23 to Option 2(a) on page 284, did you?
24 A. (Through interpreter). I can't remember.
25
26 Q. He can't remember. Did Mr Oueik discuss Option 2(a)
27 with you at any time?
28 A. (Through interpreter). Never.
29
30 Q. Never? Did Mr Attie discuss Option 2(a) with you at
31 any time?
32 A. (Through interpreter). No.
33
34 Q. Did Mr Zraika?
35 A. (Through interpreter). No.
36
37 Q. Did Ms Lam?
38 A. (Through interpreter). No.
39
40 Q. Did Mr Mehajer?
41 A. (Through interpreter). No.
42
43 Q. The Minutes of Council record Mr Yang voting in favour
44 of Option 2(a). Is that a mistake?
45 A. (Through interpreter). I agree, I just agree, but
46 I can't remember exactly.
47

1 THE COMMISSIONER: Q. You agree it was a mistake?
2 A. (Through interpreter). Well, there is not just a
3 simple agenda, not only this agenda, so I had a - we also
4 have another one under the meeting, so I can't remember
5 exactly.

6
7 Q. I think what Counsel Assisting is asking is did
8 Mr Yang, when he voted on this planning proposal, think he
9 was voting for Option 1 rather than Option 2(a)?

10 A. (Through interpreter). When I actually look at these
11 two, 283 and 284, Option 1 and Option 2(a), this is more
12 large, rare, but the Option 2(a) is a bit smaller, so this
13 is not the bad planning, so I agree.

14
15 Q. 2(a) is bad planning?

16 A. (Through interpreter). 2(a) is not the bad planning.

17
18 Q. Not bad or is bad?

19 A. (Through interpreter). No, not bad; not bad.

20
21 Q. No bad?

22 A. (Through interpreter). Yes.

23
24 Q. When Mr Yang voted, did he think he was voting for
25 Option 2(a) or did he think he was voting for Option 1?

26
27 INTERPRETER: He say for Option 1.

28
29 THE WITNESS: Maybe this one adjusted, I don't remember.
30 (Through interpreter). I don't remember how they are
31 adjusted.

32
33 MR BOLSTER: Q. Option 1 was what you proposed?

34 A. I proposed it because very large -
35 (Through interpreter). The Auburn City town centre
36 development is a larger frame, he said.

37
38 Q. Yes. You wanted to pursue Option 1, didn't you?

39 A. (Through interpreter). Yes.

40
41 Q. You didn't want to pursue Option 2(a), did you?

42 A. (Through interpreter). My memory is Option 1, yes.

43
44 Q. Thank you. We'll move on to another topic. In the
45 same large bundle there is a bundle of documents about
46 Berala.

47

1 THE COMMISSIONER: It is just the next tab, the next big
2 tab. Can you turn to the big white tab. Can you help,
3 Mr Sear? No, the whole big tab: yes, that's it.
4
5 MR BOLSTER: Could the witness be taken to page 93.
6
7 INTERPRETER: Berala?
8
9 MR BOLSTER: Q. Yes. Mr Yang, you went to a workshop at
10 Bowral where the Berala planning project was discussed;
11 correct?
12 A. (Through interpreter). Yes. Yes, correct.
13
14 Q. And you coloured in a map showing what you thought the
15 zoning for Berala should be?
16 A. (Through interpreter). Yes.
17
18 Q. I want to show you this map here. I am showing the
19 witness the second page of MFI5. For the benefit of my
20 learned friend, it is the original. That's your name at
21 the top of the page?
22 A. (Through interpreter). Yes.
23
24 Q. That's the way you coloured in that map correctly?
25 A. (Through interpreter). Yes, partial colouring, yes.
26
27 Q. What does the blue signify?
28 A. (Through interpreter). The blue colouring is the
29 already council recommendation.
30
31 Q. Are you sure about that?
32 A. (Through interpreter). Council proposal, the council
33 recommendation for this colour, blue colour.
34
35 Q. Didn't you colour that in blue yourself?
36 A. (Through interpreter). Yes, I did.
37
38 Q. And you see down at the bottom left-hand corner
39 there's an area of land near York Street, Berala. Are you
40 familiar with that area?
41 A. (Through interpreter). York Street.
42
43 THE COMMISSIONER: It's very hard to see, I think.
44
45 INTERPRETER: Yes. It's nearby Elizabeth Street, it's
46 close there?
47

1 THE COMMISSIONER: Yes, it is.
2
3 MR BOLSTER: Yes.
4
5 INTERPRETER: Yes. Okay. Yes, we see here, yes, okay.
6
7 THE COMMISSIONER: It's to the left of Hyde Park Road.
8
9 INTERPRETER: To the left and right, yes, yes.
10
11 MR BOLSTER: Q. You see York Street runs east-west?
12 A. (Through interpreter). Yes.
13
14 THE COMMISSIONER: It is just slightly south of Hyde Park
15 Road, yes.
16
17 MR BOLSTER: Q. It's horizontal, yes.
18 A. (Through interpreter). Yes.
19
20 Q. Do you see you've coloured in the area on the south
21 side of York Street blue for B2; correct?
22 A. (Through interpreter). Yes, right.
23
24 Q. When you coloured that in, had you discussed that with
25 any other councillors beforehand?
26 A. (Through interpreter). No.
27
28 THE COMMISSIONER: Can I just ask for clarification?
29
30 Q. Mr Yang said he coloured in the map according to
31 council recommendation?
32 A. (Through interpreter). The blue colouring is the
33 council recommendation.
34
35 Q. Can I just ask - when Mr Yang is saying
36 "council recommendation" is he saying that was the council
37 recommendation, as he understood it, at the February 2014
38 Bowral workshop?
39 A. (Through interpreter). Yes, at the workshop, yes.
40 When we had a workshop on that day they suggested our
41 proposal to which one we can choose, so that's why we put
42 it in the colouring with the name on the top.
43
44 Q. When you say "they suggested", is "they" the council
45 planning staff?
46 A. (Through interpreter). Yes, including the councillor,
47 yes.

1
2 Q. Including the council. Sorry?
3
4 INTERPRETER: The councillor.
5
6 THE WITNESS: Councillor and the council.
7
8 INTERPRETER: Council and councillor.
9
10 THE COMMISSIONER: I see, so the planning staff and --
11
12 INTERPRETER: And the councillors.
13
14 THE COMMISSIONER: -- the elected councillors.
15
16 INTERPRETER: Yes, elected councillors.
17
18 THE COMMISSIONER: Q. Did Mr Yang colour blue for B2
19 where he understood the planning staff, firstly, were
20 recommending that there be B2 zoning?
21 A. (Through interpreter). Yes. At the workshop we
22 colour in with the blue and also which way is the Berala
23 development, that's why I put the colour in my idea on to
24 that day with my name on the sheet.
25
26 MR BOLSTER: Q. That map in front of you, where you see
27 blue underneath "York Street", was that your idea or
28 someone else's idea?
29 A. (Through interpreter). This is my idea. The reason
30 why I'm colouring because from the station to access to
31 York Street is more easy to access and closer, that's why
32 I put colouring in.
33
34 Q. Did it have anything to do with the fact that
35 Mr Zraika owned land in York Street?
36 A. (Through interpreter). No.
37
38 Q. Did anyone tell him, any councillors suggest to him
39 that B2 should be chosen for that particular area?
40 A. (Through interpreter). No. We just get an idea
41 according to the council proposal for the blue zoning, so
42 we just - after that I - just at the workshop we just put
43 our ideas to put on the colour, that's all.
44
45 Q. Does he remember coming to a workshop in the Jack Lang
46 Room in June 2014 when the matter was discussed again?
47 A. I remember that. (Through interpreter). Yes,

1 I remember.
2
3 Q. Does he remember what council staff were recommending
4 for the land south of York Street that we've been talking
5 about?
6 A. (Through interpreter). No, I can't remember.
7
8 MR BOLSTER: Might the witness be shown a copy of
9 exhibit 01, please, opened up to page 71?
10
11 THE COMMISSIONER: To relieve Mr Yang of material, can he
12 hand back the stuff that he has currently got?
13
14 MR BOLSTER: I think he can hand back the loose maps but
15 he can keep the folder.
16
17 THE COMMISSIONER: And 71.
18
19 INTERPRETER: 71? Yes.
20
21 THE COMMISSIONER: No, this one.
22
23 INTERPRETER: Oh, okay.
24
25 MR BOLSTER: Q. Do you see how it has got
26 "Suggested zones"?
27 A. (Through interpreter). Yes.
28
29 Q. Do you see how the relevant zoning for south of
30 York Street is R4?
31 A. (Through interpreter). Yes.
32
33 Q. Did he support that or did he have a different view?
34
35 INTERPRETER: The one in the left-hand corner, R4 or the
36 big R4?
37
38 THE COMMISSIONER: That's right, yes.
39
40 MR BOLSTER: Q. The same area we've been talking about.
41 We're not talking about any other area.
42 A. (Through interpreter). No. Well, this is my - at the
43 workshop I just do my own ideas for the colouring.
44
45 Q. This happened five months later. Council staff
46 recommended this in the document that you have in front of
47 you?

1 A. (Through interpreter). Okay, yes, they will be
2 summarised, yes.
3
4 Q. Does he remember what he voted for in July when this
5 matter was resolved by council?
6 A. (Through interpreter). All I understand is that they
7 were going to be - according to the development plan, they
8 are going to build the four-stories building, so that
9 things I remember.
10
11 Q. Does he remember --
12 A. (Through interpreter). Well, I don't know who
13 developed it, but I only remember that four-storey floor
14 will be developed on this site, yes.
15
16 MR BOLSTER: Could the witness be shown the Berala bundle
17 again? I think it is opened at the right page.
18
19 THE COMMISSIONER: He doesn't need the opening bundle?
20
21 MR BOLSTER: He doesn't need the opening bundle now.
22
23 THE COMMISSIONER: I'll take that back now, thank you.
24
25 MR BOLSTER: Q. Do you see it's open at page 93,
26 Mr Yang?
27 A. (Through interpreter). Yes.
28
29 Q. Do you see the relevant area of York Street, the same
30 area we've been talking about, just south of York Street
31 near the railway line? Do you have that there?
32 A. (Through interpreter). Yes. Okay.
33
34 Q. Council resolved that it be upzoned to B2; correct?
35 A. (Through interpreter). Yes.
36
37 Q. You supported that?
38 A. (Through interpreter). No.
39
40 Q. Why not?
41 A. (Through interpreter). Especially B2 zone is that
42 they're already set up with the height, it's already as set
43 up, we cannot touch or anything else, it's already there,
44 so that's why we can't able to - I mean, we can't - we not
45 actually decide or anything else.
46
47 Q. Is this your evidence, that you didn't see yourself as

1 having any choice about zoning the area south of
2 York Street as B2?
3 A. (Through interpreter). All I understand is that at
4 their workshop we have our own idea to colouring and then
5 after that there will be summarised all people's ideas
6 together, all the information bit, and then they will then
7 have a proposal, that's all I understand, but nothing else.
8 So I - when the proposal has the result then we not always
9 taking for the one agenda to follow up, so we also had
10 another one, so when the plan was adopted, and then after
11 that it became the proposed, then that will be it, so we
12 don't actually follow afterward.
13
14 Q. Did he agree with the B2 zoning that was agreed upon
15 for the area south of York Road?
16 A. (Through interpreter). B2 zoning, South York Road,
17 did you say?
18
19 Q. Yes. Did you agree with that?
20 A. (Through interpreter). Yes, I colour in with my idea,
21 so of course I agree.
22
23 Q. All right. I want to ask you some questions about the
24 mayoral election last September.
25 A. (Through interpreter). Yes. Lam.
26
27 Q. Councillor Lam was elected mayor?
28 A. (Through interpreter). Yes.
29
30 Q. And you supported her?
31 A. (Through interpreter). Yes, I was supporting.
32
33 Q. And the other members of council who supported her
34 were Councillor Oueik?
35 A. (Through interpreter). Zraika also are supporting
36 Labor Party. Labor Party, Zraika are also supporting.
37 I support her as well.
38
39 MR BOLSTER: Q. Did Mr Attie support Councillor Lam?
40 A. (Through interpreter). Yes.
41
42 Q. Did Mr --
43
44 MR GARDINER: This is a matter of record.
45
46 MR BOLSTER: I am doing it to lead into something.
47

1 Q. Did you discuss in advance of the election who you
2 would be supporting for mayor with Mr Oueik, Mr Attie,
3 Ms Lam?
4 A. (Through interpreter). No.
5
6 Q. No?
7 A. (Through interpreter). No.
8
9 Q. Is it your evidence that on the night of the election,
10 in this room, no-one knew who you were going to support?
11 A. (Through interpreter). No-one knows.
12
13 Q. No-one knew.
14 A. (Through interpreter). No-one knew. No-one knew.
15 Well, I just assuming who will be candidate as mayor but
16 no-one knows who will be.
17
18 Q. Who did he assume would be a candidate for mayor?
19 A. (Through interpreter). Everybody wants to have the
20 compete with the - as the mayor, or as a candidate; even
21 myself I want to do that.
22
23 Q. There were only two nominees, though, weren't there?
24 A. (Through interpreter). Yes, finally, yes, there is
25 only two candidates.
26
27 Q. You weren't expecting anyone else to nominate on the
28 night, were you?
29 A. (Through interpreter). No. No.
30
31 Q. Because you knew who the candidates would be before
32 the meeting; correct?
33 A. (Through interpreter). Yes, I knew that.
34
35 Q. And you knew that Mr Mehajer would be a candidate for
36 deputy mayor; correct?
37 A. (Through interpreter). I wasn't know initially, but
38 after when they finished, closed their candidates, then
39 I knew he was there, yes, but I didn't even know that
40 before. When I was vote, I was rejected as the deputy
41 mayor to Mr Mehajer.
42
43 Q. Who rejected you as a candidate for deputy mayor?
44 A. (Through interpreter). Yes, I was rejected his
45 candidate as deputy mayor for Mr Mehajer.
46
47 Q. Hang on, I think we're not communicating properly

1 here. Mr Yang, do you say that you wanted to be
2 deputy mayor and someone rejected you?
3 A. (Through interpreter). Well, Mrs Lam is as an
4 independent as a mayor, she was a candidate, so as the
5 deputy mayor I was going to put there as the candidate, but
6 in that time the Auburn Council was very messy, so
7 therefore, I just, you know, gave up as a candidate.
8
9 Q. Who rejected you?
10 A. (Through interpreter). No-one recommend me as the
11 deputy mayor and also I don't want it as the deputy mayor.
12
13 Q. Thank you. You became aware that Mr Mehajer was going
14 to run as deputy mayor for a fourth term; correct?
15 A. (Through interpreter). Yes.
16
17 Q. And you told people that you would not support him?
18 A. (Through interpreter). Yes, I told them, yes; yes,
19 I told them.
20
21 Q. Previously you had supported him for the three earlier
22 elections; correct?
23 A. (Through interpreter). Yes, I was.
24
25 Q. You were disappointed with him because of what
26 happened during the course of 2015; correct?
27 A. (Through interpreter). Yes.
28
29 Q. When it came to the vote, did you vote or did you
30 abstain for the deputy mayor election?
31 A. (Through interpreter). Yes, I was - I was allowed a
32 vote but I was abstained.
33
34 Q. Did you observe what Mr Zraika did with his vote for
35 deputy mayor?
36
37 INTERPRETER: Sorry, can you say that again?
38
39 MR BOLSTER: Q. Did he see the way Mr Zraika voted for
40 deputy mayor?
41 A. (Through interpreter). Finally, Mr Zraika was not the
42 candidate as the deputy mayor, no.
43
44 Q. I know that. Mr Campbell was the candidate against
45 Mr Mehajer; correct?
46 A. (Through interpreter). Yes. Yes.
47

1 Q. You didn't vote for Mr Campbell or Mr Mehajer,
2 did you?
3 A. (Through interpreter). Yes.
4
5 Q. Did you see the way Mr Zraika voted?
6 A. (Through interpreter). I think it's four to four, the
7 number, so we just put the - dropped --
8
9 MR BOLSTER: That's not my question.
10
11 THE COMMISSIONER: Q. What Counsel Assisting is asking is
12 does Mr Yang know who Mr Zraika voted for?
13 A. (Through interpreter). Well, I try to say but he said
14 - the last time --
15
16 THE WITNESS: The last time you are talking about?
17
18 MR BOLSTER: Q. Yes, last time.
19 A. During the poll for deputy mayor, I remember that.
20
21 MR BOLSTER: I didn't understand that.
22
23 INTERPRETER: Mr Zraika - is that the --
24
25 THE COMMISSIONER: Yes, Mr Zraika.
26
27 INTERPRETER: Yes. Mr Zraika was not even apply for as
28 the deputy mayor as candidate.
29
30 THE COMMISSIONER: Q. No, does Mr Yang know, out of
31 either Mr Mehajer or Mr Campbell for deputy mayor, who did
32 Mr Zraika vote for?
33 A. (Through interpreter). Zraika just left the room.
34
35 MR BOLSTER: Thank you.
36
37 THE COMMISSIONER: Q. He didn't vote?
38 A. (Through interpreter). He didn't even vote, yes.
39
40 MR BOLSTER: We got there.
41
42 Q. Mr Yang, before council meetings, before a monthly
43 council meeting, in the period from September 2012 to
44 February 2016, did you and Mr Oueik and Mr Attie and
45 Councillor Lam and Councillor Zraika meet before council
46 meetings to discuss council business?
47 A. (Through interpreter). No.

1
2 Q. Not at all?
3 A. (Through interpreter). Not at all, not even me, just
4 the chamber we just meet.
5
6 Q. Did you talk with councillors on the phone before
7 meetings about the way they were going to vote on a
8 particular matter?
9 A. (Through interpreter). No, nothing.
10
11 Q. So in the case of Berala, you never discussed with any
12 other councillors what you were going to do when you came
13 to council to vote?
14 A. (Through interpreter). No.
15
16 Q. No?
17 A. (Through interpreter). Never. This is my own idea to
18 do that, so no.
19
20 Q. In the case of South Auburn, he didn't discuss the
21 matter, seek information from other councillors before he
22 came to vote?
23 A. (Through interpreter). No.
24
25 Q. When you had trouble understanding something during a
26 council meeting, who did you ask for help?
27 A. (Through interpreter). Next person who said me.
28
29 Q. Who was that?
30 A. (Through interpreter). Attie. Mayor Attie.
31
32 Q. You were both Liberal councillors; correct?
33 A. (Through interpreter). The same ward.
34
35 THE COMMISSIONER: The same ward?
36
37 INTERPRETER: The same ward.
38
39 MR BOLSTER: Q. Is it fair to say you relied on Mr Attie
40 to help you to understand issues that were before council?
41 A. (Through interpreter). No, whenever we had an annual
42 meeting, with the Liberal annual meeting, then we meet, but
43 other than that, no.
44
45 Q. No. You didn't talk about council business at all
46 with Mr Attie outside the chamber?
47 A. (Through interpreter). No. After we finished the

1 meeting and - we have the Jack Lang room next door. We had
2 a dinner and then we - sometimes we have a different
3 conflict, so we're talking and then we try to resolve the
4 matter to be understand each other.

5
6 THE COMMISSIONER: Q. That involved every councillor,
7 though?

8 A. (Through interpreter). Yes, every councillor that
9 involved and the staff as well.

10
11 MR BOLSTER: Q. That was after meetings had finished?

12 A. (Through interpreter). After meetings, yes.

13
14 Q. It didn't happen before the business was dealt with,
15 did it?

16 A. (Through interpreter). Never.

17
18 Q. Never?

19 A. (Through interpreter). The Labor Party - the Labor
20 councillors they often do that, but we --

21
22 THE WITNESS: Always.

23
24 THE WITNESS: (Through interpreter). They always do that
25 but for us, the Liberals and Independents never do that.

26
27 MR BOLSTER: Q. You never do that. You knew, though,
28 that Mr Oldfield, Ms Simms, Ms Batik-Dunbar, Mr Campbell
29 and Mr Zraika used to meet down on the ground floor before
30 a council meeting?

31 A. (Through interpreter). Well, when they gathered
32 together, but we never do that, but when we come to the
33 upstairs then we can have a look - we can look at - they
34 will gather and usually they get it together before the
35 meeting, but we not doing it.

36
37 Q. Why didn't you do that, Mr Yang? Why didn't you
38 discuss matters with other councillors, get their views,
39 exchange ideas before you came to consider business, why
40 didn't you do that?

41 A. (Through interpreter). Well, according to the
42 minutes, all the agenda was as listed, so if we had a
43 pre-meeting before the actual meeting coming, maybe we
44 could, but everybody busy and no timing to do that, so, you
45 know.

46
47 Q. Have any councillors or former councillors spoken to

1 you about your evidence today before you came here today?
2 A. (Through interpreter). No.
3
4 Q. When did you last speak to Mr Attie?
5 A. (Through interpreter). After we became the
6 Administrator then I saw Mr Attie, yes, that's it.
7
8 Q. That's it?
9 A. (Through interpreter). Yes, that's it, that's all
10 I have, yes.
11
12 MR BOLSTER: All right. Just one last thing - might the
13 witness be shown a copy of PH4 again?
14
15 THE COMMISSIONER: He has that in front of him. Thanks.
16
17 MR BOLSTER: Is there a spare copy of that floating
18 around, Mr Sear, for my benefit?
19
20 THE COMMISSIONER: You can use mine if you have to.
21
22 MR BOLSTER: No, I've got it, I'm sorry.
23
24 Q. Could you go, please, Mr Yang to the second-last page,
25 page 28.
26 A. (Through interpreter). Yes.
27
28 Q. Do you see about five lines down there's the
29 underlined word "amendment"?
30 A. Yes.
31
32 Q. Can he read from there paragraphs 1, 2 and 3 to
33 himself, without the interpreter, please. There are about
34 20 lines there. Can you read them to yourself now, please.
35 A. Loudly or - okay:
36
37 *The council approve --*
38
39 Q. No, just read it yourself.
40
41 THE COMMISSIONER: Just to yourself.
42
43 MR BOLSTER: Q. Just to yourself.
44 A. Oh, myself?
45
46 Q. Yes. Just read them to yourself and when you've got
47 to the end of number 3(c), let us know and I'll ask you a

1 question.
2 A. (Through interpreter). Yes.
3
4 Q. Have you finished to the end of 3(c)? Have you read
5 to the end of 3(c), Mr Yang?
6 A. (Through interpreter). Yes.
7
8 Q. Number 3(c)?
9 A. (Through interpreter). Yes.
10
11 Q. What's that all about, what's that resolution about?
12 A. (Through interpreter). It's talking about John will
13 be B2 and also about the certain height they were to put it
14 on the amendment, yes, and the reason why they had an
15 amendment was because about the gateway.
16
17 Q. Does he remember that resolution being before council
18 back in October 2015?
19 A. (Through interpreter). Yes.
20
21 Q. Why did he vote in support of that amendment?
22 A. (Through interpreter). As you know, the Silverwater
23 area has no shoppingtown and also people residing nearby
24 Silverwater across with Newington the people was
25 complaining about there is no shop. That is also the
26 gateway, so for the convenience of all the residents nearby
27 there, so therefore, B2 zone was - I agree to have the
28 further planning for B2.
29
30 Q. There's no reference to a supermarket in that
31 resolution, is there?
32 A. (Through interpreter). Well, there is no reference
33 for the supermarket but with the B2 zoning we can able to
34 make the business centre.
35
36 Q. And the business centre involves only a shop, a retail
37 area of 2,000 square metres, doesn't it?
38 A. (Through interpreter). All I'm understanding is for
39 that zoning is more than 2,000 square metres.
40
41 Q. And a Coles supermarket or a Woolworths supermarket or
42 an Aldi supermarket is much larger than 2,000 square
43 metres; correct?
44 A. (Through interpreter). Yes, I think it's 2,700 square
45 metres.
46
47 Q. At least?

1 A. (Through interpreter). Yes.

2

3 MR BOLSTER: All right. That is the questioning for
4 today, thank you, Commissioner.

5

6 THE COMMISSIONER: Mr Gardiner, I am going to, reasonably
7 shortly, make an order that the private hearing transcript
8 become part of the public hearing exhibits. There may have
9 been some matters today, I don't know, where you wanted to
10 ask Mr Yang some clarifying questions. You will certainly
11 be given an opportunity to do that in the public hearing.

12

13 MR GARDINER: Thank you, Commissioner.

14

15 THE COMMISSIONER: All right. We might adjourn until - do
16 you want a 15-minute break?

17

18 MR BOLSTER: Let's get it over and done with. A quarter
19 to?

20

21 THE COMMISSIONER: No, I'll make it ten minutes to.
22 I will adjourn until then.

23

24 <THE WITNESS WITHDREW

25

26 AT 2.38PM THE PRIVATE HEARING ADJOURNED ACCORDINGLY

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