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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 MONDAY 1 AUGUST, 2022

AT 2.00PM

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

THE COMMISSIONER: Take a seat. Yes.

MS HEGER: Mr Hindi, at some point you were invited to - - -?---Sorry, sorry, Ms Heger - - -

10 Yes?---I just want to make some correction that I made earlier, is that possible or do you want to do it later?

20 Certainly.---Thank you. Just during, during my lunch break I had a bit of reflection on that listening device issue that you, you mentioned and I thought about it and I thought what could it have been and I remember now it was around the time that Hurstville City Council had a section 430 investigation ordered by the minister and they were looking at all these other devices, people talking to each other and so on, and one of them was myself recording the general manager and I didn't know it was illegal and then people said, "Oh, there's a Listening Device Act, you're meant to know this," and "Didn't you know?" And I went, oh, so maybe around that time I decided to remind myself and send it because I, I wasn't keen enough to use the Hurstville City Council emails anymore, so I reminded myself that I needed to read the Listening Devices Act and that's probably what it was, just to know what it means. So - - -

THE COMMISSIONER: Thank you. And, sorry, you mentioned emails. You weren't using the council email?---I've used it to send, to send a reminder to myself on my Con Hindi one.

30 Oh, I see.---Yeah, just to send a reminder to say, "Go and do researches on the Listening Devices Act."

Okay.---Because that's what the 430 showed, that I shouldn't have done it.

Was there any reason why you didn't use your council email?---Well, at, as I said, at the time there was a, a implosion in the council, everyone was reading everyone's emails. Everyone was doing that, that's why you, you've chosen not to use it anymore.

40 All right. Thank you.---Thank you.

MS HEGER: At some point you were invited to take a trip to China, and in particular Tangshan, correct?---Correct.

Did that happen at the dinner in Chinatown?---Yeah. I, I assume so, yeah, I presume, yeah. From my recollection, yes.

And who invited you?---I think it was China Liu.

10 And did he say what the purpose of the trip was?---Oh, absolutely. He, he made it, through his interpreter, he's made it – because I hadn't spoke to him before about his waste-to-energy power stations. So he said, "I've got the power stations in Tangshan. I've got, one of them is waste-to-energy, kitchen-to-waste, and if you guys would be interested I want to come and build one here." And I thought, well, great idea, yeah. We'll go. I can make it a holiday as well as a, as a trip to learn about waste-to-energy.

All right. So you did then travel to China in April 2016, correct?---Yes, yes.

20 And your purpose in doing so was to visit China Liu's waste-to-energy plant as well as have a holiday, is that right?---Yeah, it was mainly to visit the waste-to-energy plant because, to visit that and get as much information about the technology of it, whether it would work in Australia or it won't work here because they're all different technologies.

All right. Can I show you Exhibit 198, which is volume 3.2? It's an invoice issued from Golden Miles Travel to Mr Constantine Hindi and partner and it's for the one-year return ticket from Sydney to Hong Kong, departure date 8 April, 2016 and the amount excluding credit card charge is \$4,240, which includes the multiple-entry visa. Had you seen this invoice prior to this
30 investigation commencing?---No, no.

No. It was just sent to Mrs Hindi?---I, I, I didn't take of it. I don't know, I have no idea. Never seen it.

All right. You weren't involved in making the payment for this flight?
---No. No, I was not.

40 That was taken care of by Mrs Hindi, is that right?---Yep. She takes care of all the payments.

All right. Can I show you Exhibit 230, which is volume 2.15, page 18?

This image was found on Philip Uy's phone and you can see it's dated 28 April, 2016 which is after that first trip to China. Do you have any idea how this image come to be on Philip Uy's phone?---Let me have a look. No, not really. I don't. No.

Well, you can see that it's a photograph of an iPad and the invoice is displayed on the iPad.---Sorry? It's a photo of the iPad?

10 It's a photograph of an iPad. The invoice is being displayed on the iPad.
Do you see that?---Yeah.

Do you recognise the iPad?---Do I recognise the, no, I don't. This looks like a million iPads.

Yes. Well, if it's showing an invoice that, as we know from the records, was sent to Mrs Hindi, one inference is that it's Mrs Hindi's iPad. Do you know whether that's right or not?---I don't, I don't know.

20 Do you know whether she, in fact, showed this invoice to Philip Uy?---I do not. No.

Do you have any explanation if she did show the invoice, why she was showing it to Philip Uy?---I mean, in here, you're assuming that it's, it's Mrs Hindi's iPad?

Yes. That's the assumption in my question.---It could be, it could be Philip Uy's iPad and took a photo of it.

30 I understand that. Let's assume for a moment that it's Mrs Hindi's iPad and she's showing this invoice to Philip Uy. Can you offer an explanation as to why she might have done that?---No, I don't. I can't.

Well, one explanation is that she was expecting some sort of reimbursement from Philip Uy for these flights. Do you know anything about that?---No.

Did Philip Uy, in fact, reimburse you and Mrs Hindi for these flights?
---Sorry? Can you repeat that?

40 Did Philip Uy, in fact, reimburse you or Mrs Hindi for these flights?---No.
No.

All right. This is the first overseas trip you and Mrs Hindi had taken in about two years, wasn't it?---Two years? That's in 2016. You probably know more than me. You've looked at my passports. I wouldn't have a clue. So refresh my memory, please?

The travel records suggest that - - -?---Yes.

- - - the last overseas trip you and Mrs Hindi took was to Bali in 2014. Does that sound about right?---Well, thanks for reminding me. Yes, probably is.
10 I don't know the, the date but I, I would have been to Bali, yeah.

All right. And so you decided your first overseas trip in two years would be to see a waste-to-energy plant in Tangshan. Is that your evidence?---Yeah. Are you sure that's the only trip we did between '14 and '16?

Overseas trip?---Overseas.

Yes.---Sorry? What was the question? Was that my evidence that's, sorry?

20 You and Mrs Hindi decided your first overseas trip in about two years would be to see a waste-to-energy plant in Tangshan. Is that right?---Yes.

And you were willing to incur \$4,240 plus other expenses to go and see that waste-to-energy plant. Is that your evidence?---Yes, but can I explain why?

Certainly.---Between 2014 and 2016, I had become the Mayor of Hurstville around September 2014, then the world blew up and everything just started blowing up all over the papers, biggest developer, biggest thing, asbestos, sexual harassment, everything else under the sun was happening in
30 Hurstville, section 430 by the minister, everything else. So I couldn't go anywhere. I couldn't even show my face anywhere let alone go overseas, so that's the difference, that's why when things settled down a little bit, even though around that time, it wasn't settled that much, we, we, we've gone to it. So we, there was no opportunity for me when I was the mayor and my name was plastered all over the papers and the, and the news, that I could go anywhere.

Yes. Mr Hindi, I'm just still struggling to understand why you would choose, accepting you had a reason not to go overseas for the previous two
40 years, why you would choose to spend that amount of money to see a waste-to-energy plant for your first trip in two years?---Well, as I, as we said, you

go and see that and you do shopping. I mean, the best thing is shopping in, in China, cheap, so you go and do a bit of shopping, sightseeing. But waste-to-energy was the primary motive for me because if that would work, that, that would become a great thing for me to be able to say “we’ve done waste-to-energy and, and built one in, in New South Wales” I mean, that’s a very risky sort of project but if it comes off, that would be great. It’s worth the, the, it’s worth the, the investment that you’re putting into it.

10 Was there any discussion prior to going on this trip between you and China Liu about you actually being involved personally in setting up a waste-to-energy plant?---Being involved? Yes, that’s the whole aim of it.

Well, let me ask it this way. Ultimately, you signed an agreement with China Liu in June 2016 about the setting up of a waste-to-energy plant in Australia. Correct?---Yeah.

Was that sort agreement under discussion between yourself and China Liu prior to taking this trip?---No, it wasn’t.

20 All right. Was it the subject of discussion once you arrived in China in April 2016?---No.

Okay. So at this point your interest in going to China is simply a general interest in waste-to-energy, is that right?---No. That’s not correct.

All right. Well, explain it to me again.---Okay. Let’s explain it again. Going to China, looking at the plant and the technology that China Liu was offering there is the first thing you’ve got to look at. You don’t go and sign an agreement and not know what, what technology he’s going to offer. His
30 technology might not be suitable for New South Wales and being able to be, get it through the parliament and everything else to get it approved. So the main thing is to go and look at the technology, what they’re doing and then if you believe their technology was reasonable and he’s happy to invest, then you take the next step. Which we took the next step in June, with the senior minister of the government. Now, you don’t want me to mention his name, I don’t know why, but he was a very important part of this, this thing. Otherwise, that’s exactly why he went, because he was representing the New South Wales Government for waste-to-energy, not to go and help me how to vote on Landmark and Treacy Street. He doesn’t vote.

40

All right. But on this trip in April 2016, you weren't anticipating that you were going to sign any kind of agreement for waste-to-energy and you weren't anticipating that the waste-to-energy plant would be within your local government area. So you're simply going on this trip because you thought it would be a good idea to have a waste-to-energy plant in New South Wales somewhere. Is that right?---As I mentioned earlier, there was no way it was going to be in the, in the local government area. There's no way it was going to be in the vicinity of our local government areas. There was no way it was going to be in the Sydney Metropolitan. We thought we would try St Marys but we knew it was going to be around Dubbo and these country towns that, where you can put the stuff in there. You can't do it here because - - -

I understand all of that.---Yes.

My question, I'll ask it again, was when you took this trip in April 2016 you weren't anticipating that you personally would be involved in an agreement to set up a waste-to-energy plant, correct? Yes or no.---I don't recall.

20 Well, I think you've already given evidence that at this point, on this first trip - - -?---Well, if I have, if I have why are you asking - okay.

- - - you weren't contemplating that you would be signing any sort of agreement with China Liu. Is that right or wrong?---No, I would not be signing an agreement on that particular day in China, definitely not.

I'm not talking about a particular day in China. I'm asking you, on this first trip to China in April 2016, had there been any discussion between you and China Liu about you personally helping to set up the waste-to-energy plant in New South Wales?---Not to that, no, not to that effect. It was basically "Just come and look at our technology and see if we can do something in the area."

That's right. So when you went on this trip in April 2016, you were just interested because you thought it was a good idea to set up a waste-to-energy plant somewhere in New South Wales, that's right, isn't it?---No. No, it's not true. It's not just - - -

40 Why isn't that true?---Because it wasn't just a good idea, because I'm interested in taking it to the next step but first I have to look at it first

because I take the next step. So in the back of my mind there was an intention to go to the next step.

The next step being you personally signing an agreement or what do you mean?---Being, being, well, whether you, whether you sign an agreement or not, were they were finding the land, where they, brings his, his money in, he, he gets it designed, built. That's, that's what it is. Doesn't have to be an agreement. An agreement means we do nothing, it's only a piece of paper between two people that hasn't been witnessed by anybody. What does
10 that, what does that mean, that's it's going to be in court? I don't know. But I went in there with the intention that's what I want to do. I want to, I want to go further into the waste-to-energy but as I made it clear, you can't just say yes or no without knowing what the technology they are offering because Chinese technology is not as good as the German or as the European or as the others.

All right. You met Philip Uy and Vince Badalati at Shenzhen Airport, correct, and took a flight to Beijing?---Yes.

20 Philip Uy paid for yours and Mrs Hindi's tickets from Shenzhen to Beijing, correct?---I don't know.

You didn't witness him pay for them?---I don't know. I don't, I don't take care of payment, my wife does. Oh, sorry, Mrs Hindi does.

Well, no, my question was did you witness him make the payment?---I didn't.

The answer is yes, no or I don't recall.---No. I don't recall, I don't recall.
30

All right.---But I've seen the evidence that's shown obviously.

You've seen the evidence of Philip Uy's credit card statements, for example?---Yeah. That's, that's right. Yeah.

All right. And did you reimburse him for those flights?---I did not personally, no.

Did Mrs Hindi?---I believe so. She told me she did.
40

You didn't see her do it?---No, I didn't see her do it but she told me she did and I have no reason to doubt it.

All right. You're aware that Philip Uy subsequently wrote to a travel agent in China asking for a receipt in respect of those flights for yourself and Mr Badalati?---I don't know whether I was aware but - - -

10 Well, you're aware now?---I mean, I'm just trying to think. Now I'm aware but I was trying to think whether, whether, excuse me, whether I was aware at the time, as well, because I hadn't talked to Badalati, to Mr Badalati in
sometime - - -

And so this occurred in June 2019 or thereabouts.---Yeah, yeah, around that time, yeah.

Were you aware at that time?---Yeah, around the defamation, yeah.

Did you ask Philip Uy to obtain those receipts?---Absolutely not.

20 But you were aware that he was obtaining them. Is that right?---I, I don't know what he was obtaining because Mr Badalati was asking for receipts. Just got to get it clear that I was, I was not in the defamation case at the time and I wasn't interested in any receipts.

Well, first, Mr Badalati commenced defamation proceedings against The SMH. Correct?---That's correct.

30 And then when he settled those proceedings, you commenced proceedings against The Sydney Morning Herald. Correct?---He settled for \$163,000
- - -

No, you don't need to tell me what he settled for, Mr Hindi - - -?---Why not? He - - -

That wasn't my question.---Yes. He sent me an email, so he gave it to me, 163,000, yeah.

40 After he settled those proceedings, you then commenced proceedings against The Sydney Morning Herald. Correct?---What, what do you mean proceeding? That's a defamation proceeding or just proceedings?

Defamation proceedings in respect of an article The Sydney Morning Herald had published about this trip to China in April 2016.---I just sent the letter, that's all.

You sent a letter - - -?---Yeah, my lawyer. Yeah.

- - - to The Sydney Morning Herald, complaining about that article in April 2019?---Nuh. It wasn't about the article.

10 What was it about?---See, mine was different. It's clear, The Sydney Morning Herald clearly stated, which is correct, that Mr Badalati and Mr Hindi paid for their airfares and flights and whatever, and accommodation and they quoted China Liu that he paid. So they, they come up with the, both sides of the story. My concern was, is that they reported that we were referred to ICAC on 2 April, 2019, and at that time, we were not referred to ICAC. So my whole concern is you are not telling the truth by saying we were referred to ICAC. So we wrote the letter saying, why are you saying that, and this is defamation. They've come back and said, "[REDACTED] directly told us," and who was that?
20 [REDACTED], which is meant to be confidential under section 144 of, 114 of the Act but no one cares about that because she told them.

All right. So the letter you wrote to The Sydney Morning Herald - - -? ---Yeah.

- - - concerned only what The Sydney Morning Herald had said about the referral of the investigation to ICAC. Is that right?---No, no, no. Let's just, let's just get it right, let's get it right. I don't know what my lawyer has
30 sent. He may have included the other stuff in it, as well, obviously, it would have included, to strengthen your case. You don't just send one thing. You send a few things. So he must have sent that one, as well, saying, that we had paid and so on and - - -

You didn't see the letter that your solicitor sent to The Sydney Morning Herald?---He probably sent it to me. I never read it because I knew it would be the same as Badalati's. I didn't, didn't care. To me, it took about a month and it was all settled.
40

Okay. So did you ask Philip Uy to arrange receipts for those flights from Shenzhen to Beijing?---No, I did not 'cause there was no need for me to use it. I wasn't there to show any evidence to The Sydney Morning Herald. I did, I did not want to show them any evidence whatsoever. I wasn't interested in evidence, to give them anything.

10 All right. But were you, did Mr Badalati tell you that he'd asked for the receipts?---Did he tell me? Just trying to remember. Was I there when he was, when he was, was I there when he was asking Philip Uy? I don't recall but I think he was talking to Philip Uy about it. He, he was concerned he wanted evidence and I, I didn't care. I just wasn't, I wasn't fussed about the evidence.

Right. Can I show you volume 2.21 and message number 17?---Ah hmm.

So message number 17 is a message from Philip Uy to the travel agent. And he says, "There are also two others, one male, one female, foreigners, have a look, called Con Hindi."---Ah hmm.

20 And then says, "From Shenzhen to Beijing."---Ah hmm.

And then if you scroll further down it says, "Can give to three of them a receipt from your company. Write paid in cash."---Mmm.

Now, if Mrs Hindi had paid Philip Uy in cash for the tickets from Shenzhen to Beijing, there'd be no need for him to write to the travel agent and ask for a receipt that said "paid in cash", do you accept that?---I don't accept it, but it's there, yeah.

30 Why don't you accept what I've just put to you?---I mean, the question is, over there in China if someone's paid for, paid for a whole 10 people, you can ask the airline to issue it in a person's name even though they paid in cash, because they actually flew on the flight. So they'll probably do it. I'm not saying it's right or wrong, but they would do it. They'd say yeah. If you're telling us that, we don't care. You want a receipt? Here's a receipt. It's not as stringent as you are in here.

40 Do you know why, if Mrs Hindi did pay cash to Philip Uy, why Philip Uy didn't simply issue a receipt saying he'd received the cash from Mrs Hindi? ---Oh, so we'll get a receipt from Philip Uy, no one knows, and we send it to

The Sydney Morning Herald saying, "Look at this guy. He knew I gave him cash. Do you believe me?" What are they going to say?

THE COMMISSIONER: So, what, you provide them with false information?---It's not false.

No, no, no, that's not false. But giving a receipt - - -?---Well, I didn't provide, I didn't ask for it. I didn't ask for the receipt. Because I was not going to provide - sorry, Commissioner, I want to make clear, I was not
10 going to provide The Sydney Morning Herald with any receipts whatsoever regarding my defamation. They either believe it or they don't. My biggest thing was you said it was referred to ICAC and it wasn't at the time. Who told you? And they said it's [REDACTED].
So, simple. That's all I wanted to hear. I didn't want anything else.

MS HEGER: All right. And you've just given evidence that even if you did want to prove that you'd paid for these flights, you wouldn't have offered up a receipt from Philip Uy because you think nobody would believe that, is that your evidence?---Not, it's not nobody would believe
20 that, but if you went to a good organisation like The Sydney Morning Herald and, and gave them a receipt from a bloke on the street, do you think they're going to believe you? They're going to say, they'll say give me a stat dec, get me something different. You're going to say here's the receipt, cash receipt back, I paid for youse here.

Well, so are you saying that justifies Philip Uy asking for a fraudulent receipt from the travel agency?---No, sorry. No, sorry, I'm not saying that. I'm saying that's what Mr Badalati asked him to do and that's his prerogative what he wants to do and he wants to deal with it. That's how, I
30 don't deal with it. I'm not saying I've asked for receipts. I did not want any receipts. We weren't interested in any receipts because we weren't taking The Sydney Morning Herald for defamation all the way. We only wanted one answer to our question.

All right. Well, I suggest to you the fact that Philip Uy asked the travel agent for those receipts suggests that Mrs Hindi never gave him any cash in respect of the Shenzhen to Beijing flight. I take it you dispute that.---As far as I know, she has told me she had paid him in cash. That's all I know. I did not witness it but that's what I was told. And I have no reason to doubt
40 it.

All right. When you arrived in Beijing, you checked into the Beijing International Hotel, correct?---Beijing, oh, jeez. Oh, the dates. Yes, yes.

And you checked in there with Philip Uy and Vince Badalati and Mrs Hindi, of course?---No, I checked in with Mrs Hindi. I don't know about the rest.

Well, Philip Uy and Vince Badalati stayed at the same hotel, didn't they, for the same night?---Well, they, I don't recall, but if they did, I, I accept what you say.

10

Okay. And you stayed at the Beijing International Hotel on the way back as well, out of Tangshan, didn't you?---I don't recall which hotel, but if you're saying that, that's, I accept it.

Okay. And Philip Uy paid for your and Mrs Hindi's accommodation for both stays at the Beijing International Hotel, didn't he?---I don't know. According to Mrs Hindi.

20 What did Mrs Hindi tell you?---Well, she, whenever Philip paid, she reimbursed him, and I ensured, 'cause I don't deal with payment. Even in Australia, even when I go to hotels here, anywhere, I don't deal with payments. She deals with everything. And all, all my thing is make sure you pay for everything. She goes, "Yep."

MS HEGER: I'll just mark volume 2.21, page 39 as MFI 70.

#MFI-070 – VOLUME 2.21, PAGE 39

30

MS HEGER: All right. So you didn't see Mrs Hindi pay any cash to Philip Uy in respect of the stays at the Beijing International Hotel?---I don't recall that, no. She could have just gone to the corner with him and given it to him. I don't know. You don't give people money in front of everybody and brag about it, so - - -

40 All right. Can I go back to volume 2.21, message number 53. Page 47, message number 53. In message number 53, Philip Uy is messaging someone and it says "Hindi, Con, Vincenzo Pietro Badalati, using Australian passports. Checking in on 11 April, 2016." I want you to assume that's the day you checked into the Beijing International Hotel. And

then further down at message 58 it says, again from Philip Uy, "Hello. Thank you. They said that at the time of checking out they paid with RMB cash themselves and did not do transfer balance to one room to pay. They paid for their own." Now, I'll suggest to you again that if Mrs Hindi had paid cash to Philip Uy for the Beijing International Hotel there was no need for him to ask for a receipt from the hotel, he could have just issued a receipt to Mrs Hindi, correct?---Sorry? That's not correct. Sorry. How can he, how can he issue a receipt to Mrs Hindi?

- 10 If Mrs Hindi has paid him cash for the Beijing International Hotel, Philip Uy could have just issued a receipt to Mrs Hindi.---No, he can't.

Why not?---Because no-one, no-one will take it seriously.

THE COMMISSIONER: Who needed to take it seriously?---So why issue a receipt then?

I beg your pardon. Just - - -?---Why, why issue a receipt? Sorry, why issue a receipt?

20

Listen to my question.---No, I'm answering, Commissioner. Sorry. I'll listen to it, yep.

Why was there a problem with Mrs Hindi getting a receipt from Mr Uy? ---You know how simple that would have been? It takes five seconds. Here, here's a receipt, thank you and then we wouldn't be here arguing, would we? Because it just doesn't, if you give it to Sydney Morning Herald, for example, for, in Badalati's case - - -

- 30 But you've told me that The Sydney Morning Herald has nothing to do with you and receipts.---This is to do with Badalati's case, not mine. I haven't got to mine because if, if you allow me I would be saying to you, if you look at the message that you read initially, Ms Heger, first one 57 or whatever, if we can look at that, and I'll tell you why I wouldn't have asked for that.

- MS HEGER: Message number 53, you mean?---53, yep. Now, as you appreciate, my name is not Hindi, Con, it's Hindi, Constantine. So I wouldn't be asking to issue with Hindi, Con. Like Vincenzo Pietro Badalati. So he gave him the exact name. Hindi, Con, he just says maybe
40 Faye said to himself, I'll just ask for Con as well, who cares, just in case he

needs it, right? So I didn't ask, I wouldn't be asking for Hindi, Con, it would be Hindi, Constantine.

All right. So you didn't ask Philip Uy to arrange receipts from the Beijing International Hotel, is that right?---No, no. Yes. It would have been Hindi, Constantine if I did. That's what's on my - - -

10 Okay. Did you know he asking for receipts from the Beijing International Hotel?---I didn't know at the time, no. But I think I knew, I found out later.

Did he provide you with any receipts from the Beijing International Hotel?
---No.

And I can't remember whether I asked this question, but did he provide you any receipts in respect of the Shenzhen to Beijing flight?---Did he, as in - - -

Did Philip Uy?---As in himself?

20 Yeah.---No.

Did anyone?---I don't recall because, sorry, can I just get it clear again, I wasn't involved in that process, Mrs Hindi was.

All right. Well, I suggest to you that the reason why Philip Uy was asking for receipts from the Beijing International Hotel is because Mrs Hindi didn't give him any cash in respect of that hotel. What do you say about that?
---Just trying to, trying to digest what you just said. Sorry? Can you repeat that because it's a bit - - -

30 What I'm suggesting to you is that Mrs Hindi never gave Philip Uy any cash for the Beijing International Hotel.---That's not true.

All right.---Because he didn't provide her with a receipt? We just said why he doesn't provide her with a receipt.

I'll mark 2.21, page 47 and 48 as MFI 71.

THE COMMISSIONER: Thank you.

40

#MFI-071 – VOLUME 2.21, PAGE 47 AND 48

MS HEGER: Can I show you an itinerary for this trip, which is at volume 1.4, page 242?---Sure.

Exhibit 127. All right. So this itinerary records that once you landed at Beijing, you were taken to the Tangshan Xinfeng Jiangmai Industrial Park. That's what happened, wasn't it?---Sorry. Before I answer that question, that translation is done in October '18. Is that right?

10

That's what the stamp says.---So - - -

Is that important in answering my question?---Nuh. I'm just trying to work out because if it was done in '16 and that's '18, so I wasn't sure why is it
- - -

So the itinerary was originally in Chinese and there's been an English translation done later.---Okay.

20 All right?---Okay.

So the first item on the itinerary records you being picked up, and I want you to assume the "merchants" refers to you and others, records you being picked up at Beijing and taken to Tangshan Xinfeng Jiangmai Industrial Park. That's what happened, wasn't it?---Just let me have a, read it, please. Yes.

And you were picked up in cars arranged by China Liu. Correct?---Correct.

30 You didn't pay for those cars, did you?---You don't pay. They're his own cars.

They were China Liu's cars?---Yes.

And you went to the Xinfeng building. Correct?---I don't recall but, yeah, if you say that, it's fine. Don't recall exactly.

And you also went to the waste-to-energy plant in Tangshan?---Yes, we did. Definitely. Yeah.

40

Can I show you Exhibit 200, volume 2.27, page 7? Did you see this sign at the Xinfeng building?---I don't recall seeing it.

Can you see that it refers to the Landmark Plaza project located in Hurstville? Do you see that?---Yes.

Does that jog your memory?---No.

10 Did you see any plans, designs or photographs for Landmark Square at the Xinfeng building or the waste-to-energy plant?---I don't recall but, but it's highly unlikely that I did.

Highly unlikely that you did?---Mmm.

Why do you say that?---'Cause I don't remember it, that I've seen any. Don't remember seeing it.

20 All right, Mr Hindi. You just bear with me a moment.---I don't know. I don't recall it.

Commissioner, I'm going to ask you to vary the section 112 direction that was made in respect of Mr Hindi's compulsory examination on 6 December, 2021 to permit the publication of the following portion, page 486, line 21 to page 487, line 27.

THE COMMISSIONER: I vary the section 112 order previously made by me to permit publication of the witness's compulsory examination on 6 December, 2021, pages 486.21 through to 487 line 27.

30

VARIATION OF SUPPRESSION ORDER: I VARY THE SECTION 112 ORDER PREVIOUSLY MADE BY ME TO PERMIT PUBLICATION OF THE WITNESS'S COMPULSORY EXAMINATION ON 6 DECEMBER, 2021, PAGES 486.21 THROUGH TO 487.27.

40 MS HEGER: I'll just read out the relevant portion to you, Mr Hindi. In your compulsory examination I was asking you about your tour in Tangshan and in answer to one of my questions you said, "China Liu had photographs of, in his factory or somewhere or someone brought, showing the, the

proposed plans for Landmark.” Do you recall giving that evidence?---I don’t recall.

Was it truthful evidence?---It was truthful at the time, to the best of my recollection at the time.

10 All right. So your recollection is you did in fact see proposed plans for Landmark Square at China Liu’s factory or somewhere in Tangshan, is that right?---I remember seeing photos. Not of Landmark but politicians and everybody else and so on. But I don’t, as I said, at the time I thought that was my recollection and now I have a different recollection.

All right. So on the 6th of December you recalled seeing photographs or proposed plans for Landmark and, as you sit here today, you say you don’t have that recollection anymore?---As I said, maybe, but I said it’s highly unlikely. Doesn’t mean it never happened. It could have but I don’t recall now.

20 All right.---My memory is - - -

So it’s possible you did see such photographs or plans - - -?---It’s possible.

- - - at China Liu’s factory in Tangshan?---I don’t think I’ve seen plans. No, I didn’t see plans I don’t think. I mean, you use the word “plans”. Maybe it’s the wrong word that’s being used there, but - - -

30 Well, you used the word “proposed plans” on 6 December. You’re now saying that’s wrong?---I don’t, I don’t recall seeing, I mean, it’s not wrong but maybe it’s the wrong choice of words that I’ve used.

Okay. So what did you see?---I don’t, I don’t, I said to you now I don’t recall seeing any of that. Now you’re showing me this, what do they call it, the banner. See, it’s highly unlikely I saw anything then, but it could have been ‘cause there’s photos in there showing it. So if there’s photos in there, I’ve seen that through, I mean, I’ve seen that through the public inquiry, showing these photos of that there. So now my memory is like, I’m trying to reconstruct what I thought I saw. And it may have been there.

40 THE COMMISSIONER: But there was no need to do that back in, on 6 December, 2021, was there, when you gave this evidence?---Well, when you gave that evidence, Commissioner, you’ve had a date from 2004, two

thousand, 2020. Like, you know, we're talking a long 16 years. I mean, you can't remember everything and explain on the spot here, so - - -

But you didn't say, "I can't remember."---I think I did sort of say I don't -- can I have a look at the transcript, if possible. Because we need to look at the transcript exactly what I said.

MS HEGER: Yes, we can bring that up.---Yeah (not transcribable) see what I said because it might be in the context of something else before or
10 after, I don't know.

THE COMMISSIONER: Sure, sure.---Or maybe I corrected it later, I don't know.

MS HEGER: Page 486 and 487. What I should do, Commissioner, for context is also ask you to vary the 112 order to permit the publication of page 486, line 1 to page 486, line 20.

THE COMMISSIONER: Okay, that's done.
20

VARIATION OF SUPPRESSION ORDER: I VARY THE SECTION 112 ORDER PREVIOUSLY MADE BY ME TO PERMIT PUBLICATION OF THE WITNESS'S COMPULSORY EXAMINATION ON 6 DECEMBER, 2021, PAGES 486.1 THROUGH TO 487.20

MS HEGER: All right, so if we start at the top of page 486, please.---
30 Which one am I reading now? Which line? Sorry, which line?

Why don't you just read from the start of the page?---Read the whole, thank you. Yeah, thank you.

You might as well read to the end of page 486. Let us know when us to scroll down.---Yeah. Scroll down a bit, please. Okay.

So you can see from reading that portion, Mr Hindi, I didn't ask you anything about photographs or plans, in fact you volunteered that
40 information, didn't you?---Probably, yeah, at the time I did, yeah. Now - - -

Because that was your recollection of your visit to China Liu's factory in Tangshan that he had photographs or plans of Landmark Square displayed, correct?---As I said, that's what I thought I did because I looked at the photograph that I had and I'm not, I couldn't see any.

What photograph are you referring to when you say "I looked at the photograph that I had"?---On my phone.

All right.---So - - -

10

And what is that photograph of?---I said I don't, I didn't recall seeing anything of that. So that's why I thought there wasn't but then I said I did. So my, let's get it right. My recollection there I thought I did see something, now I'm saying I don't recall it. However, if I did say I did see something and it, and the purpose, probably, I'm sat, as I said, in there is just everybody, China Liu is mates probably with Aussie Liu and they brought the, he brought his photos to show the Chinese Government. I don't know. That's what I thought. But I don't recall it, I probably recalled it at the time but I don't, didn't recall it now.

20

THE COMMISSIONER: Well, you must have recalled it at the time and its quite a detailed - - -?---Yeah, okay.

- - - explanation.---I did recall at the time but maybe now my recollection has faded and I didn't - - -

When you say "maybe now it's faded", do you recall what you told us on 6 December, 2021 or not?---If that's what I said at the time, then that's fine.

30

When you say "that's fine" - - -?---I stick, I stick with it, yeah.

You'll stick with it. But is it the truth?---We're talking here eight years.

Is it the truth?---I don't recall whether I – is it the truth at that time you mean, Commissioner? Sorry, I'm trying - - -

Let's start with, yes, at that time. Was it the truth at that time?---To the best of my recollection, at the time it was the truth.

Well, it must be the truth now, surely.---Well, now, now that you've, you've got me to recollect and read what I said and what you're showing me now, maybe it's true. Yes.

What do you mean "maybe it's true"? Is it or is it not true?---At the time - -
-

No, is it true?---What is, is it true? What is it?

10 At the time you gave evidence on 6 December, '21 you gave a detailed account of what you had seen in terms of photographs and the development and the like.---Yes.

And you tell me that that was truthful evidence.---At the time, my recollection, yes, it was truthful at the time from what recollected.

Well, how can it not be true now?---I, as I said, I, my memory might have lapsed between now and then.

20 That doesn't make it untruthful, whether your memory lapsed or not.---No, no. Sorry, sorry, sorry. No, no, no. I am saying in December it was truthful what I said to the Commission.

Well, why isn't it truthful now?---As I said, it probably is truthful. I'm trying to correct it, I said it is truthful now that you've reminded me again. So it is truthful now, that there may have been something there. All I was trying to say, I said two different recollections and I believe the recollection I had in December is probably a bit more truthful because it was closer to the event than the one today. That's, that's what it is.

30

Very well.---So I do, if, if that's what I said, yes, I recollect it, it could have been there.

MS HEGER: All right. So when you saw these photographs or plans of Landmark Square at China Liu's factory, you must have believed or suspected that China Liu had some involvement in Landmark Square. Correct?---No.

40 Well, what did you think when you saw those photographs or plans, then?
---What did I think? It's very simple, that there's two people that know each other. One wants to build something in Hurstville and one wants to do

waste-to-energy. And they've got the government there, government official. And they're thinking, well, let's show them how good we are. We want to be on the same level as, as, as some of the, our friend the Chinese witness has said, you need to be on the same level. So maybe he was showing his, what he's going to build in Hurstville, Aussie Liu, so he never, never, didn't worry me, but they're friends. What kind of friends? I don't know but - - -

10 So it was Wensheng Liu that was showing these photographs or plans, was it?---I don't know who. It was just sitting there in Tangshan, so I don't know. So I don't recall it exactly. That's what my, my concern is. I don't recall it. But you're telling, tell me to recall. I'm trying, to the best of my recollection. If the work plans are there, someone must have put them there. I don't have a clue who put them there, whether it's China Liu or it's Wensheng Liu or there's someone from the street put them there, I don't know. I didn't actually ask them and it's not written on it who actually put them there.

All right.

20

THE COMMISSIONER: And I think you've said somewhere in there that, and we've heard this evidence from others too, that bringing Australian officials across to China when there's business going down is useful to the Chinese, particularly, for example, if you're a mayor?---Absolutely. Of course. Of course, it is. But I wasn't the mayor at the time, so

- - -

30 No, no. I understand that. And so it would have been useful to have Australian officials there in relation to the proposed waste-to-energy proposition?---Yes. In, in, in relation to the waste-to-energy, I agree with you wholeheartedly, yeah.

And it would have been useful to have somebody in an official capacity from Australia in relation to the proposed development of Landmark Square. Correct?---Commissioner, I disagree with you very strongly on that.

40 What, it wouldn't have been of any use?---Very strongly I disagree because, if you allow me, I'm happy to say, because? Because the second trip, I took a senior government official with me - - -

I'm not after the second trip.---No, no. No, no. It's the same thing because they go hands in hand.

No. I'm asking you about this trip, sir.---Well, they go hand in hand. They go hand in hand. That's why. We continued this thing - - -

Yeah, but in this thing, you and Badalati were the only ones there, and your wife, of course.---Yeah.

10 But you were the only officials - - -?---Yes.

- - - that would have helped China Liu in relation to his proposed investment in Australia if that came about for the power plant?---Yeah.

But having you there would also, having you there and you actually being in the Hurstville area would have been of great benefit, would it not, in terms of the Landmark Square proposal?---In what way?

20 Well, showing that it had government support.---That's not what it's saying 'cause it never mentioned it. It was never mentioned in front of us. Never mentioned in front of me about Landmark and the support.

Yeah. Okay.---I can, I can appreciate exactly where you're coming from, Commissioner, and, and, but I, I just don't, don't, if, if, if Aussie Liu and others may have that perception that you have, maybe, but I, I didn't.

And here the photos - - -?---Yeah.

30 - - - are being shown around, you know? It just doesn't stack up, to be honest, that you're over there solely in relation to a waste-to-energy plant which is not going to be built in Hurstville but whether you're there in an official capacity or not in relation to Landmark Square, you are from Hurstville, you're a councillor, Mr Badalati is the mayor and at some stage, Landmark Square is being discussed. Now, surely, that would have been of benefit to the Chinese people who were there, to have two senior officials from Hurstville where this development was being built?---I was a councillor. Councillors don't hold any weight there. It's only the mayor that holds the weight.

40 Well, the mayor.---Yeah, well, you can ask Badalati, Mr Badalati. I don't think what he was thinking. I was going for waste-to-energy 'cause that's

what I believed in. Maybe he didn't believe in it. I believed in it. And I continued my journey with that all the way along till now. Anyway
- - -

MS HEGER: I'll tender that portion of the compulsory examination transcript from 6 December.

THE COMMISSIONER: Thank you, we'll make that Exhibit - - -

10 MS HEGER: 291.

THE COMMISSIONER: 291, thank you.

**#EXH-291 – EXCERPT FROM CON HINDI CE TRANSCRIPT
PAGE 486.1 TO 487.27**

MS HEGER: So it will be from page 486 line 1 to 487 line 27. All right.
20 Can we go back to the itinerary, which was 1.4 page 242. You'll see at point three it says, "the merchants will have dinner at the banquet hall on the second floor of the office building of Tangshan Xinfeng Thermoelectric Group." Do you see that?---Yes.

So this is different to the signing ceremony that happens the next day.
---Okay.

You attended that dinner on the evening of April, 11th?---I don't have a great recollection but I think I did, yes.
30

All right. And you didn't pay for your dinner on that occasion, did you?
---You can't, you can't pay because it's his own, his own chef and factories. It's like when you invite someone to your house, they don't pay. So this is like his, it's not a restaurant, it's his house, that's my recollection.

All right. The next day, 12 April, it says at point two, "The main responsible staff from Xinfeng will accompany the merchants to visit the Tangshan World Horticulture Expo Hall." That's what you did on the morning of the 12th?---I'm sorry, let me have a look at that? Oh we may
40 have, yes. I don't recall but - - -

You didn't pay for that tour did you?---No, it was his own tour, or something. In fact, you didn't have to pay - - -

When you say his, are you referring to China Liu?---Yes, you didn't have to pay it was all to do with China Liu, yes, you didn't have to pay.

10 All right. Point number three, "Merchants will have lunch at Nanhu Jiudao and then return to the hotel for a lunch break." Is that what you did on that day?---I don't recall that but I've looked at some photographs on my phone, yes, we have, yes.

All right. Did you pay for your lunch on that occasion?---Definitely not.

Did you assume China Liu paid for it?---Absolutely, oh I don't know whether he paid or not, maybe he gets them for nothing there, I don't know what he does.

All right. But you didn't see anybody else pay for it?---No, no.

20 All right. Some time after lunch you found out that there was going to be a signing ceremony that evening, correct?---What do you mean some time after lunch, when's that?

Well, in the afternoon, before the signing ceremony took place you found out that it was going to happen that evening, didn't you?---Yes.

Can I show you volume 2.27, page 4.---Ah hmm.

30 Before the signing ceremony took place you walked past this hall and saw the stage being set up in this way, correct?---Was that a photo on my phone or someone else's phone?

I don't know.---I can't tell you that, if I saw that or I didn't see it.

Well, no, I'm asking you just to look at the picture - - - ?---I did.

- - - and tell me whether you saw the hall being set up in this way?---I may have, yeah, I may have. Can we have a look at the picture a bit closely?

40 We can blow it up a bit.---Yes, I can I'll tell you, no, not this one, sorry. Okay, fine. Yep, okay.

At this point, you realised the signing ceremony had nothing to do with waste-to-energy correct?---It may have still.

I'm sorry?---It may be waste-to-energy, would you like me to tell you why I think it may have? I don't know, I said but - - -

Well?---I knew there was something funny but I didn't know what it was, but can I say why it could be anything?

10

Well, no, first answer this question.---Yes.

Before the signing ceremony took place you formed a view that it had nothing to do with waste-to-energy, that's right, isn't it?---No, I didn't form that view, I wasn't sure what – the view that I formed, I wasn't sure what they were going to sign, whether waste-to-energy includes other projects in China, in Lebanon, in Australia, in Dubai, I don't know. That is the whole thing. I found, there's an agreement to be signed. The question is very simply, Tangshan Xinfeng Thermoelectric Group – we all know who that is. Do we know who Australia First Capital Group is? Who, who are they? I seen that. Who are they? Are they building in Hurstville? I don't know. Australia First Capital are not people building in Hurstville, are they?

20

How do you know that?---It's clear. Australia First Capital. I've never seen them before. It's never come in front of the council before.

Well, it says up the top - - -?---No, no, no, no.

30

In the top right-hand corner, The One.---No, no, sorry, I'm sorry, we don't sit here and play guessing games whether The One or the two or the three.

THE COMMISSIONER: Please. I'm going to stop you again.---But the The One doesn't make sense, Commissioner. It's like - - -

But you don't have to speak and be so rude.---Sorry. No, I'm sorry, I'm not being rude. My apology, Ms Heger. If you can – I'm sorry, I'm sorry.

40

MS HEGER: What I'm suggesting to you is that when you saw this sign and it said The One and you saw the reference to First Capital Group, you made a connection to the company that you knew as The One Capital Group, didn't you?---That is not true at all. That is incorrect.

You didn't make that connection?---That is incorrect. I can't make The One connection with Australia First Capital. I don't even know who Australia First Capital is.

THE COMMISSIONER: All right. Well, that's your evidence. Move on. ---No, it's clear.

10 MS HEGER: Well - - -?---Did Australia First Capital have a DA in council? Sorry, can I ask a question, Commissioner?

THE COMMISSIONER: No.---Okay, thank you. Let's continue.

20 MS HEGER: You've previously given evidence that before the signing ceremony, you did form a view it had nothing to do with kitchen waste. Are you now departing from that evidence?---I'm not departing from that. I said I don't know what it has to do with because when I saw those two names, one of them relates to the Xinfeng, which is the waste-to-energy or the power factory, and one is relating to Australia First Capital. I don't know who they are. But because when I saw those agreements I felt don't want to be involved here. Not interested. That's basically what I did. There was nothing called The One Capital in front of me. That's what I saw. Now, there might be other slides that will show you The One Capital, yes, there will be. And these things are, were rolling so I thought what's going on here?

30 Commissioner, can I ask you to vary the section 112 order made for 6 December, 2021 compulsory examination of Mr Hindi from line 5 to line 12?

THE COMMISSIONER: Sorry, what page was that?

MS HEGER: It was page 480.

THE COMMISSIONER: Thank you. I vary the section 112 order previously made by me to allow publication of the witness's private transcript on 6 December, 2021 at page 480, line 5 through to line 12.

40 **VARIATION OF SUPPRESSION ORDER: I VARY THE SECTION 112 ORDER PREVIOUSLY MADE BY ME TO ALLOW**

**PUBLICATION OF THE WITNESS'S PRIVATE TRANSCRIPT ON
6 DECEMBER, 2021 AT PAGE 480, LINE 5 THROUGH TO LINE 12.**

MS HEGER: On 6 December I asked you, "Did you attend the dinner that followed the ceremony?" You said, "No."---Ah hmm.

I said, "Were you invited to attend the ceremony?" You said, "Yes." I said, "And why did you not go?" You said, "Cause it had nothing to do with me, with my kitchen-to-waste, it had nothing to do with kitchen-to-waste. I don't know what it was, I said I'm not going. It had nothing to do with kitchen-to-waste."---Good.

That was truthful evidence, wasn't it?---Absolutely.

Yep.---And it was now what I've said exactly.

So you did form a view that the ceremony had nothing to do with kitchen-to-waste, correct?---No, that's - - -

20

Well, that's what you said on 6 December, Mr Hindi. Is that still your evidence or not?---Let's just get the evidence correct. I said it had nothing to do with the kitchen waste and it had nothing, I don't know what it had to do with. So I said it could be anything. I didn't know. That's what I'm saying.

Yeah, anything other than kitchen-to-waste, that's the view you formed at the time, wasn't it?---I, I didn't know what it was. So I've assumed when you asked me, but it had nothing to do with kitchen-to-waste because I didn't get involved. I walked out.

30

THE COMMISSIONER: You didn't assume anything. You gave evidence and your evidence was it had nothing to do with kitchen-to-waste.---Okay. If that was my recollection at the time, then that's my recollection.

Was it true?---Of course it is true. And it's true what I'm saying now.

MS HEGER: And the reason you formed the view it had nothing to do with kitchen-to-waste is because you saw that sign that referred to The One and First Capital Group and you realised that had something to do with Landmark Square, isn't that right?---The One has nothing to do with it up

40

the top. That doesn't count. That's nothing. Australia First Capital is not Landmark Square, so it had to do something with China Liu, both of them. I didn't know what it was. But it didn't look like kitchen-to-waste, it didn't look like anything I'd know. So I didn't know what it was. But would I be asked - - -

All right. So you didn't even have a suspicion that the signing ceremony related to Landmark Square?---No. I mean, I don't know. When I saw these two people, they're going to do a ceremony, I don't know what it was.
10 But then again, is it my business to work out what people are doing? It's not my business.

Mr Badalati's evidence was that when he saw that sign, the penny dropped for him and he realised that the ceremony was related to Landmark Square. Can you explain why the penny dropped for him and not for you?---Was that on the 2nd or the 7th or the 14th or the 5th, because they're all different.

That's not an answer to my question, Mr Hindi.---It is, because I don't know when he said because he keeps changing it.
20

I'm telling you what you what he just said.---Well, which transcript is that?

THE COMMISSIONER: Please don't ask questions.---I'm sorry. I don't know why he said it. Because he was the mayor, he's probably going to make a speech so he needed to be fully informed of what's going in.

And he never said anything to you?---No, absolutely not. I wasn't even at the ceremony.

30 I know that, but you were at the dinner later on. But are you telling me that Mr Badalati never said to you this signing ceremony concerned developments in the Hurstville area?---He said, clearly what he said in Chinatown, that he asked them again, what are they doing here and he, he told me that's what he asked them, asked the interpreter, and they said they're signing the same thing they signed in Chinatown. And in Chinatown he was told that it's to do with projects in China.

I'm asking you, when you were in China or thereafter, are you telling me he never suggested to you that the agreement which was signed concerned
40 developments, including developments in the Hurstville area?---Absolutely not. And that's my evidence, Commissioner, on oath.

Bit odd though, isn't it?---Sorry?

It's a bit odd that he didn't tell you.---Sorry, Commissioner, you're thinking that we are twins, attached on the hip. We're not - - -

10 I'm not saying any such thing.---Well, why would he tell me? He's the mayor, he can do what he wants, and I've got my thing which is waste-to-energy. He's not interested in waste-to-energy, I am, and I want to further push that, that venture.

Well, then if that's the case why was he going to China at all?---Well, he's probably gone to listen, see waste-to-energy maybe. Maybe, maybe he could have gone in with me. Maybe. He might have said, I'll, I'll, I'll join Con Hindi and we'll go and do waste-to-energy together. Doesn't mean that he wasn't going to. He had the intention he thought he could do it but I didn't get him involved. He wasn't involved on the second trip, I didn't involve him.

20 I'm talking about this first trip.---Yeah, but on the, if I wanted him to be involved, because he doesn't know what to do with waste-to-energy but he's pretty cluey about these things and he was the Vice-President of the SSROC. So he was cluey about recycling and all that stuff. So he was interested in it but then if I said to him "Come with us and join with us and sign an agreement" on the second trip, he probably would have done it but because I didn't offer that opportunity to him, he didn't do it. That's why he, he let it go.

30 MS HEGER: I'll tender volume 2.27, page 4 as Exhibit 292.

THE COMMISSIONER: Thank you.

#EXH-292 – VOLUME 2.27 PAGE 4

MS HEGER: And I'll tender page 480, lines 5 to 12 of the compulsory examination of Mr Hindi from 6 December, Exhibit 293.

40 THE COMMISSIONER: Thank you.

**#EXH-293 – EXCERPT FROM CON HINDI CE TRANSCRIPT 6
DECEMBER 2021 FROM PAGE 480.5 TO 480.12**

MS HEGER: All right. You attended the dinner that followed the signing ceremony, correct?---This is, this is a bit difficult because I've seen some photos. I do not recall attending the dinner. Yeah.

10 All right. I'll just show you the photograph, Mr Hindi.---I know there's photos I've seen and I'm going, I just don't recall it.

I'll show you Exhibit 182.---Yes. If you can show me something. Doesn't mean I haven't but I don't recall it. It's just, for some reason I've got a blank memory.

It's volume 2.27, page 22, Exhibit 182.---Okay.

20 That's the dinner that followed the signing ceremony, isn't it?---I don't know if it's the dinner or just a, a site dinner. I don't know. It might not be. Where does it say that it's a dinner? I don't know. When, when was the photo taken? What time?

THE COMMISSIONER: Will you please stop asking questions?---I'm sorry. I'm just, my, my apology. I don't recall it. As I said, I don't recall being at the dinner. I don't know whether that's - - -

30 MS HEGER: This photo was taken on 12 April, which is the day the signing ceremony occurred and you can see in the background there's a big sign that says "Signing ceremony"?---Yep, yes.

And you can see there's food on the table, correct?---Yes.

All right. And I can tell you that's the same hall in which the signing ceremony took place. Indeed, you can see the table on the stage with two signs on the table. Can you see that?---Yes.

40 All right. So it rather looks like the dinner that followed the signing ceremony. Do you accept that?---I don't because, sorry to say that, I don't see anyone next to me. I look like a lonely person on my own.

Are you suggesting you were in the hall on your own, Mr Hindi?---I don't, that's just what I'm saying. Like it could have been two or three people with me, maybe a small ceremony somewhere or some food somewhere. I don't know. I'm sorry, because I do not recall being there, but if you tell me I have, I accept what you tell me.

THE COMMISSIONER: That's a lot of food for one person.---No, Commissioner, Chinese are, when you go to a banquet, there's 50 dishes in there, doesn't mean you've got to eat them all.

10

Right.---And it's only one person too, you don't have to eat it. It's like Lebanese, when you go in there, there's plates everywhere.

MS HEGER: All right, Mr Hindi. We can do it this way. I'll show you a video of you at this dinner. Volume 18.10.---Sure. If it is me.

VIDEO RECORDING PLAYED

[3.15pm]

20

MS HEGER: All right, so you weren't on your own at this dinner, were you, Mr Hindi?---I didn't see the main people there on the table. Anyway, it's there, so I don't, I still believe, I still – my recollection, a strong recollection that I was not at the dinner. That dinner, the main dinner. So I don't know. Now, whether my recollection is failing me, that's fine, but I can see what you're telling me, I accept it.

30

THE COMMISSIONER: Well, the video, the video shows it all, doesn't it?---It doesn't show it's a dinner. It just shows we're having a table, we're eating. Could be one table in that hall the next day or day before, an hour before, two, I don't know.

So you're seriously suggesting to me that you sat, no doubt very lonely, in the middle of a big hall, eating on your own?---No, no, it may not be 'cause someone still took the photo. So if someone took the photo, there would have been someone with me.

Yeah.---But - - -

40

Did you see Elaine Tang with you?---Yeah.

What was she doing there?---What was she doing there? She was part of it. She came with them, I don't know.

Well, she was part of the Landmark Square development, wasn't she?---I don't know what she was part of. She was a PA. So what does that mean?

PA for who?---I don't know, for Wensheng Liu or somebody or Faye or somebody.

10 Yeah.---Just a PA. PA are not considered as stakeholders.

I see. But she was the PA of Wensheng Liu, is that what you say?---So what? A PA, plenty of PAs can go on trips with their - - -

Please don't speak to me like that.---Sorry, what were you asking me, Commissioner, sorry?

I was asking you whether that was Ms Tang there, you said yes it was, and I suggested that she had some involvement with Landmark Square, and you told me she was, I think you said Wensheng Liu's PA.---I don't know, Mr Liu somebody. Anyway.

But she had an involvement, didn't she? I mean, didn't she do the accounts and what have you for Landmark Square?---I'm sorry? What did she do?

The accounts.---I don't know what she did. I didn't, I didn't, I didn't ask her. That's the first time I met her.

Well, you heard what she said in evidence.---That is the first time I've met her, Commissioner.

Yeah.---So if I met her before, maybe I would have made, formed a view. But I couldn't form a view on the first time I've met her.

And your wife met with her from time to time, didn't she?---Well, yeah, my wife might have but that's the first time we've met her, both of us, I think. To my best of my recollection, that's the first time we've met her.

Very well. Thank you.

40

MS HEGER: I'll tender volume 18.10, which will be Exhibit 294.

THE COMMISSIONER: Thank you.

#EXH-294 – VOLUME 18.10

MS HEGER: Can we go back to Exhibit 182. Photo of Mr Hindi on his own.---There's no time or dates.

10

Can we just make that a little bit bigger, please? You'll see this time the sign has changed from the last one I showed you?---Yes. Yes.

And it now says "Australian The One Capital Group". Do you see that? ---Yes. Yes.

And you knew by this time The One Capital Group was the applicant for the Landmark Square planning proposal, correct?---That's not correct.

20 You didn't know that?---No, I didn't know. I knew Liu was the proponent but I didn't know the company called The One Capital. We don't know these things until they're put in front of you in the report to council.

So by this time you knew that Wensheng Liu was the proponent for the Landmark Square planning proposal?---By that time we're talking April. Yeah, oh, I don't know the word "Wensheng Liu". I know Mr Liu was the proponent, I'm thinking.

30 You know, you knew by this time, Wensheng Liu was the proponent?---I don't recall, to be honest with you.

Bear in mind that council voted on the Landmark Square planning proposal only a week or two later on 20 April, 2016. You must have known on this trip that Wensheng Liu or his company was the proponent for the Landmark Square planning proposal. Correct?---Maybe, yeah. Probably. It's likely.

40 All right. And when you saw this sign, you associated The One Capital Group with Wensheng Liu. Correct?---No. I didn't associate The One Capital with him, but I knew he had something to do with that, him and the other guy, sorry (not transcribable) it was something to do with Australia

Liu and China Liu together. And I did not, the penny did not drop that the Australian, The One Capital is his, his thing.

Well, you say you knew this ceremony had something to do with China Liu and Wensheng Liu?---Mmm.

When you looked at that sign, you knew that the Tangshan Xinfeng Thermoelectric Group was associated with China Liu - - -?---Yeah.

10 - - - and The One Capital Group was associated with Wensheng Liu, didn't you?---Yeah, at the time, I may have put two and two together, however, you need to understand that when we, when we associated Mr Liu with it, it was Landmark Square, not The One Capital. We didn't know the name of the company. It was called Landmark Square. Every time that, anything came to council, we talked about or workshops, we've had several workshops, it's the Landmark Square, not The One Capital. So we didn't know this, so that's what I'm trying to get at. I could, I did not them together but if, if he's there for the ceremony, so that it must be his company, but his company could be doing work anywhere outside
20 Hurstville, as well, for all we know.

All right. Well, by the time of this dinner, you knew that the Landmark Square planning proposal was before Hurstville City Council. Correct? ---Yes. Correct.

You knew that Wensheng Liu was at this signing ceremony. Correct? ---Correct. Mr Liu, not Wensheng, yeah but he is Wensheng Liu, yeah.

30 You didn't know him as Wensheng Liu?---Yes.

You only knew him as Mr Liu?---Yes.

Is that right?---Yes.

You knew that Mr Liu was signing an agreement at this ceremony. Correct?---Yeah, I became aware while I was there, yeah.

40 Yeah. You knew that Mr Liu or his company was the proponent for the Landmark Square planning proposal. Correct?---Correct.

You knew that Philip Uy was involved in the Landmark Square planning proposal in some way?---In some way.

Yes?---In some way, yes, but I don't know which - - -

You knew that Elaine Tang worked for Philip Uy in some way?---I, I didn't know at the time because I just met her the first night.

10 All right. You knew that she worked for Wensheng Liu in some way?---I don't know, 'cause I just, that's the first time I met her, so I wasn't sure if I ever received anything from her or unless you can show me something, I don't recall receiving things from her around that time or talking to her.

20 Well, in the context I've just outlined, is it seriously your evidence that you formed no belief or suspicion that the agreement that was signed at that ceremony was related to Landmark Square?---Absolutely. I formed no view that it was related to Landmark Square or anything else 'cause I do not know what they have signed in Chinatown or in here. I never saw the documents. The documents are meant to be confidential and I was not, it was not disclosed to me.

THE COMMISSIONER: How do you know they were meant to be confidential?---Well, Commissioner, if we've been reading for the past eight weeks in this public inquiry and all the things in there, it say if you read at clause 7, it says this is confidential and not to be disclosed to any third party.

30 But you were giving evidence as to what your belief was at the time.---Sorry (not transcribable)

How did you know at the time that it had a confidentiality clause?---I didn't know. I knew now, I just read it now. But what I'm trying to get it as if these people were going to tell me, it, they're prohibited from telling me based on their agreement. Now, it doesn't mean they can't break it. Of course, they can break it and do what they want but I was not aware. But in their agreement, it says, which I just read as part of this inquiry, that you cannot disclose that agreement to anybody, to a third party, so it's clear.

40 MS HEGER: All right. The next day, you checked out of the accommodation in Tangshan. Correct?---Yes.

And you did that around the same time as Mr Badalati. Correct?---I don't recall exactly.

All right. You went to the reception at the hotel that morning for the purposes of checking out. Correct?---We had breakfast first.

You had breakfast first, and then you went to the reception?---Well, Mrs Hindi went and I was behind her, like, a couple of minutes behind her, yeah.

- 10 Okay. And you discovered that China Liu had already paid for the accommodation. Correct?---I, I didn't discover anything. Mrs Hindi did.

All right. And then what happened?---What happened? I don't recall exactly what happened but there was some discussions around the, around the reception table and I was about two or three metres away looking different ways because I don't get interested in those sort of things and I said to Mireille at the breakfast table "Make sure you pay." She goes "Yep" and so that was just - - -

- 20 So you witnessed Mrs Hindi have a discussion with someone, is that right? ---Yeah. Discussion, yeah.

With a member of China Liu's staff?---Well, somebody she was talking to.

And could you hear what they were saying?---No. Because I don't - - -

Did you see Mr Badalati participate in that discussion?---I didn't see him.

- 30 Could you hear what he was saying?---I couldn't hear anyone saying anything.

Did you see Mrs Hindi give China Liu's staff anything?---I didn't see, I just saw her put her hand in her purse and that's about it. Like, like through the side of my eye because I don't look at these things.

You didn't see what she handed to China Liu's staff?---No, no.

Did she tell you later what she handed to them?---Yes, in the car.

- 40 What did she say?---I said to her "Have you sorted out the bill?" and she goes "Yeah. I gave then 4,000 RMB." I said "What? You're silly, why?"

It's too much." She goes "Oh, just allows for, for a bit of food." I said "Okay."

Commissioner, I'm going to ask you to vary section 112 direction made in respect of Mr Hindi's compulsory examination on 6 December, 2021 from page 457, line 7 to page 477, line 47.

THE WITNESS: I did say I saw her there. Yep. I remember the private.

10 THE COMMISSIONER: I vary the section 122 order previously made by me to allow publication of the witness's evidence given on 6 December, 2021 at page 475, line 7 through to 477, line 47.

VARIATION OF SUPPRESSION ORDER: I VARY THE SECTION 122 ORDER PREVIOUSLY MADE BY ME TO ALLOW PUBLICATION OF THE WITNESS'S EVIDENCE GIVEN ON 6 DECEMBER, 2021 AT PAGE 475, LINE 7 THROUGH TO 477, LINE 47.

20

THE WITNESS: Oh, okay.

MS HEGER: All right. I said to you "That suggests that somebody paid for all the accommodation" – oh no. I think the Commissioner did. "That suggests that somebody paid for all the accommodation and then, so how did it come about?" You said what's written there. Just read the answer to yourself and I'll ask you a question.---Do you want me to read the whole lot? Is that what you're saying, do you want me to read the whole lot?

30

You've read up to "So back and forward, arguing back and forward"?
---Yes, yes.

And then the Commissioner said, "Okay. Just stop. This is you discussing it with - - -" and you said, "Not me, my wife. My wife and Vince."
Commissioner says, "And you - - -" and you say, "I'm just standing there listening."---Ah hmm. Yep.

40 Now today you've said you were standing two to three metres away and couldn't hear what was being said.---Yeah.

So were you lying to the Commission on 6 December?---I was still, I was still listening, doesn't mean I heard anything. I was listening but doesn't mean I heard. I couldn't make things out.

In the previous answer you've given an account of what was said which rather suggests you heard what was said.---No. That's what Mrs Hindi told when I went in the car that happened.

10 THE COMMISSIONER: That doesn't make sense.---Well, tell me where it doesn't make sense. Where did I say I said it there on the spot? I just, the recollection that she was telling me. She said, "Oh, he didn't want to take the money. They didn't want to do this" and it, that's to the best of my recollection because I wasn't involved in the whole process.

20 "We went to pay in the morning after we finished, we were trying to pay to leave, and we were told that the accommodation had been taken care of. And it wasn't just us, like, me, Vince and my wife, there's other people that were staying there, other Chinese that were staying there, and Mr Liu China paid for it and we said, no – let's call him Mr Liu China", et cetera, et cetera.---Ah hmm.

You're not seriously telling me that what you're recounting there is what your wife said to you in the car, are you?---Yeah, we, does not mean me. He said it to all of us but I wasn't, I wasn't involved in the conversation, I wasn't involved in the conversation Commissioner. You could be here next to me and I'm talking to Ms Heger, doesn't mean you're involved in the conversation. You're listening but you weren't involved, doesn't mean I was involved in the conversation.

30 What were the words "we were trying to pay" mean?---I don't know, it's a normal – Aussie slang – we're trying to pay, you know, what else? So it's like we said, I'm trying to pay and they wouldn't let us pay so that's basically - - -

40 So it's your evidence on oath that this conversation occurred in a car?---Yes, with my wife because she's just told me. And can I, can I get it clear that, and you'll probably show me the photo later, that the thing at my house for dinner with China Liu, he grabbed me in my house and said, "How dare you, how dare you pay for your accommodation?" I said, "What do you mean, how do you know?" He goes, "My staff told me you paid for the accommodation, how dare you? You come to my country, it's an insult." I

said, "Mate." He goes, "Don't do it next time." I said, "Yes, all right, whatever." So he said to me, at my house, when he came.

What's that got to do with whether or not you had a conversation in the car?---I'm just saying to you that this whole conversation did happen and the end result, that we paid \$4,000, that's the end result.

Yes, the conversation, you say, happened in a car?---That's what - - -

10 Because what I'm putting to you is that, by no stretch of the imagination, somebody can correct me if I'm wrong, can it be said that that is a conversation that occurred in a car. It's just you - - - ?---No, no, no, no, it's not.

- - - it's you recounting what you observed?---Yes, no, no, no, no. That's probably me recounted what I, what my wife told me in the car because I was there with her but I didn't know what words were said and what was going on. So I was recounting what she sort of told me but maybe I didn't make it clear at the private hearing, I should have made it clear.

20

MS HEGER: When you said, "I'm just standing there listening" - - - ?
---Yes.

- - - what you meant was - - - ?---Standing there.

- - - standing there watching because you couldn't hear anything?---You could hear things but it doesn't mean that you can make a lot of sense out of it, you can hear some and some not.

30 THE COMMISSIONER: I know you've had difficulty with language today but what do you understand the word "listening" to mean?---Listening means sometimes you can listen, like Con Hindi listens sometimes but he doesn't listen well. So you can hear words come in but he doesn't listen well, and others listen and digest every word that comes in their ear. I don't digest every word that comes in my ear. So I might listen and because I'm thinking of 50 other things I'm listening but it doesn't mean I'm actually absorbing the conversation. So I wasn't absorbing the conversation, that's what listening's about. People can listen, doesn't mean that they're actually listening. I'm just standing there listening, doesn't mean that.

40

MS HEGER: All right. Just to clarify, when you said earlier “And we said, ‘You can’t pay for us, no, we have to pay. It doesn’t work like this, we have to pay for it.’” When you said “we”, were you were referring to yourself and Mrs Hindi or were you referring to Mrs Hindi and Mr Badalati?---My recollection is Mrs Hindi, the whole recollection is Mrs Hindi and Badalati, it’s not really me, I wasn’t really involved in any of it.

All right.---That’s the best of my recollection, can I put it clear, that is to the best of my recollection.

10

Well, you now know that Mr Badalati has given evidence that he didn’t pay anybody for the accommodation in Tangshan in the reception that morning or otherwise, you’re aware that’s his evidence?---No, his evidence was that he paid and that he changed it.

THE COMMISSIONER: I’m going to say something to you because it’s - - -?---I’m sorry.

20 No, no, listen to me because I know it’s going to come up at some stage and I’d rather deal with it now. Mr Badalati has given various versions of various events. Those matters were pointed out to him by your counsel during the course of cross-examination. It’s a given that he’s done that, I do not want to hear on what occasion, was it this date or that date or this page or that page. You can take it from me it is a given that he’s given various versions over various days and that will go to his credit. So you don’t have to tell me, okay? Do you understand that?---No, thank you Commissioner for pointing that out to me, I appreciate it, thank you.

30 MS HEGER: All right. You understand - - - ?---Yes.

- - - the evidence that Mr Badalati ultimately gave was that he didn’t pay anyone for the accommodation in Tangshan at the reception or otherwise, you’re aware that’s the evidence he ultimately gave?---Yes.

All right. So if that’s right, it follows that when you recount this conversation that supposedly represents what Mrs Hindi and Mr Badalati said, and so far as it concerns Mr Badalati it’s false, isn’t it?---As far as it concerns Mr Badalati?

Mmm.---I don't know whether he paid or not, so I can't tell you whether it's false or true. Maybe, maybe he said he didn't pay, maybe he did. I don't know.

Well, I want you to assume that he didn't pay.---Yeah, so - - -

Here you now say you're recounting something Mrs Hindi told you.

THE COMMISSIONER: In the car.

10

MS HEGER: In the car.---Yes. The one up the top only.

Yeah, up the top.---Yeah, yeah.

And if she told you that this is what she and Mr Badalati were saying to China Liu's staff, then insofar as it concerns Mr Badalati, it's false, isn't it? ---Still trying to understand the question.

20 What I'm saying to you is if Mr Badalati's evidence is that he never paid for his accommodation in Tangshan, it follows he never had a conversation with China Liu's staff where he said, "You can't pay for me. I have to pay. It doesn't work like this. I have to pay for it." That follows, doesn't it? ---No, if, I don't know whether he said it or Mireille did. I'm not sure who said it. I don't recall who said it.

No, but you're, you told us that here you're recounting what Mireille told you about the events in the reception that morning.---Yeah.

30 And insofar as she's told you Mr Badalati said all these things to China Liu's staff, "You can't pay for us, I have to pay," that's false, isn't it?---I, can I, can we get it right here? This is December 2021. We have a defamation in late 2019. So I asked Badalati at the time as well, "Did you pay?" "Yes." "Did you do this?" "Yes." "Well, if you did, fine, put that in your stat dec and take it to The Herald." And that's what I was assuming on based on that, that he did.

40 All right, so this account of what happened in reception is a combination of what Mrs Hindi told you in the car and what Mr Badalati told you during the defamation proceedings, is that right?---Yes, yes, yeah, because I didn't, I didn't see exactly what he did, but he said, "Yeah, I spoke to them and I put

the money.” I said, “Okay, put that in a stat dec.” That’s what he was doing. So that’s - - -

Well, you now say you didn’t hear what he did. You saw him have a conversation with China Liu’s staff, is that still your evidence?---Yes. Yes, he goes, “I’ll sort,” ah, sorry. You’re making it sound there was only two people in there, Mrs Hindi and Badalati and Con Hindi. No, it wasn’t. And Constantine Hindi. No, it wasn’t. There was about 10 people there. There’s a lot of people around and everyone’s like chaos. Everyone’s trying to check out. So it wasn’t like, you know, we got the red carpet treatment and we’re, we’re sitting there. So there’s a lot of people so you couldn’t hear. There’s people talking everywhere, Chinese, English, everywhere. So when I say I was listening, it doesn’t mean that – because there’s people talking around me.

All right. Can I show you – I’ll just tender that portion of the compulsory examination transcript. That’ll be Exhibit 295.

20 THE COMMISSIONER: Thank you.

**#EXH-295 – EXCERPT FROM CON HINDI CE TRANSCRIPT 6
DECEMBER 2021 FROM PAGE 475.7 TO 477.47**

MS HEGER: Can I show you volume 10.2, which is Exhibit 205.---Oh, yes.

30 You read this article around the time that it was published in April 2019, correct?---Around the time, yes.

And this is the article you wrote to The Sydney Morning Herald about, correct?---Mmm, is that the one? Yeah, it was, yeah, there were probably two or three articles, so maybe this is one of them, yeah. There were other articles that were written. Wasn’t only this one.

THE COMMISSIONER: By The Herald?---Yes.

40 MS HEGER: All right, well, this - - -?---Once they latch on to me, they don’t let go, so don’t worry about it.

This article, of course, suggested that China Liu had paid for your and Mr Badalati's expenses in Tangshan. You recall that?---Yes. And I said that earlier. That's, that's what - - -

Yep. And when this article was published, did you and Mr Badalati have a conversation about it?---No, we didn't have a scrum down, I'll tell you that much.

10 I'm sorry?---We didn't have a scrum down. No, we did not talk. We, we had a discussion about it, of course, because it was something that's a hot topic.

You say you didn't have a scrum down?---I was using the Commissioner's words, anyway.

Well, my next question was did you and he agree on a version of events - - - ?---No.

20 - - - as to who paid for the expenses in Tangshan? No, you didn't?---No, I didn't. Sorry, I was, I interrupted you, so I stopped. No, I didn't.

You didn't say to Mr Badalati, "Well, what happened about the accommodations in Tangshan? Did you pay or did China Liu pay? What happened?" Did you have that conversation?---We probably would have had a conversation. I mean, from my point of view, if you read the article, I did not make any comments to The Sydney Morning Herald, did I? It was Councillor Badalati that, well, Mr Badalati that made the comments. So I wasn't interested in defamation, 'cause they've written a worse article than this about me, so I didn't - - -

30

All right. But the answer to my question is you did have a conversation with Mr Badalati about who paid for his expenses?---No, no. We had a, we had a conversation but not about who paid what and who did what. It was, it, it took a, like, we might have had several conversation, you know, over the period of the month or so or two months.

And did they or did they not involve the question of who paid for Mr Badalati's expenses in Tangshan?---Of course, it would have been. That's what he was doing for.

40

Thank you.---Yes.

And did you talk about who paid for your expenses in Tangshan?---No. I said to him, well, I did, I said to him “Mrs Hindi paid” and that’s it and he goes “Fine”. “And I paid,” he said, “2,000.” I said, “Good.” You’ve got your version, we’ve got our version, so who cares?

10 All right. And did you reach an agreement with Mr Badalati that that’s the version that you should both convey to The Sydney Morning Herald?---I’m sorry. We didn’t reach any agreement because I wasn’t going for defamation. He was. So I had no interest in any agreement or anything that’s happening ‘cause I was not going to the defamation.

But you were interested to see how Mr Badalati’s defamation proceedings would go, weren’t you?---No. None whatsoever. Couldn’t care less because I’ve had my name in the paper worse than that and I did nothing about it, well, nothing.

20 You were watching how his negotiations with The Sydney Morning Herald progress so that you could decide for yourself whether to initiate similar proceedings, weren’t you?---When somebody gives you all the emails that he sent to The Sydney Morning Herald and his settlement figures, you say thank you for sending them to me, he sent them to me. I didn’t ask for them.

30 Well, when you saw he was successful, you then wrote to The Sydney Morning Herald yourself, didn’t you?---Yeah, but it doesn’t mean I was going to be successful because I have different, they think of me differently than Badalati, ‘cause I, I’ve had bad publicity for, for three years before that. So you’ve got to be careful that, with that, so - - -

All right. And you don’t need to tell me the amount of any settlement but you did ultimately reach a settlement with The Sydney Morning Herald about this article or similar ones, didn’t you?---It wasn’t a settlement. It was just, we’ll give you that much, go home.

Well, that’s a settlement, isn’t it?---Well, that’s what you call it. I don’t.

They gave you an amount of money?---Mmm. Which it wasn’t - - -

40 All right. And they also published an apology in The Sydney Morning Herald, didn’t they?---Yes.

All right.---However, as I said, my main thing wasn't about who paid for what because The Sydney Morning Herald, rightly so, they, they put the two sides of the version, what, what Mr Badalati said and what Mr China Liu said. My concern was about being reported to the, to the ICAC and that's what I was concerned about and that came out in the, in the exchange of letters.

10 Can I show you volume 2.24, page 6, which, hang on, just bear with me a minute. I might not have given you the right page. Yeah. It's page 8, I'm sorry, of volume 2.24, which is Exhibit 284. Right. Before I ask you a question about this note, did you see me ask Mrs Hindi some questions about an iPad?---I didn't listen to the last, to the last sitting that she had, I wasn't listening at all.

All right. Did you subsequently learn that I asked - - -?---I've read the transcript, I've, I've, I've read - - -

20 You've read the transcript - - -?---Yeah.

- - - where I asked her some questions about an iPad. Is that right?---Yes. Yes.

And Mrs Hindi's evidence in summary was that she used that iPad and you possibly also used it from time to time. Is that right or wrong?---I haven't seen the iPad. You haven't shown me the pictures of the iPad.

You don't know which iPad I'm referring to?---No.

30 It's the one with the cover that has a little window at the back, with the Apple sign - - -?---No, no. They, they all, they all look the same.

How many iPads do you have, Mr Hindi, at home?---Probably about five.

All right. I'll bring the iPad tomorrow and show you if that assists?---Sorry. I'm just not being rude. I'm sorry. But I can't tell by that, they all look the same, I don't know.

40 All right - - -?---But if you, yeah.

Well, I can tell you this note - - -?---Yeah.

- - - was found on the iPad that I was asking Mrs Hindi some questions about - - -?---Yeah.

- - - that she says she used and you possibly used from time to time?---Yeah.

And you can just read the first paragraph of that note to yourself and I'll ask you a question.---Do you want me to read the whole thing or just the first paragraph?

10

Just the first paragraph and then just note the second paragraph says "In April Hindi and I decided to go on a private trip as a holiday to Hong Kong and Shenzhen and Beijing." Do you see that?---Ah hmm.

All right. Do you agree that that reads like Mr Badalati's account of meeting China Liu and then travelling to China?---A hundred per cent.

All right. And I want you to assume that this note was drafted on this iPad, that is it's not an email, it's not a text message, it's a note drafted on the iPad.---How do you know that?

20

Who drafted it?---How do you know that it was drafted - - -

No, I want you to assume, and the reason I'm asking you to assume that is because it says on the left that it was created on 13 May and modified on a certain date. So I'm asking you to assume it was created on this iPad. Who drafted it?---How do you know it was drafted, created on this iPad. I'm sorry, how do you know? What, what makes you say it's drafted on - - -

30 THE COMMISSIONER: Please don't ask questions.---I don't know. Because, because it may not have been, Commissioner, it may not have been drafted on the iPad. It might have been an email that you copy and paste onto your notes and that's what you get.

MS HEGER: All right. Who drafted it, who copied and pasted it, however you want to characterise it?---Well, hang on, sorry, sorry. We've got to get the questions correct here. I mean, you're just throwing at things at me and you're trying to tell me that I, it was drafted by me or my wife.

40 No, I just asked you who it drafted by.---It was drafted by Mr Badalati and nobody else. It's clear.

All right. And how did it come to be in this iPad.---It would have been emailed to me and I would have copied and pasted it and maybe I was thinking of changing things to suit my needs, if I needed to in the future. That simple.

So you copied and pasted it?---I, I, I don't know. I don't recall that at all because it had been sent - - -

10 THE COMMISSIONER: I thought you just said you did.---Sorry?

I thought you just said you did.---Okay. Let's, let's just go back. I don't recall whether I did or I didn't but it's more likely then it was me than it was Mireille. So definitely it would have been me, not Mireille. I would have done it because Badalati, Mr Badalati would have sent it to me, I would have copied and pasted it and I said then I can go and amend it to suit my needs, which I don't know if I did or didn't but that's the only reasonable things I can tell you. So it does not mean it was created on this one by anybody.

20

MS HEGER: You were trying to make sure that your account was consistent with Mr Badalati's account, weren't you?---Well, we're going, he was going for defamation. I asked him what happened and he asked me what happened. I said "If you paid and I paid you, put it together. Simple." Because he, to me, sorry, Ms Heger, to me, I did not need this one. He needed it. I didn't need it. I did not use it for my defamation. I don't want that.

30 So why did you copy it onto this iPad then?---Why did he send me so many emails about his defamation case?

THE COMMISSIONER: Why did you copy it onto this iPad?---Because you keep it as a record.

Of what?---Of what, what, what he wrote. So maybe I want to change it to suit, to suit what I need. I can't go to the Herald and say "Sometime in March a meeting was arranged from my PA." I can't put that, can I? So I had to go - - -

40 MS HEGER: Why didn't you just write your own account of what happened on this trip to China if you were going to need an account?---I'm

sorry. So when, when somebody writes a stat dec and goes to his lawyer, why does the lawyer say to him “Write your own and then sign it”? They don’t know how to do it. People just want to recollect we can – to go from close to 2020 here, or 2019 to 2015 or ‘16, it’s not long, it’s four years, five years.

It’s one thing to brief a lawyer to assist you in providing a statutory declaration or a witness statement or an affidavit, it’s another thing to copy another councillor’s own draft - - - ?---Yes.

10

- - - of his account of his trip to China. You still haven’t answered the question why you needed to copy and paste that?---Because to be kept as a record for me.

So you that you could make sure - - -

THE COMMISSIONER: But why did you - - -

MS HEGER: Sorry.

20

THE COMMISSIONER: You go ahead.

MS HEGER: So that you could make sure your story was consistent with his, that’s right, isn’t it?---No, no, that’s not true.

You were trying to get, you and Mr Badalati were trying to get your story straight about this, that’s right, isn’t it?---That is not true. We were trying to get the facts in there, the facts.

30

You knew what the facts were insofar as your own expenses were concerned, weren’t you?---Yes, yes. So we knew.

So why did you need Mr Badalati’s version of events?---I didn’t need it because he wanted to include our names in there so he could have, so his, so his statement becomes more powerful by having a witness with you. I didn’t need it, he needed it. I didn’t need that. I wasn’t going for defamation.

40

Oh, so the reason you copied it is so that you could provide some commentary to Mr Badalati, is that what you’re saying now?---I don’t know, I can’t recall that being on my iPad, if it is my iPad – and I accept

that you tell me it is because it's got something window in the back – but I don't know. I can't tell you, I don't recall. So that's my answer, is I do not recall what happened here.

THE COMMISSIONER: All right. You mightn't recall what happened here but why did you keep this on your iPad?---Commissioner, would you like to go and see my computer, how many things I keep in there?

Please.---Well - - -

10

Listen to my question.---Why?

Why did you put them there?---Because I felt like having a copy of it, like I had a copy of - - -

Why did you feel like having a copy of it?---Because I got a copy of what his settlement was for \$163,000.

20 Well, what's that got to do with this though?---Because it's the same, the same thing, Commissioner. People give me things, I put them on my computer, it's as simple as that. I keep them as records.

That's your evidence?---Yes, absolutely that's my evidence.

Thank you.

MS HEGER: Can I show you Exhibit 281, which is volume 3.11.

30 THE COMMISSIONER: While that's coming, just so counsel are aware of it and solicitors, I'm just going to do a ring around when we're finished to find out, well get one's best estimate of how long the parties will be in asking this witness questions and there's probably some people online who will need to give me that information as well. I just want to get some sense of where we are going.

MS HEGER: Have you seen this document before, Mr Hindi?---Ah yes.

40 All right. You can see it's dated 9 May, 2019.---Where's that? 9 May – oh yes.

Next to the signature.---Yes, yes.

It refers to Mr Badalati.---Ah hmm.

It doesn't refer to Mr or Mrs Hindi?---Yes.

Did Mr Badalati show you a copy of this - - - ?---Yes.

- - - around May 2019?---I don't know when but I would have seen a copy, yes.

10

And did he show it to you or did somebody else show it to you?---No, he did.

And why did he show it to you, on your understanding?---My understanding he was trying to keep me informed of what was happening with The Sydney Morning Herald with his defamation case.

All right. Did you then provide some comments to Mr Badalati on the content of this document?---I do not recall providing any comments.

20

Did you suggest that it should be amended to refer to you and Mrs Hindi? ---I don't recall that.

Is it possible that you did and you have just forgotten?---It's very unlikely because I didn't have any interest in it, I didn't need it, I wasn't going to use it.

30

Are you seriously suggesting that at this time you had no contemplation at all that you might also make a complaint to the Sydney Morning Herald about that article I showed you?---That's not what I'm saying. What I'm saying is very clear, that I have an intention to send a letter to The Sydney Morning Herald and not provide any evidence whatsoever.

All right.---If it settles, it settles. It doesn't, I go home. I've done that several times with The Sydney Morning Herald and most of the time they said go home and I went home. That's what it was.

40

Wouldn't be sensible to provide some evidence to The Sydney Morning Herald to refute their claims?---No. No, zero, I provide zero on every evidence. If they don't accept it, they know, my whole aim wasn't to do with the payment, my whole aim was to do with who said about the referral

to ICAC. That is the important one, that's what it was. That's what I was on about. I couldn't care less who paid, didn't pay. They always write these things about me.

All right. So Mr Badalati showed this document to you just as a sort of FYI, is that right?---Yes.

10 Okay. Can I show you Exhibit 245, volume 2.18, page 3. This was a photograph found on Philip Uy's phone and you can see it's dated, just scroll down to the date, 7 June, 2019, so that's after the date of the statutory declaration I showed you.---Ah hmm.

And if you read it through, you'll accept, I take it, that it sounds similar to the statutory declaration I just showed you, but this time it includes reference to yourself and Mrs Hindi. Do you accept that?---Let me see. Yes. I don't recall the other one it looked like, but anyway, yeah.

So this appears to be a photograph of some typed notes.---Yes.

20 Who drafted the notes?---Not me.

Did Mrs Hindi draft the notes?---No, definitely not.

Do you have any idea who drafted them?---I don't know. I mean there's only Mr Badalati, myself or my wife, and I don't believe it was me or my wife.

30 Well, those are the three logical possibilities, aren't they?---Yes. So I've saved you the questions. So, yeah, could be Mr Badalati.

Why would Mr Badalati, on his own initiative amend the content of a statutory declaration to refer to yourself and Mrs Hindi?---It, it may not be on his own initiative. He may have said, "Did you guys pay?" "Yeah, we paid." And he said, "I did," and said, "Do you mind if I put your name down?" Said, "Yeah, put our name down because that gives you strength to your, to your stat dec." So, yeah, yeah, put it in.

40 It was his suggestion to you that the statutory declaration be amended to refer to yourself and Mrs Hindi, is that your evidence?---Yeah, because I, I did not -- yes. I do not want that stat dec. I didn't use it. I had no need for

it. He had need. He used it. He took it, gave it to his lawyers. I didn't. I did not use it.

Well, you might have a need for it if you commence defamation proceedings against The Sydney Morning Herald.---Well, if we did, as I said, there was no evidence we're going to give. I've, I've sued The Sydney Morning Herald before and I've never gave evidence.

All right. So you never - - -

10

THE COMMISSIONER: What's the reason for that?---Just that time 'cause they don't, people don't believe you. Even if you give evidence, what does it mean? You got me a receipt from, from Philip Uy or somebody? They don't believe these things. A stat dec from somebody who's an old colleague, they don't believe these things. They go and go, "Throw it in the bin." They're going to look at facts. That's why you don't, you don't waste your time giving these things and getting me a, a hotel receipt or something. They're going to look at it and go, "It's rubbish."

20

MS HEGER: Well, Mr Badalati went to the effort and he got a reasonable settlement as a result.---Not because of that. It's because of the, it's because of the, who leaked information to The Herald. [REDACTED] and that's why The Herald wrote the article subsequent to a section 11 to ICAC. That's what it was for. It wasn't mainly because they told, they didn't, they didn't tell untruth in there. Mr, China Liu said he paid and we said we paid, so there was no untruth anywhere, just two sides of the story. The question is it's about to do with the other bit.

30

All right. Well, Mr Hindi, I suggest to you the more plausible explanation for this document is that you or Mrs Hindi suggested to Mr Badalati that you'd like to be referred to in the statutory declaration. I take it you deny that?---Definitely Mrs Hindi no, and definitely me no.

All right. Can I show you Exhibit 282, volume 3.12?---Excuse me.

All right. So this is a second version of the statutory declaration. So go to the next page, you'll see it's dated 19 June, 2019.---Oh, okay.

40

Did Mr Badalati give a copy of this to you as well?---I don't know whether he gave me a copy or whether he showed it to me but I recall seeing it, yeah.

All right. And you'll see on the first page this new refers to Mr Badalati as well and Mrs Hindi and yourself.---It's interesting that – I can see that. It's interesting that, that the first line is “Badalati , Vincenzo”, which is his real name but for me it's “Mr and Mrs Hindi.” So they didn't have my name, full name, or Mireille's name. So if I did I would have provided the full name so they - - -

10 All right. Did you give this statutory declaration to The Sydney Morning Herald?---I do not recall that at all. I gave, I don't know if I gave it to my layer or not, I'm not sure. I don't think so. I don't think we even gave it to anyone. No.

Bear with me a moment, Mr Hindi.---Unless you've got something to show me that I have. I don't know.

20 All right. Can we just go back to volume 3.12, Exhibit 282? I'll just ask you a couple more questions and then we'll adjourn. Wong Ching Ho was the person who gave this statutory declaration. Do you know who that is?--- No. I didn't know at the time but now I know.

Now you know it's Philip Uy's brother?---I don't know whether it's his brother but that's what his said, yeah.

And now you know he's also known as Tommy Wong?---He's actually known as Wong Tommy.

All right then.---I'm just saying, so - - -

30 And did you know he was Philip Uy's brother as at the time of this statutory declaration?---No, I didn't.

The statutory declaration says, in paragraph 1, “I was the interpreter for Mr Badalati and Mr and Mrs Hindi as I am versed in both English and Mandarin and they were not.” He wasn't in fact the interpreter for you this morning in Tangshan, was he?---I, as I said, I wasn't listening so I couldn't say yes or no but he was there but I, I wasn't sure what he, whether he was talking, not talking, what he was doing.

40 Well, did you see him interpret for Mrs Hindi when she was talking with China Liu's staff?---I saw him there but – I saw him there but I did not listen to what he, if he was talking or not.

Was he standing right next to Mrs Hindi?---I do not recall.

You recall him being somewhere in reception that day but you can't say whether he was with Mrs Hindi or not?---He was around there reception, the receptionist.

10 But you can't say how close he was standing to Mrs Hindi?---No, I don't know, I don't recall. As I said, I don't get involved in these things so I looked the other way.

Can we just go to the next page?---Is that an actual true stat dec? Doesn't look like it, but anyway. I just noticed that there, it's the document.

All right. I might conclude my questioning at that point, Commissioner, and come back to this topic tomorrow.

THE COMMISSIONER: All right.

20 MS HEGER: I have just a couple of things that I wish to tender unrelated to this witness.

THE COMMISSIONER: Sure.

MS HEGER: Should we address the question of cross-examination first or do that now?

THE COMMISSIONER: Why don't we just tender these now.

30 MS HEGER: First, I'm going to tender a statement of Tina Christie dated 27 October, 2021 with some redactions, that's Exhibit 296.

#EXH-296 – TINA CHRISTIE STATEMENT

THE COMMISSIONER: Thank you.

40 MS HEGER: Second, I'll tender a statement of Corina Gregory dated 1 November, 2021 with some redactions which will be Exhibit 297.

#EXH-297 – CORINA GREGORY STATEMENT

MS HEGER: I should just note that those statements will obviously be made available on the website later today. The parties, as I understand it, or those who are represented in this inquiry have not yet seen those two statements. The real relevance goes to potential recommendations for reform that the Commission might make, and I should note that I don't intend to call those witnesses or ask them any questions. In the event that anybody else wishes to ask them a question, could I ask that that application be made as soon as possible.

THE COMMISSIONER: In writing.

MS HEGER: By the end of tomorrow.

THE COMMISSIONER: In writing and with some estimate of - - -

MS HEGER: Yes. I don't expect there will be any applications.

THE COMMISSIONER: No.

MS HEGER: But if there are, could I ask they be made by 5.00pm tomorrow.

THE COMMISSIONER: Yes. That's done.

MS HEGER: That's all I wish to tender at this stage.

THE COMMISSIONER: Mr Moses, do you have any sense of how long you might be?

MR MOSES: Yes, Commissioner, I suspect somewhere between an hour to an hour and a half.

THE COMMISSIONER: All right. Okay. There's not much point asking you, Mr Corsaro, at the moment, is there?

MR CORSARO: No.

THE COMMISSIONER: Okay. Anyone up in heaven that has anything to say about time?

MR PARARAJASINGHAM: Mr Pararajasingham here for Mr Badalati. Commissioner perhaps 15 minutes, thereabouts.

THE COMMISSIONER: Thank you, Mr Pararajasingham.

10 MR HOOD: Mr Hood for Wensheng Liu, Commissioner.

THE COMMISSIONER: Yeah.

MR HOOD: I have no questions.

THE COMMISSIONER: Okay. Thank you. Anyone else?

MR O'NEILL: Commissioner, Mr O'Neill. I appear for Mr Sansom. We have no questions at this time.

20

THE COMMISSIONER: Thank you.

MR FAHD: Mr Fahd for Mrs Hindi. We have no questions.

THE COMMISSIONER: Okay. Thank you. That's it?

MR CLARK: Commissioner, Mr Clark for Mr Watt, and at this stage I have no questions.

30 THE COMMISSIONER: Thank you, Mr Clark. All right. There's just one other matter I wanted to raise. The witness made reference today to a state politician who attended China with him on another occasion. I'm currently minded to make a non-publication order as to his identity when it becomes necessary to do so but that said, I'll listen to any application that anyone wants to make that that shouldn't happen. So just keep that in mind. As far as I'm aware, at most, this person would be a witness and I don't want to cause any unnecessary damage to his reputation. But have a think about it and if anyone's got a different view, I'd like to know about it and pretty soon because it's going to come up pretty soon. All right.

40

THE WITNESS: I wasn't going to mention his name, anyway,
Commissioner.

THE COMMISSIONER: Sorry?---I was not going to mention his name.

Okay. Well, look - - -?---No, I was definitely not going to. I will do that to,
to somebody, no.

10 All right.---I'm just going to use him but I wasn't going to mention his
name.

Okay. Thank you.---So that's guaranteed, I wasn't going to
- - -

I'll adjourn.

THE WITNESS STOOD DOWN [4.09pm]

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**AT 4.09PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.09pm]**