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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GALLEY

Reference: Operation E19/0569

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 2 AUGUST, 2022

AT 10.00AM

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

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

THE COMMISSIONER: Take a seat. I'll have the witness re-sworn. And Mr Corsaro, the section 38 declaration will continue.

MS HEGER: Commissioner, before we commence with Mr Hindi's evidence - - -

THE WITNESS: Sorry, can I - - -

THE COMMISSIONER: Just a moment.

10

MS HEGER: Could you just bear with me one moment?

THE WITNESS: It's just I was going to say - - -

MS HEGER: Could I seek a direction under section 112 of the Independent Commission Against Corruption Act in this respect? Mr Hindi gave some evidence yesterday afternoon that a particular individual allegedly leaked the fact of the section 11 referral to this Commission. That evidence was given at transcript 1854, line 20; 1856, line 13 - - -

20

THE COMMISSIONER: Sorry. Can you just start those lines again?

MS HEGER: Yes. Transcript 1854, line 20; 1856, line 13; and 1897, line 17 to 18.

THE COMMISSIONER: Sorry, what was that last one?

MS HEGER: Line 17 to 18, page 1897. And I'll seek a direction under section 112 preventing the publication of that evidence insofar as it identifies the name of that individual and that person's position. And the reason I am seeking that direction is this, it's not in the public interest for such allegations to be publicised in circumstances where they're not within the scope of this Commission's investigation. The allegations haven't been tested, and of course the person named is not a witness in these proceedings, is not legally represented and has no opportunity to respond to them publicly.

30

THE COMMISSIONER: Yes, I propose to make that order. Indeed, so I'm going to make in respect of those particular pages, rather than just the line numbers.

40

MS HEGER: Yes.

THE COMMISSIONER: So pursuant to section 112 of the Independent Commission Against Corruption Act 1988, being satisfied that it is necessary and desirable in the public interest to do so, I direct that the name, identity and position of the person referred to at transcript 185, transcript 186 and transcript 189 - - -

10 MS HEGER: Sorry, Commissioner, it was transcript 1854, 1856 and 1897.

THE COMMISSIONER: So if I go 185 and 189, that covers it, doesn't it?

MS HEGER: That's the page reference I'm giving you, 1854 - - -

THE COMMISSIONER: Yeah. I'm inclined to make it in relation to the pages.

MS HEGER: Yes.

20 THE COMMISSIONER: Okay. Being satisfied that it is necessary in the public interest to do so, I direct pursuant to section 112 of the Independent Commission Against Corruption Act 1988 that the name, identity, position of the person referred to at pages T185 and T189 shall not be published or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission.

MS HEGER: Commissioner, I'm sorry. We may be at cross-purposes. I think you need to say from pages 1854 to 1897?

30 THE COMMISSIONER: Okay. From 1854 to 1897.

MS HEGER: Thank you.

THE COMMISSIONER: Thank you.

40 **SUPPRESSION ORDER: BEING SATISFIED THAT IT IS NECESSARY IN THE PUBLIC INTEREST TO DO SO, I DIRECT PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988 THAT THE NAME, IDENTITY, POSITION OF THE PERSON REFERRED TO**

AT PAGES T1854 AND T1897 SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION.

MR CORSARO: Commissioner, can I just raise something when it's appropriate?

10 THE COMMISSIONER: Yeah.

MR CORSARO: Mr Hindi informed me this morning that he wished to correct something that he said to you in evidence yesterday. It relates to a matter which I think is the subject of some contractual confidential issue. It's the settlement of the defamation proceedings. I've told him that you may or may not wish to have that clarified. It relates to the figure yesterday, I'm told, that he gave you a figure which he then went back last night and checked by reference to some documentation he had which was incorrect but he wants to correct it but it's the subject of a confidential matter,
20 anyway. So I've indicated you - - -

THE COMMISSIONER: Well, I assume that any settlement deed would contain a confidentiality clause - - -

MR CORSARO: Indeed. So - - -

THE COMMISSIONER: - - - but it doesn't bind us, so I'm happy for him to correct the figure.

30 MR CORSARO: I just thought I'd raise it because you may not wish to correct it.

THE COMMISSIONER: No, yeah, that's fine. So do you want to correct the figure?---Yes. Thank you, Commissioner. Sorry. Thank you, Commissioner. Yes, I, for some reason, I had a, a figure of 163 in my mind.

Yeah.---All, all day's been playing up. So I thought it was a bit funny, so I went home and checked the email that I received from Mr Badalati and it's
40 100,000.

All right.---Thank you.

He sent you an email?---That was, that was from before. I just went back through my emails. I, I looked. I've seen that before I came to this Commission but, for some reason, when I got here, figures were all over my head, so one of them just came out as 163, which was - - -

Why did he send you details of that, do you know?---Well, he, he sent me that, he sent me all his correspondence for The Sydney Morning Herald, everything else. Maybe he was, at the time, maybe he was trying to assist, if
10 I had to go through same process or not - - -

Was that your understanding?---Yeah, that would have been my understanding more than that, probably, I don't know. He just sent it to me and I said "thank you".

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

MS HEGER: You gave some evidence yesterday, Mr Hindi, that after Mr Badalati settled his defamation claim, you then wrote to The Sydney
20 Morning Herald about the article I showed you. Correct?---Yes, that's correct.

I'm going to show you that letter now.---Yeah. I read it last night.

It will come up on-screen.---Yes.

All right. You'll see in the second paragraph, it refers to an article published on 2 April, 2019, which is the article I showed you yesterday.
30 Correct?---Yes. Yes.

Then on the second page at point 1, it refers to what The Sydney Morning Herald had reported about an alleged referral of yourself to ICAC. You see that?---Yes. Yes.

And then at point 4, it says, "Mr Hindi flew to China with his wife at their own expense." Do you see that?---Yes.

And then at point 5, it says, "There was no conflict of interest for Mr Hindi to declare relating to his visit to Tangshan China. The allegation that
40 Yuqing Liu paid for his accommodation is also false. Mr Hindi's wife paid a member of Mr Liu's staff the sum of RMB 4,000 for the accommodation,

a fact witnessed by Mr Badalati and also by a translator who has since provided a statutory declaration evidencing the same.” You see that?---Yes.

So it’s the case that while you personally did not provide the statutory declaration to The Sydney Morning Herald, you were aware at the time this letter was sent that Mr Badalati had provided that statutory declaration. Correct?---No, I wasn’t aware. I don’t know whether he did or not. In fact, in his evidence, he probably didn’t say it was produced at The Sydney Morning Herald, that was his evidence.

10

Well, Mr Hindi - - -?---Yes.

- - - this letter - - -?---Yes.

- - - was drafted by your solicitors on your instructions. Correct?---Yeah.

Yes. And you read it before it was sent. Correct?---Not, not necessarily.

20 THE COMMISSIONER: You wouldn’t have read it?---I would have probably had a perusal through it, had a quick scan. Didn’t mean I went into details - - -

Why wouldn’t you have wanted to satisfy yourself that what was being said was true?---Because I trusted my lawyer. You trust him, that’s what you do.

MS HEGER: Yes. But where did your lawyer get the information from that’s contained in these points 1 to 4 - - -?---Probably, probably - - -

- - - 5?---Well, let’s look at number 1, which I said yesterday.

30

No, let’s not go to number 1 at the moment. Let’s focus on number 5.---No. Sorry. Sorry.

That’s what I wish to ask you about at the moment.---Well, you can focus on 5, but I’m focusing - - -

Where did your solicitor get that information from?---I don’t know.

40 THE COMMISSIONER: He must have got it from you?---Not necessarily.

Who else would he have got it from?---I don't know. Do you have an email that shows that I sent it to my lawyer?

Please, answer my question. If it wasn't you - - -?---Sorry. Sorry, Commissioner. I don't recall.

It must have been you, surely.---I don't recall, Commissioner.

10 Can you think of anyone else he got it from?---I don't recall, Commissioner.

That's not an answer to my question. Can you think of anyone else - - -?
---No, I can't.

Thank you.

MS HEGER: Well, what I suggest to you is that the last sentence in paragraph 5 - - -?---Yes.

20 - - - indicates you knew very well Mr Badalati had provided a statutory declaration to The Sydney Morning Herald. Correct?---That's not correct.

Well, you believed that he had provided it to The Sydney Morning Herald - - -?---That's not correct.

- - - at the time this letter was sent, didn't you?---Believed. Well, yeah, maybe I believed him. Believed doesn't mean it's, it's possible he has but I, I don't know for sure.

30 You didn't know for sure but you had a belief that the statutory declaration had been provided to The Sydney Morning Herald, didn't you?---I don't know. I don't know. Sorry, sorry. Let's just get it right. I want to get it clear here. We're talking about the statutory declaration provided to the lawyer or to The Sydney Morning Herald? What are we asking? Can you repeat your question to me, please.

Well, why don't you tell me what paragraph 5 is referring to when it says "who has since provided a statutory declaration and evidence in the same" - - -?---Yeah, maybe. Sorry, thank you. Maybe it was provided to his lawyer, not to The Sydney Morning Herald.

40

Well, that's not what this paragraph 5 suggests, is it, Mr Hindi?---That's exactly what it says. Exactly what it says. "Who has since provided statutory declaration evidence saying", doesn't mean he gave it to The Sydney Morning Herald.

No. What's implied by that sentence is - - -?---Yes.

- - - "who has since provided the statutory declaration to The Sydney Morning Herald". That's what I suggest to you.---Well - - -

10

Do you deny that?---I deny that. That's your, that's your understanding of it and I respect that, but my understanding that's not what it means. But then again I'm not the lawyer who wrote this so I don't know what he was thinking and how he's trying to put the words together. That's why you pay lawyers to do it.

Regardless of what paragraph 5 means, I suggest to you you understood Mr Badalati had provided a statutory declaration to The Sydney Morning Herald - - -?---No, I did not.

20

- - - at this time.---Sorry. I did not know.

And I suggest to you that in this letter - - -?---Ah hmm.

- - - your solicitors on your instructions were relying on the contents of that statutory declaration to support your complaint to The Sydney Morning Herald in this regard.---You're making a lot of assumptions here but - - -

30 I'm just reading the letter, Mr Hindi.---No, no, that's exactly what I'm saying. You don't, I don't and you probably don't, I'm not sure, don't have the facts, whether that's been provided to The Sydney Morning Herald or not. The thing is we need evidence. Has it been provided? I don't know. I don't know. I definitely did not provide it so I don't know if it's been provided by Mr Badalati to The Sydney Morning Herald.

Yeah. Mr Hindi, understand I'm not - - -?---And your facts are - - -

40 - - - I'm not asking you whether it in fact was provided. I'm asking you about your understanding and belief at the time of sending this letter. Do you understand that?---I understand but maybe we've got to look at it in

context. If you showed the reply from The Sydney Morning Herald then would be a bit fair to me.

THE COMMISSIONER: No, no, no, no, no.---Well, what do you mean no? Because The Sydney Morning Herald says you have - - -

Just a moment.--- - - - no evidence whatsoever.

Just a moment.---Sorry, yes. Yes, Commissioner.

10

Just settle down, listen to the questions and answer them.---I have. I have.

You haven't.---Okay. Sorry, Commissioner. Can you repeat the question, Ms Heger. I'm sorry. I apologise.

MS HEGER: My question was at the time this letter was sent - - -?---Yes.

- - - you held a belief that the statutory declaration had been provided to The Sydney Morning Herald, didn't you?---No. If you let me explain I'm happy but you're not going to let me explain, so it's up to you.

20

Mr Corsaro can ask you those questions in re-examination - - -?---Okay. Thank you. Sorry. Thank you.

- - - if he considers that appropriate.---Sorry. Okay.

And I also suggest to you that in this letter paragraph 5 - - -?---Ah hmm.

- - - you were relying on the statutory declaration for the purposes of your own complaint to The Sydney Morning Herald. Do you accept that or you deny that?---Absolutely not.

30

All right.---Because The Sydney Morning Herald responded in saying you don't have any evidence. If you read the letter that they responded to us.

Okay. The letter also says on the next page.---Ah hmm.

Sorry, the following page, "We will defer commencing Federal Court proceedings for a period of 14 days from this date in the hope that the matter may be resolved on the above terms." Do you see that?---Yes.

40

So at the time this letter was sent you were actually contemplating the possibility of bringing legal proceedings, that is defamation proceedings. Correct?---That's not correct.

I suggest to you that you were and you were contemplating defamation proceedings in relation to both the question of the alleged referral to ICAC as well as the expenses of the trip to China.---That is not correct. That's my understanding at the time. My understanding is I was not planning to take it to the Federal Court proceedings. I was - - -

10

But you were considering it as a possibility at this time, weren't you?---No. Because I know I can't beat The Sydney Morning Herald so there's no point going.

All right. So when the letter - - -

20 THE COMMISSIONER: Well, then how did this letter come into – it seems that what you're saying is that this letter was written by your solicitor off his own bat without getting instructions from you.---No, no, no, Commissioner. Thank you, Commissioner, for the question. The, this is a standard letter that people send and then you'll say, "If I don't hear from you within 14 days we're going to commence it." We didn't hear from them for 14 days, we didn't commence any proceeding, did we? Because I know they normally take 28 days to respond, The Sydney Morning Herald. So 14 days was just a standard thing that was always put in there. So did we commence proceedings after 14? We didn't hear from them within 14 days. I don't think we have anyway, but we didn't hear from them for 14 days and we waited and waited and waited.

30 MS HEGER: What that sentence in this letter implies is that if you do not hear from them within 14 days you will commence Federal Court proceedings, doesn't it?---Yeah. But did we, well, did we commence Federal Court proceedings?

No, I'm just asking what the letter means at the moment - - -?---I, I'm not familiar with what this - - -

And it – no.---Sorry.

40 Just wait for my question.---My apology, yeah, my apology, yeah.

I'm suggesting to you that what this letter implied was that if you didn't hear from them within 14 days you would commence Federal Court proceedings. Isn't that what it means?---I don't know the legal jargon about all this. I've read a lot about defamation cases. I'm not called Mr Google for nothing, I've read about it. The question becomes is, this is a standard thing that people put in there. It's a standard sentence people put in there.

So it was a completely idle threat?---Absolutely.

- 10 You had no intention of commencing defamation proceedings, is that right?
---The Sydney Morning Herald has written worse articles than this about me and I never took it on.

THE COMMISSIONER: That's not an answer to the question.---No, I didn't, Commissioner. At the time, and I want to be correct because I don't want to be, wilfully mislead this, this Commission, at the time I had no intention and my wife made it clear and my kids made it clear, "You are not going for a defamation case. You just sent the letter. If it works, it works. If it doesn't, you go home." And that's why my legal bill was so small
20 because that's all I did. So it's very simple.

MS HEGER: All right. You remember, Mr Hindi, yesterday I showed you two statutory declarations?---Yes.

I suggest to you that you saw the first statutory declaration and following that you suggested to Mr Badalati that it be amended to make reference to yourself and Mrs Hindi.---I don't really recall exactly but I don't think I did because I didn't, I wasn't going to use it.

- 30 Except for referring to it in this letter of course.---I didn't refer to it.

Did Mrs Hindi suggest that the first statutory declaration be amended to refer to her and yourself?---Absolutely not.

I suggest that you did ask for that amendment to be made because you thought that if the statutory declaration was amended in that way it would help you in any claim you might bring against The Sydney Morning Herald later.---That's not true.

- 40 All right. And I suggest to you, when that letter was sent to The Sydney Morning Herald, you knew that the statutory declaration was false, at least in

this sense, insofar as it suggested that Wong Ching Ho was the translator for you or for Mr Badalati and Mrs Hindi in the hotel that morning.---Could we get it clear, could we have it clear? This is not my statutory dec. I didn't sign it, I didn't write it.

I understand that, Mr Hindi. Would you like me to ask the question again?
---So how do you expect me to make any comment? Sorry.

10 Would you like me to ask the question again?---No, I know what the question is but I didn't, I didn't sign it so I don't know, and I didn't write it, so - - -

But at the time you sent that letter to The Sydney Morning Herald you knew the statutory declaration was false insofar as it suggested Wong Ching Ho was interpreting for Mr Badalati and Mrs Hindi in the hotel that morning, didn't you?---No, I didn't. I didn't know what was, what was interpreted, what wasn't. I told you at, as yesterday as my evidence, that I was two or three metres away. So I could hear talking but I don't know what it was. So how can I say yes or no?

20

I also suggest to you that Mrs Hindi never gave any money to China Liu's staff for the accommodation in Tangshan.---That is incorrect because Mr Liu, China Liu told me at my house that he, that she did. At my house.

All right. What exactly did China Liu say?---I said it yesterday and I'll repeat it again today, just in case my memory is fading, that he said, he grabbed me with his interpreter, because it was my house, and he said, "How dare you let Mrs Hindi pay money for the hotel?" I said, "Mate, we've just got to pay," and he goes, "How dare you? Don't do that again.
30 We don't like that. That's not how friendship, that's not how business people work." I said, "Okay." I said, "Fine."

THE COMMISSIONER: Why was he at your house?---Sorry.

Why was he at your house?---I think we're going to get to that later, but he, he was at my house because I invited him to dinner.

40 And why did you invite him to dinner?---To, to, because we were, we were hoping on embarking onto a business relationship to deal with waste-to-energy and, and that's how people do it. You invite people to your house, plus he invited me, he, he was, he gave us the hospitality to give us dinners

or lunches over in China and I thought I would just reciprocate here and that's how most cultures do it. You reciprocate, it's what people do.

There were people present in that house that had nothing to do with any waste-to-energy project, correct?---You're absolutely correct, Commissioner.

So, for example, Philip Uy or Faye?---Yeah. No, he was. He was the general manager of waste-to-energy according to them.

10

Right.---However, Commissioner, when you invite the guests to your house, one or two, they can bring whoever they like with them. We don't tell them "Please pack your bags and go home." We, we, so "Whoever you want to bring, bring. Just tell us how many so we can cater for you."

MS HEGER: Wensheng Liu was at the dinner as well, correct?
---Absolutely.

20 And he had nothing to do with the waste-to-energy project as you understood it?---No, I don't think he had because I don't know anything about it. However, as I said, China Liu, and with all due respect to China Liu, I can't keep calling him China Liu, but China Liu, I've, I've asked him to come to dinner, he brings whoever he wants to bring.

So China Liu brought Wensheng Liu along, is that right?---Absolutely.

30 You didn't invite Wensheng Liu to that dinner?---No, of course not. I don't invite – I invited him in, I said "Come in." He said, I said "Bring whoever you want with you" and that's how cultures do it, bring people. When you invite five people, 20 show up. That's how it works.

Just so that we know what we're all talking about, can I show you Exhibit 146?---Yes, thank you.

Which is volume 2.15, page 21. Is that the dinner you're referring to?
---Yes. And there was another dinner as well. I'm not sure if you've got the photos, in August.

40 Are you referring to the Peking duck dinner?---No, no, no. There was one at my house as well. In invited them twice.

Oh, okay. There was another dinner in August 2016, was there?---Yes.

At your house?---Yes.

And who was there?---I, I think China Liu and I don't know who it was. I don't recall exactly. Again, if I had my phone, I would be able to tell you who was there because when I take photos, the purpose of taking photos is to know who's there and who wasn't. So, my memory is not that great, so that refreshes my memory but I haven't had the phone for two years, so it's
10 hard for me to remember.

If this dinner was about waste-to-energy, why was Mr Badalati there?
---Why was he there?

Mmm. And I'm talking about the May dinner depicted in Exhibit 146.
---That is, that is, that is called 16 May, 2016. Council had been dissolved and council didn't exist since 12 May. So, in that - - -

I understand that but - - -?---No, no, I just - - -
20

- - - you say this dinner was about waste-to-energy and Mr Badalati had nothing to do with the waste-to-energy project, did he?---He, he, he, he went on the first trip. Of course he did.

I understand that but - - -?---Yes.

- - - he wasn't a party to the agreement you intended to sign with China Liu, was he?---I, I wasn't sure at the time whether I was going to include him or not. So that's before it happened, before the second trip. So I wasn't sure.
30 So, yeah, invited him as he knows them and they were hospitable to him and I believe Mr Badalati invited them to dinner himself and it cost him 1,000 bucks to have a dinner somewhere in, in a, in a restaurant. I wasn't invited. That's what I believe but, that's what I was told. I invited him because we were there in China together and I said "Come in." And as he said to us, he only stayed there for half an hour and left (not transcribable).

THE COMMISSIONER: A number of people in that photo have their glasses raised.---Yes.

40 Was that in celebration of something?---No, Commissioner. There's a tradition, whether it's Lebanese, Chinese, any culture, a lot of cultures,

whenever you go to anyone's house, even if you're mourning, you just raise your glass and say, "Cheers." That's how it works. It doesn't mean you're celebrating anything.

Who took the photo?---I don't know. Depends on whose phone is that.

16 May, 2016. That was not long after, I think it was, Landmark Square went before council.---Yep. 20 April, yes.

10 Yeah. Are you sure that's not a celebration of the decision that was made on that day?---Well, Commissioner, thank you for that question. I don't think you would be celebrating on 16 May while on 4 May Treacy Street extra five storeys went down with the JRPP. So why would be celebrating Landmark Square and not actually commiserating on Treacy Street?

Oh.---What? It went down.

20 I'm asking about Landmark Square.---Well, okay. Landmark, of course it wasn't. It was to do with to waste-to-energy to say cheers, we're ready to do a business deal. We want to get on and I'll get a senior minister from the government to come and go with us and, and, and see if we can put, put something like this and, in New South Wales and, and put the waste conversion on the map. That's nothing wrong with that.

Thank you.---Thank you. Thanks, Commissioner.

MS HEGER: I'll tender the letter to The Sydney Morning Herald I referred to earlier dated 22 October, 2019. It'll be Exhibit 298.

30

#EXH-298 – LETTER TO SYDNEY MORNING HERALD DATED 22 OCTOBER 2019

MS HEGER: Just a couple more questions on the trip to China, Mr Hindi. I suggest to you that part of the reason why you won't now admit that Mrs Hindi didn't pay any money to China Liu's staff is because it would be contrary to the basis on which you reached a settlement with The Sydney Morning Herald. What do you say about that?---Absolutely not true.

40

All right.

THE COMMISSIONER: Just before we move on, when did you first become aware that China Liu had an interest or a prospective interest in these developments in Hurstville?---Only at this Commission. I don't, I wasn't aware of anything. Anyone can sign a piece of paper. It doesn't mean anything. I don't, I wasn't aware of it. And as an elected representative, my duty is when the report comes to me, I'll read it and see whose name is on as the applicant and who's the company and then you vote accordingly. There's a lot of people sign pieces of paper between each other and it doesn't mean nothing, absolute nothing.

I'm not asking you that.---Sorry.

I'm asking you when you first - - -?---I'm sorry. I don't, I don't believe I became aware of, of, I, I knew they're friends but I wasn't aware of any commercial relationship between them. I don't know.

So it's your evidence - - -?---I think, sorry, sorry. I want to correct that, Commissioner, sorry and get it right. I said, let me get it right. So get my get my brain on. I said when I heard it in the public, it's not when I heard it in the public, my apology. That is incorrect. It's around 2018, something like this, when they went to court. And it wasn't 2018. It was around 2019 when The Sydney Morning Herald put the article out and I started doing some research. I'm going, what are they talking about? I don't know what the hell's going on here. So I started doing some research. And then I started digging up on Google, found out the court case between the two and I - - -

MS HEGER: Between China Liu and Wensheng Liu - - -?---Yeah.

- - - in the Supreme Court, you mean?---Yes. Yes. And I read the court case and I'm going, oh, that started in 2018 and this guy one minute says he's loaning him money, next minute, he says, no, you're not an investor, then he says no, it's loaning of money, so the court was even confused of what was happening. So that's when I started, become, what's going on and that's when I started doing my research about Gencorp and others and others. I'm going, what's all these companies? What's going on here? Why is The Sydney Morning Herald making a thing about it? So that's when I found out.

40

THE COMMISSIONER: I think you told me yesterday that you were an electrical engineer?---Yes.

Where did you do your study?---Sydney University.

And what level of achievement did you achieve? Was it a Bachelor of - - -?---Bachelor of Electrical Engineering and an Advanced Diploma in Project Management and an electrician and a builder.

10 Well, hang on. I'm just after your formal - - -?---Sorry.

- - - qualifications. So you have - - -?---Qualification is Bachelor of Engineering, qualification of Advanced Diploma of Project Management from the University of New England and a, a builder, a building certificate course, that's a builder, and an electrician licence, which is qualified electricians. So a qualified builder, qualified electrician.

Yes. Thank you.---Thank you.

20 And Mr Badalati, do you know what level of education he had?---I don't know. I mean, I really don't know because Mr Badalati and I only sort of got closer together around 2019, 2021 but really before that, we just, especially '15, '16, we never spoke to each other much. So we were like, not on good terms.

Well, I think you told me yesterday that - - -?---Yeah.

- - - that on one occasion, you took him to a meeting, so that he could witness what was said and what was not said and - - -?---That was the, that
30 was the council meeting.

That's right.---That's right. I invited other councillors, as well.

Yeah, but you must have taken him there on the basis that you trusted he would do the right thing, that is - - -?---No.

Why did you invite him there?---You invite all councillors if you can.

40 But he was one of them.---Yeah. There's, there's others that I hated their guts and they hated my guts. I still invited them. Because you have a, as a mayor you have an obligation to invite other councillors. If they can't make

it, they can't. If they can, they can. You need to treat everyone equally with the hat of a mayor. But as friendship, it's a different story.

Okay. And you go to China with him.---Yeah, I mean, yeah.

And did you have ill feeling towards him when you went to China?---There was no, there was no ill feeling. Just there's a difference between being very close friends or being a political friend.

10 Okay. Did he pay for any of your expenses in China?---Who?

Mr Badalati.---I think the only thing he paid for is the InterContinental Hotel and we paid him back.

Yeah.---Mmm.

20 But he was prepared to put that on his card.---No, I'm sorry. Yeah, of course, you're prepared. I mean, you think – I'm, I'm prepared to give him \$1,000 for mine and he could be my political enemy. Doesn't mean anything. Doesn't mean anything. You say you don't give political friends money. Of course you do if you have to lend and give it back. Happens all the time, Commissioner.

But was he a political friend or a political enemy?---Sorry, I said a political friend.

Thank you.---Political friend, not an enemy. Political friend. But it's not, political friend is definitely not the same as a close friend or a friend that you confide things in.

30

Just remind me, Counsel, what was the date of the dinner in Chinatown?

MS HEGER: 18 March, 2016.

THE COMMISSIONER: Thank you. And that was a matter of weeks before the Landmark Square proposal was to go to council?---At the time we weren't aware, but that's how it worked out to be, yes, 'cause we don't know when it comes in till we get it on 14 April. That's when we got the notification.

40

Yeah. And just on that, it is sometimes the case, isn't it, in fact more often than not, that the general manager is told what various councillors would like to be put on the agenda for particular meetings?---That is not true.

What, he just makes up his own mind, does he?---Absolutely. He's in charge of the administration and that's part of administration. And we're not allowed to interfere whatsoever.

10 No, I'm not suggesting you interfere, but - - -?---Not even suggest. The only person, Commissioner, that can suggest, with due respect, and it does happen in a lot of council, is the mayor and the general manager can sit together and have a chat sometimes.

So Mr Badalati, for example?---I'm just saying it does. But if the relationship between the mayor and the general manager is not good, they don't talk to each other, they just move on. Which happens often.

At this dinner, Wensheng Liu and China Liu are present. Correct?---Yes.

20 And also Philip Uy and Elaine Tang.---Yep.

And as you understood it, that dinner was arranged for the purposes of a signing ceremony?---No.

You were unaware of that?---No.

30 When you say "no", you're agreeing with me?---I was not aware of it till I got there. I saw signing there in Chinese so I wasn't aware of it. I thought we're going to – sorry, Commissioner, Mr Badalati met China Liu first. I never met him before. He invited me to go with him down there because he wants to talk about waste-to-energy and talking about the power station and how his, his city was demolished by an earthquake 40 years ago, rebuilt it, put all this new stuff. I said, yeah, you interested in waste? Of course I'm interested in waste-to-energy. And he knew I'd been working on it for two years. So I went to him.

40 Whether or not you knew before you got there, certainly when you got there you understood that the dinner had been arranged for the purposes of the signing ceremony?---No.

You seriously tell me, do you, that you thought the meeting had been arranged so that you could talk to him about waste-to-energy?---I thought the meeting, as every other meetings, Commissioner, when you meet Chinese business people and you meet any other people that come from overseas, they invite you to dinner, you go there, you don't know what they're going to talk about. I mean, I knew the guy's interested in waste-to-energy. We thought that's a good opportunity. He could, you would, could have talked about waste-to-energy, we could have talked about something different completely, and that would have been a business venture that I
10 might embark on or upon, right? So you go in there, wealthy businessman, you see what he's got to offer, see what's happening, what can we do. But when I heard waste-to-energy and I was interested, I thought, "Great, we'll go." Because somebody else could have invited me, said, "Let's come to dinner and talk about the football." I'd say, "I'm not interested, thank you."

He didn't offer you anything at that meeting, though, did he, in terms of waste-to-energy?---Absolutely he did.

20 What did he offer you?---He offered me the trip to China, come and look at my factories and see what I, what I'm doing and look at the technology that I'm using, and that would be great for, and the emission rate is so small compared to other countries and, and come in, 'cause I know from, from here, if the emission rate is high, they won't accept it. You can't put it anymore. It's got to be a low emission rate.

When did you first become aware that the agreement which was signed concerned developments within the Hurstville Local Government Area?---I became aware as I said through the court case. That's to the best of my recollection. To the best of my recollection it's from the court case. I
30 started reading the court case. I didn't know they were - - -

I thought - - -?---Yeah.

- - - you've given evidence in the past suggesting it was around the time of the dinner.---What dinner? Oh, sorry. If you're talking, there's, there's a difference between aware and really knowing what they signed, right. I went to, to the Tangshan dinner and I was there and I saw something in there. Now, I don't know what they signed, what was in it and I said earlier yesterday it has a confidentiality clause that we've all worked out that I
40 can't disclose it to a third party so no one's disclosed it to me, I don't know what's in it, but I saw they were signing something. I don't care. I didn't

know what it was but aware, yes. They were signing something. What's in it of course I didn't know till you just gave me the information on the public thing. And how did I know a bit more? I read a bit more on Google about the court case because I wanted to know what's going on and that's the court case allowed me to do so. Even the court case is confusing. One minute you're saying I've lending you money, next minute I'm, I'm, I'm not lending you money, I'm an investor. So even the court is saying, "What has this person said?" I don't know.

- 10 MS HEGER: Well, let's just be clear about exactly what you suspected at the time of that dinner in Tangshan. You saw the sign projected - - -?
---Ah hmm.

- - - on the wall. Correct?---That's not correct. It is correct but it's, it's the wrong sign.

Yes. And you saw that it referred to Xinfeng and One Capital Group.
Correct?---No. It referred to Australian First.

- 20 No. I showed you a second sign, do you remember, with you in the foreground that referred to Xinfeng and The One Capital Group. Do you recall that?---It's true, it's true. It's behind me but I'm not sure whether I saw it or not because it was behind me.

Well, I suggest to you you did see it.---Okay. (not transcribable)

Do you deny that or - - -?---I'm not denying it but I don't recall because it was behind me because - - -

- 30 Well, you stood up and walked around the room, Mr Hindi, didn't you? We saw you do that in the video. Correct?---Sorry. Sorry. Can I get it right. One minute we had Australian First Capital. The next minute we had The One Capital. The next minute - - -

- Yeah, I'm asking you about the second sign. So let's just focus on that for now.---Yeah, but when there's so many signs flipping through how are you supposed to work out in your mind, my mind is not that fast to work out what the hell's going on here. I knew there's some, something's going to be signed. I said I don't want to be here. Finished. Sorry to interrupt you but
40 that's - - -

I think in fact you've already accepted, Mr Hindi, that you saw that sign first.---Yes, okay. All right.

And that you understood Xinfeng was connected to China Liu and One Capital Group was connected to Wensheng Liu. That's right, isn't it?
---That's, I corrected it yesterday. That's not what I said. I said how was I supposed to know that One Capital is Mr Liu because I don't know until I get the application in front of council on 20 April that says this is The One Capital. I knew that Mr Liu is connected with Landmark Square as I've said
10 it before not One Capital. I didn't know. We don't know the name of the company.

Let's put the question of knowledge to one side. I'm suggesting to you that you saw the sign and you made an assumption that One Capital Group was linked to Wensheng Liu. Correct?---Well, yeah, it would have been because there's nobody else signing the agreement, yeah.

Exactly.---Yeah.

20 And you made the assumption that Xinfeng was connected to China Liu. Correct?---Yes.

Yes. And I suggest to you at that point you formed a suspicion that the agreement was related to Landmark Square.---I formed a suspicion. I don't know what I was thinking at the time. I don't know what my brain was thinking. That's eight years ago. I couldn't actually tell you what my brain was actually thinking at the time, what suspicion did or - - -

30 Did you ask anybody at the dinner what the agreement was about?---No.

What about subsequently to the dinner, did you ask Philip Uy or Elaine Tang or Wensheng Liu or China Liu what it was about?---I, I didn't talk to China Liu, to, to Aussie Liu, China Liu. Elaine don't talk much, didn't talk. Philip I've never asked him. No, I didn't. I don't recall asking anything about it but from seeing what you see and as this screen keeps rolling, I don't know, one minute, I mean how did I know there was Australia One Capital. I saw the photo. If I didn't see that I wouldn't have known. They were rolling so many other companies. They could have had 10 other companies in there. You've only got the photos of those companies. There
40 could have been 10 other companies they're going to sign with. I don't know.

All right. Did the topic of what the agreement concerned come up at all prior to you voting on 20 April, 2016 with anyone?---I don't recall, no. I don't recall.

THE COMMISSIONER: Well, let's look at it this way. We know that you were invited to the dinner at Chinatown.---Yes.

10 And we know now with that agreement, that an agreement was signed which concerned developments including the Landmark Square and Treacy Street. We know that now.---I know now, yeah.

Yeah. And you and Mr Badalati were councillors who would vote on those developments in due course.---Yes. We know now, yeah.

Yeah.---What's the question?

20 So you accept that you and Mr Badalati were at least invited to a dinner which, as it evolved, led to the signing of an agreement concerning developments within the Hurstville Local Government Area?---No. At the time I didn't.

No. But you know now, don't you?---Yeah, now, yeah.

So you've got two councillors who are going to vote on it who turned up at this meeting, and I know you say you didn't know what was in the agreement.---Mmm. Yep. I mean, what you know in hindsight is different to what you knew before.

30 No, I accept that.---You make, you make a decision on the day you're voting. That's what the decision you make and you make your, you evaluate, reassess every conflict of interest you have and you go to yourself, "Do I have one?" If you felt at the time you don't, you don't.

And I think it's also your evidence that you really had no interest in the agreement.---No interest in the agreement?

40 Yeah. No interest in what was being signed.---Well, because I don't want to, I don't get involved in people's business because I've seen so many of those agreements signed between Lebanese developers and friends and

builders and, and others and other Chinese. That, it means nothing. They just sign it, they just show. I don't know what it means.

But is it or is it not your evidence that you had no interest in what the agreement contained?---Yes. I had no, yeah, I had no interest. Why would I be interested in what these people were signing?

All right.---Of course I have no interest.

10 And then you go to China with Mr Badalati.---Ah hmm.

And as I understand it, Wensheng Liu, China Liu and Philip Uy are also there.---Yes, yes.

And Elaine Tang?---Yes.

And as you understood it at that time, at least Wensheng Liu and Philip Uy had some interest, and I use that term loosely, in the proposed developments, Landmark Square and Treacy Street?---Yes.

20

And you knew that before you travelled to China?---Yeah, it was, it was, it would, yeah, I would have known probably, yeah, yes.

Yeah. And you know that there was a signing ceremony of an agreement in Tangshan?---Sorry, can you repeat that?

That there was a signing ceremony in relation to an agreement in Tangshan. ---You say I knew when I was there, when I got there?

30 Yeah.---Yeah, okay. When I go there, yeah.

Yeah. And there was a dinner after the signing ceremony to celebrate the signing?---As I repeat that, I don't recall attending dinner but you've shown me photos. I still don't recall it that I was there but I was.

Do you accept that there was a dinner after the signing to celebrate to the signing?---Yeah. There was a dinner involving 500 people in there but I, I didn't see 500 people in my photos, but anyway, yep.

40 Please just listen to my question.---Yes. I accept there was a signing ceremony. Yeah, a dinner.

Yeah. And the dinner was to celebrate the signing?---I, I don't know whether it was celebrate or just saying welcome to the, the government officials and the, and the Aussie officials. I don't know.

Really?---Yeah. What? People sign something, they move away and they don't have to celebrate every signature. They're sitting there talking to government officials. Maybe they're saying, "Well, we invited government officials, we want to sit with them." Not every time you've got to go
10 somewhere you're celebrating something. It doesn't mean the dinner is a celebration. Dinner means it's friends, hospitality. That's how it works in the Chinese and Lebanese and Greek community and other communities. It's not a celebration.

It's not a celebration?---No. That's, that's my opinion. Now, if they had an intention themselves to celebrate, good luck. That's how they do it. That's how I, I see it because I go to a lot of Lebanese things that they sign things, they do things and we just have dinner and we say ganbei and we drink and
20 cheers and just normal.

As I understand your evidence, you didn't know what the agreement contained.---Yes.

No-one told you.---I think, I just want to, I thought, I think I did say it yesterday that Mr Badalati was, asked them because he, I remember him telling me, or, at the time or some other time, he said, he asked the interpreter there, "What are they signing?" and he said "It's the same thing they signed in Chinatown."

30 All right.---That was his, his evidence and that's what he told me, as well.

Okay. So we have the signing ceremony in Chinatown in Sydney?---Mmm.

We have a signing ceremony in Tangshan?---Mmm.

And, as you understood it from Mr Badalati was a re-signing of the same agreement?---Yes.

40 And we have both you and Mr Badalati at both functions?---Well, I wasn't at that function for the signing ceremony.

Yeah, I understand that. I think you were ill, weren't you?---Sorry?

I think you were ill?---I wasn't at the function. That's all I can say.

You can't remember whether you were ill - - -?---I don't recall anything but I wasn't at the function, so - - -

Why weren't you at the function?---I don't recall.

10 And as I understand your evidence, you believed you had been invited to China to see the waste-to-energy plant?---Yes, I have and I did see it, yes.

Yeah.---I did see it.

I just, I'm curious and you might be able to answer this. You've told me that you had a Bachelor of Chemical Engineering and a Diploma - - -?
---Electrical, sir, electrical.

20 Electrical Engineering and a Diploma in Project Management?---Mmm.

And you're a qualified builder?---Mmm.

What was your understanding as to the reason why Mr Liu, who was, as I understand it, a billionaire, maybe a multi-billionaire - - -?---China Liu, you mean?

- - - China Liu, yeah - - -?---Thank you. Yes, sir. Sorry.

30 - - - would invite you and Mr Badalati to see the waste plant and, as I understand your evidence, with a view to you both investing?---Sorry? We're both?

Investing in some waste-to-energy plant.---You said we were both investing. Where does it say that?

40 Well, why were you there, just to inspect it and then go home?---Initially, to inspect it, to have a look at the technology, as I said yesterday, and I'll repeat what I said yesterday, to look at technology, see if it's feasible and viable and, and to be used, and appropriate to use in New South Wales if - - -

But how would somebody with a, I don't want to offend you, but with a Bachelor of Electrical Engineering and a Diploma in Project Management - - -?---Yes.

- - - and a qualified builder - - -?---Yeah.

- - - what would they have to offer?---Really? Electrical engineer doesn't have much to offer, does he? A Bachelor of Electrical - - -

10 Don't, I'm just asking. What - - -?---I have a lot to offer, Commissioner - - -

What, well, just tell me what it is.--- - - - because I understand the whole process, how it works, I know the technology, I've been doing my research, I've looked at the European side of it, I looked at one in Dubai, how it's built, I've looked at others and, and that's how I knew. You don't have to be, have a technical qualification to be able to get into something and be able to do it. He provided me with all, I even took some books with me. He gave me some literature from his company, how it works and how the
20 process works and how, what, what kind of emission you're going to have, how much power it generates so that you can put it back in the grid and how can I connect that equipment back to the grid here and I need to be able to talk to the government and talk to other people to be able to connect it back into the grid and do all that.

So you as a person with a Bachelor of Electrical Engineering regarded yourself as an expert in waste-to-energy power plants?---Well, let's put it this way, Commissioner - - -

30 No, no, no. Is that your evidence?---No, Commissioner. I'm not saying I'm an expert in that. You can hire the experts. That's what, that's what developers do. They build high-rises. Doesn't mean they're experts. They hire the right people to do it - - -

But he hardly needed you to be involved if he was going to hire other people?---Well, if he knows that Con Hindi is part of the Liberal Party and he's connected in New South Wales, he might be able to get the New South Wales Government, the Liberal Government in federal, to help him.

40 Well, we know, 'cause we've seen the photos that - - -?---Yeah.

- - - on a particular occasion, he - - -?---Yeah.

- - - went to meet various federal politicians.---Yes.

And I can understand that because they might have an interest in - - -?
---Yes.

- - - developing such a power plant. But I'm just having real difficulty understanding why you would have been there in your capacity as an
10 electrical engineer in respect of a possible waste-to-energy plant. And you tell me, well, other electrical engineers who were experts could be hired?---I consider myself, not an expert but I consider myself well versed, if you want to use that word, in that sort of things. I'd be, I worked on it two years before and I'm still working on it now after eight years.

Through Google?---I mean, through myself. I've been working through, I've mentioned the person's name in the private hearing, which I'm not going to mention now, 'cause he's got nothing to do with it, but created this thing called MICE and we're trying to work on it and do all that. So we all
20 know about that. So in terms of having an electrical engineer doing this, I'm an electrical engineer, Commissioner, but I built a tunnel underneath the city, which you need a civil engineer. But I was electrical and everyone looked at me and laughed. I built it for Ausgrid, the biggest tunnel underneath the city for electricity, tunnel. It was, it was, it was civil. It was structural but I was an electrical engineer and they had the confidence to give it to me to build it. Not to build it, to project manage it and do the whole lot.

It's a remarkable coincidence, though, isn't it, that you and Mr Badalati are
30 at a dinner in Chinatown and you and Mr Badalati went to China, I know you say you didn't go to the signing ceremony, but you had dinner, but isn't it a remarkable coincidence that in both instances the agreement concerned developments in your local government area in respect of which you would vote?---Well, I can only speculate but Mr Badalati might have gone 'cause he just wanted to go and he was the mayor, they invited him as the mayor, the status was being the mayor. I was a councillor. I had no status. So I was there interested in waste-to-energy. That was, I can only speak on my behalf. I can't speak on behalf of - if Badalati, Mr Badalati come with me, doesn't mean we both had the same intention or we wanted to progress it
40 further. Maybe you thought you look at it, he'll do it, he was the Vice-

President of SSROC, which was looking at recyclable, so he thought we can say I've been, I've seen on it, and stopped. But I wanted to continue.

I think you might be missing the point of my question. Don't you consider it a remarkable coincidence that at a dinner in Chinatown and then in your visit to China an agreement was signed that didn't concern waste-to-energy but concerned developments over which you would be exercising your official functions, that is by voting in favour of them or not voting in favour? You're present when the agreement is signed and re-signed, I know
10 you didn't go to the signing ceremony or the dinner, but don't you think it's remarkable that these two occasions, what they're dealing with in terms of signing are developments that you would have an input into?

---Commissioner, it's probably remarkable, but then you could look at things that are being coincidence. For example, if China Liu invited us to go to China, to Tangshan and look at his waste-to-energy, and they took the opportunity – and some people do take opportunities – to sign some agreement and do something, I don't know. I can't stop him from doing it. I'll say, "What are you guys doing?" They took an opportunity to do it, but
20 the aim was to go out to the waste-to-energy. So if they want to – the reason, Commissioner, I don't find it odd or remarkable is because I've dealt with a lot of Lebanese developers and they all do that. They go to Lebanon and sign agreements left, right and centre. It means nothing, right? It doesn't mean that they're doing it. They all just sign a piece of paper. It's just for show. So I don't know what's in it, but do they tell me what's in it? Of course they don't. They'll say, "It's none of your business."

Well - - -?---Why would these people tell me? If it says no, this project, a third party.

30 Why they might tell you is because they understood, well understood that you would be voting in respect of these particular projects.---That's probably why they didn't tell me. Don't you think so? That's why people don't tell you, so you don't have to be compromised.

But here you are - - -?---Yes.

- - - and you're present, as is Mr Badalati, when an agreement's signed in respect of developments in your local government area.---Ah hmm.

40 That's in Chinatown and Australia.---Ah hmm.

And that's before the vote is taken on council.---Ah hmm.

You then go to China and again an agreement is signed in respect of those very same developments or proposed developments, and you're there again with Mr Badalati in China.---Well, who did you expect them to invite? They invite the mayor and someone that knows about waste-to-energy. That's what they did. Can't be anything else. What, are they going to invite some other councillor who owns a shop or somebody else that does nothing? That's what you invite, the mayor as a status and then you invite
10 somebody who's interested in waste-to-energy, which I did. Simple. And then you take an opportunity to do what you want to do, signing ceremony, governments, everybody to do that. I do that here as well. When I get somebody into my house, as a, as a, as a sitting minister or a minister, or as an MP, I can sign agreements in front of people to make it look good.
20 Anyway, that's - - -

So you think that they were signing agreements concerning developments in your local government area to look good?---No, sorry, Commissioner. I did not know they were signing those agreements to do with my local
20 government area. Now, had I known that, absolutely what you're saying is correct. But I didn't know.

But it's just remarkable, don't you think, that - - -?---Remarkable that I didn't know?

If it was a one-off somewhere, you know, perhaps you could say, well, you know, Mr Hindi didn't know what they were up to. But here we have the same agreement being signed twice, and the common factor is that you and Mr Badalati are there when it happens.---Is it actually the same agreement?
30 I don't know 'cause I haven't seen it. Is it exactly - - -

I want you to assume for the moment it's the same agreement.---Well, no, you're making your point about being the same agreement. Is it the same agreement? I don't know. Is it?

Yes, as far as I know.---Is it exactly?

MS HEGER: Evidence has been given that there were some minor modifications.---Well, there you go. It's not the same agreement.
40

But it was substantially the same.

THE COMMISSIONER: Well, minor modifications. But what I'm - - -?
---I don't know what "minor" is.

You don't know what "minor" is?---No, I know what it means, but I'm just saying I don't know what -- 'cause I haven't seen it. I don't know, Commissioner.

10 Well, I'm giving you an opportunity to explain how it was that you and Mr Badalati were, on two occasions, present when an agreement was signed concerning developments within your local government area in respect of which you would vote and, can I say, one of those meetings in China was very shortly before that vote was taken.---I can't give you an answer, Commissioner.

Thank you.---Thank you. I'll let my submission do it.

20 I beg your pardon?---Sorry. I said I'll get it through the submissions. I don't know. Done, there's no point.

MS HEGER: After you left Tangshan, you travelled back to Beijing, correct?---Yes.

And then you flew from Beijing to Hong Kong before flying home to Sydney, correct?---I don't recall.

Do you recall who paid for the flights from Beijing to Hong Kong?---I don't recall.

30 Can I show you Exhibit 202, which is volume 2.8, page 49?---Ah hmm.

This paragraph was found on Wensheng Liu's phone. It's dated 11 August, 2016 and Mrs Hindi has confirmed that that is her handwriting and you'll understand, of course, that the \$4,240 figure is the same as the figure in the invoice from Golden Miles Travel issued to you and Mrs Hindi. Do you understand that?---Yes.

40 Do you know how the photograph of this note came to be on Wensheng Liu's phone?---I do not know.

Did Mrs Hindi tell you that she was preparing this note to show to Wensheng Liu?---No.

Did she tell you she was preparing it to show it to Philip Uy?---No.

Was there an agreement between Mrs Hindi and yourself and Philip Uy to be reimbursed for these expenses?---No.

Did Philip Uy in fact reimburse you for these expenses?---No.

10

Was there an agreement between Mrs Hindi or yourself and Wensheng Liu to reimburse you for these expenses?---No.

Did Wensheng Liu in fact reimburse you for these expenses?---No.

Do you have any idea why this note was on Wensheng Liu's phone?---No.

I suggest to you that the most logical explanation is that there was in fact some sort of agreement to reimburse you and Mrs Hindi for these expenses.

20 Do you deny that?---I deny that, yes.

All right. Can I show you volume 1.10, which is Exhibit 133? This is the report that was prepared by council staff in relation to the Landmark Square planning proposal. You received this report prior to voting on 20 April, 2016, correct?---I would have, yes.

And you read the report prior to voting on 20 April, 2016?---I would have, yes.

30 All right. Can you see the interested parties listed there include The One Capital Group (Wensheng Liu)?---Yes.

So you obviously understood by this point that Wensheng Liu's company, The One Capital Group, was the proponent for the Landmark Square planning proposal, correct?---I didn't pay much attention. Yes.

Well, you understood that, didn't you?---Yeah. I mean, from you see there, yes.

And prior to voting on 20 April, you'd spent some time with Wensheng Liu in Tangshan, correct?---As I said, I knew it was Mr Liu. I never knew Wensheng.

You'd spent some time with Mr Liu in Tangshan, correct?---Oh, yes.

You'd attended some lunches and dinners with him, correct?---Yes, yes.

10 I think you also did some sightseeing in Beijing with Wensheng Liu, correct?---Yes. We even did ganbei as well, yeah.

And of course you'd attended the dinner in Chinatown with him?---Yes.

Did it occur to you at this point that you should really declare your interactions with Wensheng Liu when voting on the Landmark Square planning proposal?---No. None whatsoever.

20 You don't accept that your relationship with Wensheng Liu by this point constituted a non-pecuniary conflict of interest?---None whatsoever.

You were on pretty friendly terms with Wensheng Liu by this point, weren't you?---Doesn't mean that it's non-pecuniary, no.

Well, you were -- do you accept that you were friends with him by the time -- --?---No.

-- -- you voted on 20 April?---No, sorry, I'm not because I've never spoken to him. Even all that time. I don't, I didn't, I've never said a word to him.

30 You didn't say a single word to Wensheng Liu at the dinner in Chinatown? ---No. No. No. Didn't talk to him.

Didn't say a single word to Wensheng Liu during the whole trip to China in April 2016?---I mean, if you, sorry.

40 Did you say a single word to him on that trip to China?---If you're talking about the single word, ah, single word, then I've got to be careful what I say. But I didn't have a, a conversation with him. Might have been "hello", then that becomes a single word, then I'm misleading the Commission, so I don't want to say that. But I didn't speak anything meaningful to him about anything. None whatsoever. And Mr Liu, to his credit, is a man of low

profile. He doesn't actually speak much. He doesn't say much. He doesn't speak to - - -

So you say you didn't have a conversation with Wensheng Liu on that whole trip in China aside from "hello" and a couple of pleasantries, is that right?---That is – I don't recall that I have. So let's, let's put a qualification. I don't recall that I have.

10 But it's likely you had a number of conversations with him, given you attended a number of lunches and dinners and undertook some sightseeing in Beijing, isn't it?---I'm not trying to be rude, but other than drinking and ganbei and cheers and all that, I don't think I did. He doesn't speak much other than hello or he might say this is this or this is that. So it's just something pretty basic.

Well, between that trip to China in April and the dinner at your house in May, did you see Wensheng Liu again?---I don't recall.

20 Well, let's assume the last time you saw him was on that trip to China in April.---Ah hmm.

You obviously felt sufficiently close to him by that point that you were happy to host him at your own house in May 2016, correct?---That is not true.

30 You weren't happy to have him at your house?---I didn't say I was or wasn't. I, I invited China Liu and he brought his friends with him. So I, I don't have any feelings or I don't know what my brain was thinking at the time about Mr Liu and others. Aussie Liu. I invited China Liu.

THE COMMISSIONER: So you're saying that you had no knowledge that the others would be attending?---Yeah, I, I invited him and I said, "Who you bringing with you?" He goes, "I'm bringing these people." "How many?" He says, "Seven, eight, nine, 10." I said, "Okay, bring them, thank you." He could have brought another 20 and they could be the biggest developers in Hurstville and I wouldn't even know. So bring them because we have an open house. Come in, I invited you. That's what hospitality and reciprocation is. I reciprocated what he did to me in China.

40 MS HEGER: China Liu didn't tell you he was bringing Wensheng Liu to that dinner?---I can't recall exactly because he doesn't speak English, so I

don't know whether I went through the interpreter or not. Don't recall that exactly.

Well, did the interpreter tell you that Wensheng Liu was coming to the dinner?---As I said, I don't recall he was, whether he told me or not, but I know they showed up and I said, "You're welcome." That's how you welcome people.

10 All right. Well, I suggest to you your relationship with Wensheng Liu by this point constituted a non-pecuniary conflict of interest. You deny that?
---I respect your opinion but I disagree with it.

All right. You also knew by the time you voted on 20 April, of course, that Philip Uy was involved in the Landmark Square planning proposal, correct?---Depends what, involved to what extent? I don't know what the -
- -

20 Well, you knew he was involved in some way, shape or form, correct?
---Well, it depends how you, okay, shape or form, I, I, I knew he had an interest in it but I don't know what it was or what it is, whether it was financial, whether it was just real estate agent, whether it was friend, whether it was somebody – I don't know what the interest is.

30 Okay. Well, I suggest to you that by 20 April, 2016, given your repeated meetings with Philip Uy in relation to the planning proposal, you understood he had some sort of financial interest in the Landmark Square planning proposal.---He does not necessarily mean that at all because he could be a real estate agent and he could be looking for opportunities for the future. So it doesn't mean he had an interest. A lot of real estate agents do that. They actually go and help developers. They actually get things through council for them on purpose, so hoping – not expecting, but hoping, there's a hope there could be an opportunity down the track for them to do something or sell or do something.

All right.---'Cause it's not the first time that the real estate agent has approached me and done that, and it's not the first time planners and developers and architects have approached me on those sort of things.

40 Well, did you know, as at when you voted on 20 April, 2016, that Philip Uy stood to gain a significant profit if the Landmark Square development went ahead?---I did not know, know whatsoever.

Did you know that there was an agreement, formal or informal, that his company would be involved in building the Landmark Square development?---At the April '16, no I did not but I know now, based on the Commission's evidence that's been put.

10 All right. By the time you voted on 20 April, 2016, you were friends with Philip Uy, weren't you?---No. As I have probably said earlier, and I, I put a qualification on it, I don't recall meeting with him on my own basically between '15/'16. I don't recall that. It's always been with an architect or somebody but I've never met with him. That's my recollection, to the best of my recollection.

All right. But in addition to those meetings, you attended the dinner in Chinatown where Philip Uy was present, correct?---Yeah, yeah.

You'd spent time with Philip Uy on the trip to China in April 2016, correct?---Yes, absolutely. Yeah.

20 You attended a number of lunches and dinners with him, correct?---Yes. Of course, yeah.

By the time you voted on 20 April, 2016, you had Philip Uy's mobile phone number, didn't you?---I don't recall.

He had your mobile phone number?---Yeah, probably has because my phone number is all over the website.

30 All right.---But then I – yeah.

And he also has Mrs Hindi's mobile phone number, didn't he?---He probably did. Two real estate agents working together, yeah, probably did. Can I – sorry, sorry.

And I also suggest that by 20 April, 2016 you knew that Philip Uy had paid for some of your expenses on the trip to China.---That is not true. My wife told me, oh sorry, Mrs Hindi said she reimbursed him.

40 All right. Shouldn't you have declared a non-pecuniary interest insofar as your relationship with Philip Uy was concerned regarding Landmark

Square?---No. Have a look at the front page of the report. Doesn't mention his name. That's what you look at.

All right. And I suggest to you by the time you voted on 20 April, 2016 you knew that China Liu intended to invest in Landmark Square.---Sorry, can you repeat that? I'm sorry.

10 By the time you voted on 20 April, 2016 you knew that China Liu intended to invest in Landmark Square?---Intended. So didn't invest but intended, was it?

Yes.---I didn't know that.

I suggest that you at least suspected that China Liu intended to invest in Landmark Square.---I suspected nothing until 2018 with the court case, when I read that, which is around '19.

20 And by the time you voted on 20 April, 2016 you knew that China Liu or his company had paid for some of your meals on that trip to China, correct? ---Yes. But he had nothing to do with the application.

You knew that, by the time you voted on 20 April, 2016 that China Liu has provided chauffeurs in China, correct?---Chauffeurs?

Oh well, he provided his cars for your use, correct?---Yeah, yeah. Okay.

You knew that by the time you voted on 20 April, 2016, correct?---Of course I knew that because he had nothing to do with the application. Yes.

30 And I suggest you also knew very well by the time you voted on 20 April, 2016 that China Liu had paid for your accommodation in Tangshan, correct?---Sorry, can you repeat that?

By the time you voted on 20 April, 2016 on the Landmark Square planning proposal, you knew that China Liu had paid for your and Mrs Hindi's accommodation in Tangshan.---That is not true.

40 All right. I suggest to you that when you voted on 20 April, 2016 in respect of Landmark Square, you should have declared all of those benefits that China Liu had provided to you.---I don't know what China Liu has to do with it. So when you come and assess what conflict of interest you had,

you'll read the report, you look at the front page and it tells you who are the interested parties. China Liu's name, which I don't, I didn't know it was Yuqing Liu anyway, he was Liu, it wasn't there. So why would I even declare anything if his name's not there. What, do I have to go and ask everyone in Hurstville "What have you got? Have I had coffee with you? Are you part of this application?" There's hundreds of them like this. How am I supposed to know that he's part of it?

10 All right. Can I show you volume 19 point – well, before I get there, when you read this report from council staff, you understood, didn't you, that council staff supported the idea of a hotel on the site but not the height and FSR that was sought by the applicant?---By the time I read the report?

Yes. The council staff's report on the Landmark Square planning proposal. ---I think I knew that about three or four months earlier, during the workshops that there was a report.

20 All right. So you're accepting that by the time you voted on 20 April, you understood staff supported the hotel but not the height and the FSR proposed by the applicant, correct?---Absolutely, and that is their opinion. Absolutely I respect that.

All right. Can I show you volume 19.2 which is MFI 40.---Ah hmm.

These are records of telephone calls between Mr Badalati, yourself, Mr Sansom and on the following page Philip Uy and Mrs Hindi.---Ah hmm.

Go back to the first page. You'll see at row 114.---114, yes.

30 On 18 April.---Ah hmm.

There is a call from Mr Badalati to yourself and the locations are recorded as Brighton-Le-Sands. Do you see that?---Yes.

And then at 115 another call from yourself to Mr Badalati, the locations being Novotel Brighton and Brighton-Le-Sands. Do you see that?---Yes.

40 And then at row 116 an SMS from yourself to Philip Sansom. The party A start location which is yourself is Brighton-Le-Sands. Do you see that?
---Ah hmm.

And then the following two entries also refer to Brighton-Le-Sands. Do you see that, 117 and 118?---Yes.

All right. You, Mr Sansom and Mr Badalati had a meeting at the Novotel Brighton-Le-Sands on 18 April. Correct?---I don't recall that but we would have had, yeah. Based on that probably. I mean that doesn't, it's not the evidence but it is, yeah. We would have been there and I wouldn't be surprised if we were, yeah. I mean I don't recall it but I wouldn't be surprised if we did.

10

Okay. And at that meeting you discussed the Landmark Square planning proposal. Correct?---Absolutely. We would have. I said I don't recall it but we would have. It's more likely that we would have.

All right. And at that meeting it was agreed that Mr Sansom would draft a resolution regarding the Landmark Square planning proposal. Correct?---I do not know whether it was agreed that he would draft it but because of his expertise in planning which is probably on the same level as mine and his English is quite, much better than mine I said yep. So it would have been that way, yeah.

20

Okay. And you agreed that that resolution would propose a higher height and FSR than what the council staff were proposing. Correct?---Yes. I mean I don't know on the day. It depends when it was, I don't know what was discussed exactly because I don't recall the meeting and I don't know what was discussed, what FSR or whatever. It would have been discussed based, based on the emails that would have sent, and the, and the, but let's assume, yes, it is, okay. It does FSRs and heights so, yes, let's assume that.

30 All right. Can we just go down a row 125 and 126.---Oh, there's more.

You'll see those are two calls from Mrs Hindi to Philip Uy. It looks like they've gone to voicemail.---Ah hmm.

Do you see those?---Yes.

Do you know why Mrs Hindi was contacting Philip Uy around this time, 19 April?---Why is that time a special time? I don't know.

Well, it's the day before the council meeting, isn't it?---So what? Could have called him, if you look at other calls you'll probably see she's just called him on other times too. I don't know.

Do you know what - - -?---No, I don't.

- - - she is calling him about?---Absolutely not.

10 Well, do you accept it's likely she was calling him about the Landmark Square planning proposal?---Not necessarily. No, it's not likely.

All right. What other dealings was Mrs Hindi having with Philip Uy around this time, 19 April, as far as you know?---You don't need to have dealings to call people. You can call them anytime about anything. It doesn't mean that you have dealings. However, I mean I know this, this thing is around the date and the time we're drafting this resolution.

20 Correct.---As I said, I knew what the staff, what they were recommending three months earlier so that didn't come out of the blue, oh, let's sit down today and change the whole staff recommendation because we just thought about it now and I think it's a good idea. That's not what happened. This is the problem. It's not what happened. We've known about this for over two or three months. We've had workshops over it. We've even got GMU to come in and give us a, an independent, supposedly an independent report on it. So we knew what the staff were recommending. It didn't come in, happen suddenly, we woke up in the middle of the night and, yeah, we're going to change the whole thing, give them three and a half to one instead of two, let's just change it now. It didn't happen on that day. These things happened with emails just to confirm exactly how you're going to put the, the rest of it to, to, because you need to quantify and you need to put in the reason why you were changing your recommendation, so that's what part of this was was - - -

30

So you, Mr Badalati and Mr Sansom had an agreement much earlier that you propose a higher height and FSR than council - - -?---No.

- - - staff were proposing. Is that what you're saying?---No, that's not, that's not true. What we said is we had an understanding, whether Badalati and Sansom, 'cause that's what this inquiry's about, there were other councillors who had the same understanding as we do. And you read Carina Gregory,

40

yesterday's thing, which I've read it thoroughly, it mentioned another councillor that was also, used to ask a lot of questions. I won't mention - - -

I'm not asking you about the degree of questioning.---No, no, no.

I'm just asking you at the moment at what point you, Mr Sansom and Mr Badalati agreed that you'd support a higher FSR and height - - -?---No, no. It was - - -

10 - - - than what council staff was proposing?---I don't know at what point in time, but what I was trying to get it is that the recommendation or what will be a recommendation by the staff was given to us in a workshop. And mine or my question was why is the one across the road is getting 4:1 and this one's or three and a half to one and this one's getting two and a half? We'll get GMU to tell you. So that's why. So I don't know. So, well, looking at this, you're saying, so you must be talking about Landmark, you must be talking about Treacy, it's not. Doesn't necessarily mean that 'cause we knew about it before it was happening.

20 All right. Can I show you, we'll come back to 19.2 in a moment.---Yes. Thank you.

Can I show you volume 1.4, page 257? So on 19 April, 2016, at 2.08pm, Mr Sansom sends a draft resolution to yourself and Mr Badalati. You'll see that email address he's used is your [REDACTED] address. Do you see that?---Yes.

Why on your understanding did he send it to your [REDACTED] address as opposed to your council address?---I can think of probably a couple of reasons. The first one that comes to mind, I'm not sure why he sent it there but the first
30 one that comes to mind is, as I mentioned early yesterday about Hurstville City Council was self-imploding, [REDACTED] and all that went on. And so, so I, with my work at Ausgrid, I was being watched like a hawk. If you do anything to do with council, if you do anything, you'll be sacked. So I did not want anything to go to my Ausgrid one, that's number one. You're right. You could be saying, why didn't it go to your council one? Because I can't get access to my council emails unless on my phone and I didn't want to use it, it's too small, and - - -

40 Sorry? What was that? You can't get access to your council - - -?---I could - - -

- - - emails on your phone?---I could probably get it on my phone but I didn't want to use it too much because, would you like me to tell you why I, I don't use it? 'Cause I went in there and replied to a neighbour's, around when I was the mayor, I replied to one, rear neighbour, saying "reply" and it automatically put, put in my signature as being the mayor and the Vice President of Local Government and this and that. And then I said, you can't do this and this, and then he used it, took it to The Herald and then the whole world blew up, you're using your council emails to do this.

10

All right. I understand.---So I was, so I was worried about these things. I said, you send me, you send it to my [REDACTED], so I can use it. I don't want to use, my Ausgrid won't let me and I don't want the council because I could be doing something different, so I didn't want - - -

THE COMMISSIONER: But this is council business.---Doesn't matter because Ausgrid doesn't care about council business. I can't sit there - - -

20 So what was the position with Ausgrid? They didn't want you, did they know you were a councillor?---Yes, they did. Ausgrid were a flexible organisation and a great organisation, however, Commissioner, the same around this time, '15, '16, I was on the front page of every paper. I was, I was onsite about alleged asbestos, I was at this and that. My work says, "We can't afford to have that with you. This is not right." So I gave them an, an undertaking that I will not be doing anything to do with council. I just stay at work and I'll be doing what I had to do. And they'd accepted that. So I did not, I could not get access to my Hurstville City Council emails on my Ausgrid computer, I couldn't get access to it, so - - -

30 But as Counsel has put to you, you could get access to them on your phone. ---As I said, Commissioner, earlier, I made a mistake by replying to somebody and had my signature in there and I was all over the newspaper.

40 What's that got to do with corresponding with Mr Sansom and Mr Badalati?---Because, because I, it's cumbersome using your mobile phone to read emails. Mobile phone's meant for text, couple of little things. Using an email like this, it's going to be cumbersome to read it on a little phone like this. So that's the reason he would have sent it. However, there was nothing wrong with people sending it to your private emails. Why, why does it have to go to my council emails? I'm happy to.

MS HEGER: Did you ask Mr Sansom to send it to your [REDACTED]?---I don't recall, but if he did, I would have asked him. I don't recall it but I would have said, "Send it to my [REDACTED] because I can't get access to the other ones," especially when you're talking around 2.30 in the afternoon, 2 o'clock and all these things. I don't have access. I, I could only get access when I get home.

Well, I suggest part of the reason you did that is to minimise the chances of someone at council finding out that the three of you were drafting this resolution.---Mmm. So how is someone at council going to be reading my email and how are they going to find out? If they do - - -

Well, you yourself just gave evidence about council imploding and - - -?
---Yes.

- - - and people watching your emails, I think.---Yeah, yeah.

So you yourself had that concern, didn't you?---So you're saying they're going to illegally look at my email? Which I think Hurstville City Council staff would never do this.

Yeah, but you said you had that concern, didn't you?---It was a concern but doesn't mean it was going to happen.

I'm not suggesting it would happen at all.---No, definitely - - -

But you had that concern and that's part of the reason why you asked Mr Sansom to send this to your [REDACTED]. That's right, isn't it?---That is not true. Completely not true. I mean, there's, there's nothing wrong with doing it. Eventually it's going to the general manager anyway, and he's going to, he has an obligation to decimate, to disseminate that information to all the councillors.

Yeah, the final version might go to the general manager and be put to council, but these were drafts which were subsequently altered, weren't they?---So would you like us to send it to the 12 councillors every time you draft something? You would be there forever.

I'm not suggesting it has to go to all 12 councillors, but I'm suggesting it would be logical for it to go to your council address.---No, it's not logical because I wouldn't be able to read it till the night. And when I get there at

night, it would be too late to answer this. I can't, I'm sorry, Ms Heger, it's difficult because that's the night before the council meeting, you can't just -
- -

Around this time you did in fact have access to your council email on your phone, didn't you?---Yes, I did, 'cause you have my phone and I know I did. I'm not that silly. However, however, as I said, I cannot – usually you'd read little things here and there. You can't be reading everything.

10 All right.---Now, if I had my own private email, I don't see anything wrong with that. And I wasn't trying to hide it from anybody, and if I was, what's the big deal?

All right. You see that email was at 2.08pm.---Yep.

If we go back to volume 19.2. MFI 40. You'll see at row 133 on the same day - - -?---Excuse me, sorry, 133?

20 That's all right. At 3.50pm. There's a call from yourself to Philip Sansom.
---Ah hmm.

Of 55 seconds duration.---55 seconds, yeah.

Row 133, you see that?---Yes.

Can you recall what that conversation was about?---You should be asking me first do I recall the phone call. I don't.

30 Well, that was essentially what I was asking, Mr Hindi. Do you recall the phone call?---No.

All right. Well, it's likely the phone call was about the resolution that Philip Sansom had just sent to you an hour and a half earlier, correct?---Yeah, it'd be likely.

All right. And at row 135, at 3.54pm on the same day, there's a call from Vince Badalati to yourself. Do you see that?---Ah hmm. Ah hmm.

40 Do you recall that conversation?---I don't recall the call.

All right. It's likely that was also about the draft resolution for Landmark Square, correct?---Not necessarily because we had other items on the agenda.

All right.---It may be - - -

10 You remember other items, remember other items on the agenda that you were talking to Mr Badalati about around this time?---I don't know. That might have been, I think what we see now, you probably know better than me 'cause you've got the info, but we talked about Treacy Street that was there on the agenda, and there was others on the agenda.

Treacy Street was on the agenda. It's likely this call was either about Landmark Square or Treacy Street, correct?---It's also other, it could be to do with something else completely, I don't know.

Okay. Can I show you volume 1.4, page 267.

20 THE COMMISSIONER: What was the Exhibit number of the draft resolution that was circulated?

MS HEGER: The last one, that was part of volume 1.4, page 257, which is Exhibit 127.

THE COMMISSIONER: That's not the telephone records but the - - -

MS HEGER: The draft resolution, yeah.

30 THE COMMISSIONER: Yep, thank you.

MS HEGER: That's part of volume 1.4, which is Exhibit 127.

THE COMMISSIONER: Thank you.

MS HEGER: All right. The next day, 20 April, 2016 at 1.04pm, Mr Sansom circulates a revised resolution and you'll see on the next page, if we go to the next page, please, he's highlighted in yellow the amendments and that includes the words "subject site A." Do you see those?---Ah hmm.

Meaning that the requirement to prepare a contamination assessment report now only applies to site A and not to site B.---Sorry, when you say an amendment, an amendment to what?

To the previous resolution Mr Sansom had circulated the previous day.
---Oh, okay. Previous resolution, okay.

10 Yeah. So one of the differences from the previous resolution is that the requirement to prepare a contamination assessment report now applies only to site A and not to site B. Do you understand that?---Yes.

And that was an amendment that favoured the proponents for the Landmark Square planning proposal, correct?---It would have, yeah.

Yeah.---Oh, well, I don't know if favoured. It would have, it would have allowed, it would have allowed the, the planning proposal to go through easier, rather than having obstacles in its way. That's what it says.

20 Well, yes, and they only had to prepare an assessment report for part of the site and not the whole site?---Yeah. But then when you're talking about geotech you're talking about a couple of holes. It's not really that much, we're not talking about millions of dollars. Just digging a couple of holes extra. It's nothing.

All right. Why was that amendment made?---Why? Because it's, I mean, I don't recall why it was made but if I had to make an assumption here why it was made, is that when you, when the, when the proponent for the planning proposal, planning modification, doesn't own the other land, it makes it very difficult to be able to go and drill, drill a couple of holes in there.

30 Yes. But the State Environmental Planning Policy referred to in that paragraph requires a contamination assessment to be done for the entirety of the site to be rezoned regardless of who owns it, correct?---Yeah. I don't know. I don't know. I haven't read it carefully.

All right. So - - -?---It probably does but if, if it does, we've done it before that we didn't have to do the whole area because you're assuming what you've got on that site A, which is a big site compared to B, would be the same uniform thing.

40

THE COMMISSIONER: It was a petrol station, wasn't it, or a tyre, a tyre
- - -?---No. It wasn't a petrol station, no.

A tyre shop?---I, tyre shop. I don't, it could have been a – one is Kennards
Hire, one is a Strathfield Car Radio, one is a, a, is a, is a carwash, one is
mechanic, one is a funeral parlour. So (not transcribable). So you, you took
it because you said it's a uniform and they own the majority of the site so
it's uniform. So, and if they had to, they can do a couple more holes right
on the boundary and that will do it for you. But anyway, that's, that's what
10 I think the intention was behind it at the time.

MS HEGER: Was this amendment requested by Philip Uy or Wensheng
Liu or Elaine Tang?---It was not requested by anybody, it was what we felt
would be a reasonable thing for any planning proposal to be applied to and
we've done it for so many of them.

When you say you've done it so many, what do you mean?---Oh, I mean, so
many as in, as in if we have to change recommendations and change things
and amend it, it gets done. I mean, I can give you a classic example if you
20 don't mind me, is the rezoning of Peakhurst from R2 to an R3. The staff
recommended, recommended that it be rezoned. It was unanimously
refused by the council, unanimously refused.

All right. I don't need to ask you anything more about this.---Well, that's,
that's the same thing. We're talking about planning proposals - - -

No, no. Can I ask you for an example where you've, in another resolution,
proposed that only part of a site be subject to a contamination assessment
report in the context of a planning proposal?---I, I know some but I don't
30 recall them now. I can't recall them off the cuff.

All right. Well that's because there aren't any other examples, are there?
---No. Because there is, because there is. If you, if you had given that a
couple of a weeks earlier I would get it for you but now I can't get it for you
because I'm, I'm not a computer here. I mean, I, I remember things but I
can't remember that much, I'm sorry.

All right. You'll see in this version of the resolution there's a reference at
the top to council supporting an amendment to the LEP, subject to - - -?
40 ---Sorry, I haven't read it. So do you want me to read it?

Okay. Just read the first paragraph.---Thank you. Is that, sorry, is that - - -

Well, I was going to read it out to you but you can read it to yourself.---No, I'm sorry, I just want to ask a question. Is that, is that Mr Sansom's email or is that the part of, from the report that was submitted to him?

No, this is attached to Mr Sansom's email.---Oh, it's attached, is it?

10 This is his proposed resolution.---Okay, that's his proposed resolution.
Okay.

Read the first two paragraphs.---Yep.

All right. So it's proposed there that council support an amendment but subject to an appropriate mechanism being available to address road and traffic infrastructure demands. You see that?---Mmm, ah hmm.

20 All right. Can I then take you to volume 1.4, still part of Exhibit 127, page 270.---So that is the report that came to council, is that right? Just want to get it right.

No, we're still on Mr Sansom's draft resolutions.---Oh, no, but where did he get it from? I'm just trying to get where you got that one thing from. I don't recall - - -

30 Well, there was a reference in the council staff's report to road and traffic infrastructure demands.---No, no, I just wanted to know that recommendation/resolution here, this one there, Sansom had it attached to his private email there he sent to us, is that correct?

Yes.---And he would have got it from a report somewhere or you don't know?

I don't know where he got it.---Okay.

But there are some - - -?---It's just that it's got the number.

40 There are some similarities between what he's drafted in that email - - -?
---Thank you. Okay.

- - - and what council staff had proposed.---Okay.

Including insofar as the road and traffic infrastructure demands are concerned.---Thank you, yeah, thank you.

If we go to page 270, Mr Sansom has sent a further revised resolution. If you go to the next page, you'll see in the first paragraph there's now no longer a reference to addressing the road and infrastructure, traffic infrastructure demands.---Ah hmm.

10 Why was that removed?---I didn't draft it. But why was it removed? Just trying to remember what was the – so the other one's to do with the infrastructure and traffic, is it?

Yep, it was proposed that council support the amendment subject to a mechanism being available to address road and traffic infrastructure demands, and that's now been taken out. Why?---There was the staff's, it was one person's, one officer's opinion.

20 But why did you disagree with that opinion?---I mean, I didn't draft this, but I, I agreed that it had to come off. There's no, no issue.

And why did you agree to that?---Because across the road we have (not transcribable) that put an extra 330 units and didn't, didn't address any parking, any infrastructure at all. Why is that any different? They're across the road from each other. So councillors were looking and say we're going to be reasonable here. We allow somebody to get 300 and extra 30 units just for the stroke of a pen, and the other bloke is getting about 200 something and he has to manage all the traffic. How does that work? So that's how councillors looked at it. So the staff had their opinion and I
30 respect their opinion, I respect what they put in there because as technical experts that's what they should do and they do it, and good planning experts they are, but - - -

Well, different sites have different circumstances.---No, they don't, they're across - - -

Why did you think in the circumstances of this particular site there was no need to have a mechanism to address road and traffic infrastructure demands?---This is where the issue becomes, when we come to planning,
40 which is a grey area, oh, different sites have different requirements. No, they don't. They're all the same. They're across the road from each other.

There's no different requirement, nothing. That's, that's, that's the – sorry, I'm not saying that to you, Ms Heger, but that's what most planners would say. It's the easy way out. "Oh, that's different than the other one, don't worry." They're not different. They're identical. They're in the same vicinity, same ground they're using, so they can't be. Because it depends how they feel at the time. I'm not saying, the staff are very professional, but that's their opinion. It doesn't mean as an elected representative that is elected by the community – and, and can I make it clear from my point of view, I don't know what Mr Sansom or Mr Badalati were thinking, my point
10 of view, I'm pro-development.

THE COMMISSIONER: But just take you back to something you just said a moment ago.---Yes, yeah.

About all sites being the same.---Yes.

That can't be right, can it? Because just imagine this situation. You have that development that you've referred to across the road.---Yep.

20 Once that's up, that development is up, that may call for additional measures to be taken in respect of traffic infrastructure, for example, by the very reason that another building is going up in the same area.---No, 'cause once you've done the planning proposal, finish. The DA, you just follow the planning proposal.

No, but you might be missing my point.---Okay, what's the point?

You have building A.---Yeah, building A, yeah.

30 A lot of units and what have you.---Yes.

At the time that went through, let's assume for the moment that there was no requirement to deal with traffic or the like.---Yep, yep.

When the next proposal goes through and creates another large development, that in and by itself may create a need for additional traffic works, correct?---That is correct. However – that is correct. However, the other one across the road was already, most of it was built and they went extra for stage 3 and got 330 units. So that was never imposed on them to
40 fix up the roads. And that was at the same time. The same time. So that's the point I was trying to make by saying it's the same time roughly. Why

would that be enclosed. Now, they can still do it through the VPA mechanism, not a problem. There's a VPA mechanism. It's a legal bribe there. You can do it. Because the question becomes is the sight suitable for, for rezoning? Yes, it is. It should be rezoned. Simple. All these other ancillaries can be done, can be dealt with but, but any proponent of a planning proposal you need to have certainty and, and according to Minister Rob Stokes at the time and, and probably recently when he was the minister he wanted 90 days. He says after 90 days if council doesn't tell you that you've got, you're going to have approval for a planning proposal you send
10 it straight to the department and to the panel. 90 days. This is like we're going to be talking here five years but anyway. So in terms of that they could have still done it as part of the VPA. No one stopped them. It doesn't mean that it doesn't have to happen. You need to give certainty to people to be able to move on and numbers can be thrashed out. So that's my opinion. That's what I felt it was. Now, I could say I don't recall and move on but
- - -

MS HEGER: All right.--- - - - but that's my opinion.

20 Well, that amendment to remove any requirement to address road and traffic infrastructure demands favoured the proponent of this proposal. Correct?
---No, it didn't. It didn't favour them.

Well, it removed another hurdle that they had to jump through before getting the proposal approved.---I tell you there's so many hurdles you've got to go through but it's a small hurdle. It's not a big hurdle because eventually it would have had to be done through the VPA.

All right. Did Philip Uy or - - -

30

THE COMMISSIONER: But a VPA works by agreement, doesn't it?
---Yes.

This doesn't work by agreement. It's an imposition by council so that there's no room, there's no wriggle room so to speak.---Sorry? So you're saying the VPA works by agreement which is correct. Well, it's not by agreement. It's by, by a planner, by a developer putting something up to the council.

40 And the council agreeing to it.---Yeah. If they're agreeing, fine. Well - - -

But here we have a recommendation, or we did have a recommendation that imposed it as a condition so I don't understand the similarity you're drawing, or sorry, I don't understand why VPAs are relevant to this question.---Because you can take the VPA and then use the money to do what you have to do with the traffic. Simple. That's what (not transcribable)

10 MS HEGER: By this time the proponent have withdrawn its offer for a VPA, hadn't it?---Well, probably the reason it was withdrawn because they were putting a hotel there. So the hotel is actually – the whole aim of this, the whole aim, the reason I've supported it and I'll still support it now and I'll support it for a higher FSR is because of the hotel. We need commercial. We need commercial in Hurstville. Now, I was the first councillor ever to quarantine the centre of the city. So commercial no residential. That was about 10 years ago, even longer (not transcribable)
- - -

20 All right. Mr Hindi, I think we're getting off track. If your counsel - - -?
---Yeah, no.

- - - feels it's appropriate to ask you some questions about that in re-examination - - -?---Okay. Thank you.

- - - then he can do so.---Thank you.

I suggest we move on.---Thank you. Okay.

30 Did Philip Uy or Wensheng Liu or Elaine Tang propose the removal of that road and traffic infrastructure demand element?---No. They wouldn't even - - -

Did you remove it to favour the interests of Philip Uy and Wensheng Liu?
---No. I would have removed it to – no.

And I'll ask you the same question about the contamination assessment report. Did you remove it to favour the interests of Philip Uy and Wensheng Liu?---No.

40 All right. You'll see in this version of the resolution there's a reference to a Development Control Plan - - -?---Are we going to have a break or - - -

- - - in the second-last paragraph.---Are we going to have a break or, because I need to go to the toilet.

Yeah. I'll just ask you - - -?---Thank you.

- - - a couple more questions about this.---Thank you. I just need to go to the toilet.

I do appreciate it's time for a break.---(not transcribable)

10

Do you see in the second-last paragraph there's a reference to Hurstville Development Control Plan?---Second-last paragraph. Yes.

All right. And you understood at the time that the purpose of a Development Control Plan is to provide more detailed guidance around the design of the proposed development. Correct?---Yes.

20

All right. Can we go to volume 1.4, page 274.---So this is – okay. So this is the original and then he's done an amendment to it. Is that what you're saying?

Yes.---Okay. I remember that.

All right. So this is another email from Mr Sansom to Mr Badalati and yourself. It says, "Please see final recommendation as sent to Laurie just now." That was the acting general manager at the time. Correct?
---Ah hmm.

30

If we go to the next page. You'll see now there's no reference to a Development Control Plan.---Yes.

Why was that removed?---I, I didn't draft it. Can I - - -

But you agreed to its removal. Why did you agree with its removal?
---Doesn't mean I, it doesn't mean if I voted for it, I agreed to every single paragraphs in that, in that resolution.

Really?---No, it doesn't mean that.

40

You could disagree with part of the resolution but still vote in favour of it.
---Yes.

Is that how you operate as a council?---In, no, in general, you, yeah, you can but in general, you'll say it's, all looks good and so you can move on. However, I can give you an answer or try to, anyway. That, if that had been removed, that may have been in consultation Philip, Mr Sansom would have had with the general manager, acting general manager at the time, probably would - - -

10 Do you know that that happened?---I said I'm only presuming here.

All right. Well, I don't want your speculation on that topic.---You want exact? Seven years - - -

No, no, no. I don't want your speculation on that topic.---Seven years ago, I don't recall.

All right.---But I could tell you why it was removed, if, if it had to be removed. Meryl Bishop - - -

20 No, no. I don't, I don't want to hear about Meryl Bishop.---Why - - -

Why did you decide it was appropriate to remove it if you formed that view?---Well, I can't tell you seven years ago why I did.

Okay. That's fine.---I would have had a good reason why but I don't, can't tell you, I can't think of that now.

That's fine.---Thank you. Thank you.

30 Did Philip Uy or Wensheng Liu or Elaine Tang suggest it be removed?
---No.

Well, it was an amendment in the proponent's favour. Correct?---No.

Well, it meant that there was one less hurdle that the proponent had to jump through before a DA for this development could be approved. Correct?
---Well, if that was the case, why didn't they tell them from day one?

40 Yes or no. Is it one less - - -?---No. No.

- - - hurdle to be removed?---No.

You don't agree with that?---No, I don't agree. It's just standard. That's what happens with planning all the time.

All right. Did you agree to this amendment to favour the interests of Philip Uy or Wensheng Liu?---No.

All right. Is that an appropriate time for a break, Commissioner?

10 THE COMMISSIONER: Almost. Did you circulate this amended resolution to other councillors?---I personally did not because it wasn't my motion.

Okay.---But - - -

And this occurred on or seems to have been drafted on 19 June and the council meeting was on the 20th?---I think the, I think the 20th, yeah, sent - - -

20 And how did it get before council?---Usually, Commissioner, is that if you looked at this email, that's probably dated 20 April, would have been sent to the general manager, who would have sent it to his director of planning or acting director of planning, who would have, and they should, but I'm not sure if they do it or not, they're meant to send it to all the councillors because whatever information one councillor gets, the rest should get, as part of the code, so they would have sent it to all the councillors to have a look at it. On the other hand, sometimes they don't do that. They, they leave this motion ready and when it comes to that item on the night, rather than, for example, Mr Sansom getting up and reading all these things and
30 takes them two hours to type it up, it's already typed up. They'll say, "We've got an alternate motion. There it is," puts it up on the screen, so

- - -

All right. But that suggests that the general manager doesn't have total control over what goes before council?---General manager has total control what goes over council, not amendments to the, to a resolution.

Commissioner, what happens is sometimes if, if you, if you are working with a general manager and you, you're on a good turn with them and with the staff, you'll send it to them ahead of schedule, so they know what's
40 going on, if you get, if you ask questions, they're not being, they're not being surprised by your questions. So you do that. Some, some other

councillors and some other councils don't send anything to any, to the general manager. They get up on the night and say, "I move a, an alternate motion," that's it, one, two, three, four, five, type and they sit there for an hour typing, right, and that's how it works. So you can do it both ways. So if you can trust a general manager in a way and, and the staff you're working with, you send it to them, they have it ready and they put it up.

10 This was left very late, though, wasn't it?---Well, that's what normally happens with a lot of, a lot of alternate motions because there's a lot of going backward and forward, talking to staff, talking to GMs, talking to the director, whether they think it's reasonable, not reasonable, does it stand up. That's basically what it, what it does. That's what you do.

Did that happen in relation to this?---I don't recall because that was, I did not, I did not have any, any communication with Mr, you know, with, with Laurie at all or, I didn't have any communication with them at all about that one. It was all going through Mr Sansom.

20 In fact, it wasn't sent to him until the 20th?---Yeah, that's, well, you don't send them this. It, look - - -

At 4.44.---No, no. I appreciate it. As I said, sometimes you get it at council at 6.00pm before the 7 o'clock meeting, sometimes you get it at 7.00. It's not a problem. All it is saying "there it is here, put it up". However, he may have picked up the phone and spoken to them and says, "Look, I'm thinking of doing this. Can I remove the DCP? Can I remove this requirement?" And he might say, "Let me talk to the director." Well, they don't prefer it, but if you want to do it, you can, there's nothing against it. So that's how the conversation would have gone.

30

Thank you.---Thank you.

SHORT ADJOURNMENT

[11.54am]

THE COMMISSIONER: Take a seat.

40 MS HEGER: Mr Hindi, on 20 April, 2016 you also voted in favour of the VPA for 1-5 Treacy Street, correct?---VPA? Is that for the 11 to 16 storey one?

That was the VPA offered for the modification to the Treacy Street development.---Thank you. Yes, yes, I did, yeah.

All right. And you obviously knew by that stage that Wensheng Liu or his company was the applicant for the 1-5 Treacy Street development?---By that time? Yeah, I may have known, yeah.

10 Yes, you did?---Yeah. Well, it came to me at the council so if the report shows his name, yes, I wouldn't have that's him, yeah.

Well, indeed the report that went to you back in November 2014 identified GR Capital Group as the proponent, correct?---Yes, yes, but I didn't know - -

And attached the company extract, correct?---Yeah. I don't recall that I did know them at the time. Yeah. Yes. I, I, as on April '16, yes.

20 Yes. You knew that it was Wensheng Liu's company that was proponent for 1-5 Treacy Street by that time, correct?---Yeah, Mr Liu, yeah.

All right. And you also knew that was the same Wensheng Liu that you'd spent time with at the dinner in Chinatown and in Tangshan, correct?---I, I'm going to say yes but I didn't really know, put the name to the face, but anyway. Because we know him as Mr Liu.

Well, you suspected it was the same person, didn't you?---Suspected, maybe, yeah.

30 All right. And I suggest to you, for the same reasons I outlined in respect of Landmark Square, you should have declared the extent of your relationship with Wensheng Liu when you voted on 1-5 Treacy Street?---No. Wensheng Liu is, is, is nowhere that comes with conflict of interest at all.

You don't accept the relationship with him posed a non-pecuniary conflict of interest?---No. None whatsoever.

40 All right. You also knew when you voted in favour of the VPA for 1-5 Treacy Street that Philip Uy was involved in the 1-5 Treacy Street development in some way, correct?---Some way, some way, yes, but not directly involved.

All right. Well, I suggest to you you understood by this point that he had some sort of financial interest in the 1-5 Treacy Street development.---No.

No. You didn't understand by this point that his company was the builder for 1-5 Treacy Street?---No.

You didn't understand that he expected to derive some sort of profit from the 1-5 Treacy Street development?---No.

10

All right. I suggest that by this point you considered yourself friends with Philip Uy. What do you say about that?---No. Definitely not a friend.

And I suggest that your relationship with him constituted a non-pecuniary conflict of interest. What do you say about that?---No, because otherwise half of Hurstville would be my friends. No.

All right. You're aware, of course, that Mr Badalati has given evidence in this inquiry that he spoke to you sometime in 2015 and told you he had received a cash payment from Philip Uy regarding the 1-5 Treacy Street development. You're aware of that evidence?---I'm aware of that evidence, yes.

20

Did he tell you that?---No.

He never told you he received a cash payment from Philip Uy regarding the Treacy Street development?---No.

All right. He says that he told you he received \$70,000 in respect of Treacy Street. You say that didn't happen?---Sorry, can you - - -

30

You say that conversation didn't happen?---Sorry, sorry, I didn't hear the - - -

He says he told you he received \$70,000 from Philip Uy regarding Treacy Street. He never told you that?---No. The conversation never happened.

All right. His evidence is also that you ultimately admitted that you had received a similar amount from Philip Uy relating to Treacy Street. Did you tell him that?---No.

40

Did you in fact receive a cash payment from Philip Uy regarding Treacy Street?---No.

All right. Well, I suggest to you, in light of Mr Badalati's evidence, Mr Hindi, that you did in fact receive a cash payment from Philip Uy in respect of 1-5 Treacy Street. Do you deny that?---Yes.

You never received any sort of payment from Philip Uy in relation to 1-5 Treacy Street?---No.

10

I suggest also that in light of that payment you felt a sense of obligation to vote in favour of the 1-5 Treacy Street development on 20 April, 2016. ---Sorry, development or the VPA?

The VPA.---VPA. I had no obligation whatsoever.

All right.---I voted on its merit.

20 In May 2016 you also voted in favour of the Treacy Street development as a member of the JRPP, correct?---That's not the first one. Okay. That's the, did you say May, what date, 4 May?

4 May, 2016.---Yeah, I may have, yeah.

And you and Mr Badalati were in the minority on that occasion, correct? ---Correct.

The development was ultimately rejected by the JRPP, correct?---Ah hmm.

30 Correct?---Yes, correct.

And I suggest to you again you should have declared your relationship with Philip Uy when voting on that development on that occasion?---Philip Uy? No. I had no conflict.

And I suggest you should have also declared your relationship with Wensheng Liu.---No.

40 And I suggest you also voted that way partly because of a sense of obligation arising from a cash payment that Philip Uy had made to you. What do you say about that?---That is untrue. No.

All right. On 9 May, 2016, you attended another dinner in Chinatown, correct?---I don't recall that.

All right. Well, Mr Dickson has given some evidence that you did attend such a dinner. Do you deny that?---I don't recall it.

All right. Mr Dickson's evidence is that Mr Badalati attended, as well as Philip Uy and Wensheng Liu.---I don't recall that. It's his evidence, fine.

10

All right. And I suggest to you that one of the reasons for that dinner was to celebrate the success of the Landmark Square planning proposal.---So when did we vote on the Treacy Street? 4 May?

4 May, 2016.---They just lost five storeys and we're celebrating? But anyway, I'll say no. They just lost five storeys.

Well, I'm suggesting to you that you were celebrating Landmark Square, which was successful on 20 April. Do you dispute that?---It wasn't, it's got, I dispute that because we only make recommendation to the Department of Planning. We don't approve things. So this is nothing. This is a recommendation to go to the Department of Planning, which subsequently overturned it.

20

All right. In May 2016, and this is after council was dissolved, you signed an agreement with China Liu, correct?---Mmm, yeah. I don't recall it that well but I, that's, that's how many years, six years?

That was an agreement you signed through your company Variable Solutions, correct?---Oh, yeah, something that I opened up, just, yeah.

30

Yep. And that related to the establishment of a waste-to-energy plant in New South Wales, correct?---Yes.

Can I show you volume 1.5, page 114. That's part of Exhibit 128. This appears to be an estimation of fees for Variable Solutions Pty Ltd.---Ah hmm. Ah hmm.

And do you accept it's an estimation of fees relating to the establishment of the waste-to-energy plant in New South Wales?---Well, if you let me read it, then I might be able to tell you. Is that okay?

40

Sure, take the time to read it.---Okay. Yeah.

So you accept that's an estimation of fees for the work you proposed to do in respect of the establishment of the waste-to-energy plant in New South Wales?---That was given by an expert and we just added our, our, a bit of margin on it. That was given by a professor, Macquarie University, I think, from my recollection. He gave us figures and we - - -

10 All right. So a professor, and you don't need to name that person - - -?
---No, of course not.

- - - gave you an estimate of the fees for their work, and then you used that information to prepare this document, is that right?---Yeah, we prepared that, yeah.

When you say "we", who was that?---Oh, probably my, my son helped out a bit.

20 Is that why his email address is at the bottom of this page?---Maybe because he's more accessible than I am 'cause I don't read all my emails when I've got a full-time job and I, demanding, everything else that goes with it. So it doesn't mean that he was involved, he just, he just gets that and helps out a bit.

All right. It was proposed that he be the contact person in respect of this project, is that right?---Yeah, actually, oh, no, only for, I think for the initial part of it, you know, trying to identify a site and all that. When he gets to the nitty-gritty, it'd be me. But if you notice the name of the company,
30 Variable Solutions by sine wave, it reflects an electrical engineer. That's what the sine wave is there. So it's all mine. That's why you've got a sine wave in there.

All right. Did you actually issue this estimation of fees to China Liu or his company?---I do not recall.

Well, you wouldn't prepare it just to keep it for your own purposes, would you?---I mean, probably would have, but I don't recall.

40 So it's likely you did issue it to China Liu or his company?---I don't recall.

All right. And so can you recall when you prepared this estimate?---No, I don't recall.

Likely sometime after you first signed the agreement in May 2016?---In May, sorry, when?

You signed it first in Australia in May 2016, correct, the agreement?---Yes.

And then you travelled to China in June 2016.---Ah hmm.

10

Is it likely you prepared this estimate between those two dates?---I think it's, I, I don't recall but I think it's post-June, after we signed the agreement in China, because he had an agreement there. So, because the only reason I'm saying that, because it seems to identify a site, two sites. Otherwise I would have said no, any time. But because that identifies the sites we were actually trying to get work happening.

Yep.---That's the reason.

20 And so at this time you expected that Variable Solutions would be paid in the order of 795,000 to \$905,000, is that right?---Probably would be expected to make probably 10 per cent of that, that's all, yep.

And the balance would go to the experts that you engaged, is that right?
---Oh, of course, yes, yes, that would be an answer to the Commissioner.
What do I know about it? That's what you do, you get people to do it.
That's what you do.

30 Okay. So at the time you issued this estimate, you expected that you personally – or Variable Solutions – might be paid around about 80 to \$90,000, is that right?---No, not necessarily. We start with the first one initially. You've got to find the site. So you don't get paid those in one hit.

No, but if you did all this work - - -?---If I did, after three years, four years, after - - -

- - - you expected you'd be paid 80 to \$90,000, correct?---After three years or something, when you get the EIS and you get the approval, which takes four years, five years, it would be.

40

All right.---That's just – that's not an agreement, that's not signed, that's nothing. Just been given. You might say, "Get stuffed, I'm not giving you anything. I'm not going to pay you nothing."

All right. Was it really your expectation you'd only be paid that amount after three years, once the development was finally approved?---Well, when it says, if you look halfway through the assessment of the department, as I said, I, I don't recall 'cause it was given by a professor that wrote all this, but if you looked at the assessment by the Department of Planning, 400 to
10 500, that could take forever before you get your money.

I understand. Well, was there any agreement with China Liu to be, for Variable Solutions to be paid progress payments along the way?---No, nothing, zero. And nothing was paid.

All right. Well, China Liu did in fact visit a potential site in July 2016 for the waste-to-energy plant, correct?---What date, I don't know. I don't recall.

20 Well, he visited a potential site in the west of Sydney at some point, didn't he?---I don't recall.

Well, does this jog your memory? Mrs Hindi drove him out to that site. Are you aware of that?---As I said, I don't, I don't recall but it may have been, yeah. I don't recall 'cause I wasn't there.

You don't recall any discussions about identifying that as a potential site?
---No, identifying the site, yeah. But there was so many sites she was
looking at for potential. He wanted a much bigger site, but then he was
30 happy to start with something little and then progress.

All right. And that site was near St Marys, was it?---Oh, that's what it says there in the - - -

In the estimate of fees.---Yeah.

Do you understand that the site referred to in that estimate of fees is the site that Mrs Hindi took China Liu to?---If it is, fine, yeah. I don't know what, I don't - - -
40

You don't know?---I do not know 'cause I was at work. I wasn't dealing with these things. But as I said, I will only get into it when it becomes into the design into, into construction what we're going to do, who do we get for design, how do we get the government involved, how do we get all that – that's when I get into it. That's my forte. My forte is not to go and find a, a land and deal with the real estate agent.

10 All right. So what work did you actually do pursuant to this agreement with China Liu?---What, where's the agreement? Can you show me the agreement, please?

You don't recall the contents of the agreement that you signed?---No, of course not. That's six years ago.

20 THE COMMISSIONER: Do you recall signing one?---I don't recall signing, I recall signing it in China, yeah, absolutely, there was a big, you had a government minister there, we were there, there was people witnessing that, there was the whole government officials, there was photos, there was – so there's a lot of that that I recall that over there, yeah, absolutely.

MS HEGER: All right. Well, I can - - -?---So I don't, but I don't know what exactly it says I had to do but, I don't remember it.

Well, at the moment I'm not asking you - - -

30 THE COMMISSIONER: Was Mr Badalati there at that - - -?---No. Mr Badalati was not there because I, I had chosen not to take him or get him involved in the waste-to-energy, even though he may be interested but I, I chose at the time not to because I thought I'll just see what happens. I'll do it myself and see what happens. And council had been dissolved at, at that stage, so I thought it's a good opportunity to – so just to get it clear, council was dissolved so, and I wasn't a councillor and I was not on the committee as well of councillors that were re-put on the council.

40 MS HEGER: All right. I understand that. So at the moment I'm not asking you what the agreement actually contained. I'm just asking what work did you do on this potential waste-to-energy plant?---Well, well, you're probably trying to make it sound like this is two-days' work and that's it and then you haven't done much. It's, this, this - - -

I'm not trying to make it sound like anything, Mr Hindi. I'm just asking you what work did you do. Please answer the question.---Okay. But you saw what the work we did. We actually went to try to identify a site first.

All right.---And by identify it, once you identify the site and then you put a deposit on it and you get it happening, then you get the designers and then you start getting the government, whether it's there right spot, then you start dealing with the ministers to see if it's - - -

10 All right. And how much of that did you actually do?---Yeah, we looked at the sites.

You looked at the sites. All right. What other work did you?---You can't do anything until you look at the site.

THE COMMISSIONER: No, please just answer the question.---Sorry. You can't, my apology, you can't do anything until you look at the site.

20 MS HEGER: I understand that. But once you'd looked, you did – well, you didn't personally but China Liu did go and look at a site.---Yeah, yeah.

All right. Did you do any other work on this potential waste-to-energy plant?---Did I do any other work?

Yes.---Yes, I did some research.

All right. On the internet?---I don't know. Did it at work, did it at home, I don't know.

30 THE COMMISSIONER: So you did research but you don't know - - -?
---Yeah.

You don't know what research?---I don't know what, it's to do with waste-to-energy, kitchen waste. I looked at the old one up in Auburn to see how they do theirs, and others and so I was just looking at that. Because I was anticipating that once the site is identified and China Liu has committed to it, then I would be taking him to introduce them to more government officials and, and, and, to see what we can do and I, I won't mention the minister's, the other minister's name, that was the Environment Minister at
40 the time, I took him to meet the Environment Minister to be able, and when we spoke about the waste-to-energy, the Environment Minister was very

happy with it. He said “It’s a great idea. Bring it to my office and this is a terrific idea if we can get it happening.” So everyone was excited about it and because you can’t find anybody in the street to do it.

MS HEGER: All right. And without naming the people you met with, did you have any other meetings about the potential waste-to-energy plant?
---There’s no need to meet until you get the, until you get the sites.

10 Okay. So the answer is no then?---Well, well, you can’t because there’s a process. You’ve got to go - - -

No, I understand that. I’m just asking whether there was or not.---No. Sorry. My apology, no, no.

All right.---It’s making it sound I’ve done nothing and therefore that was just a side issue. No, it wasn’t. It was real, fair dinkum, but you can’t do things until you start, there’s steps you’ve got to follow and we started following the steps but as of, I think, August from memory or something or end of that, we didn’t see the guy anymore.

20

All right. So the work that you - - -

THE COMMISSIONER: But did that go beyond going out to the site?
---Yes. Absolutely. As I said, I was doing research, I started talking to ministers, I spoke to people. “Where do you think we should have it located, what do you think we should do?” “That’s a great idea. Show us the technology.” That’s how it works. But then again, sorry, Commissioner, by the time, we’re talking here June. By the time we got to August/September, the guy is not there. So what do I do? Go and keep
30 looking for it and spend a billion dollars myself? I can’t. So he decided not to continue the – a lot of these business ventures don’t eventuate, people leave but you’ve got to give it your best, you’ve got to give it your best shot. You’ve got to try, you’ve got to hope and if it doesn’t happen you just move on.

MS HEGER: All right. And for that work that you did do, were you paid anything?---Zero.

40 Did you ask to be paid for something?---Zero. Because when you go into a business venture with someone, you don’t ask them to pay you. You’re going into, as you want to be equal basically. Not equal as in putting the

money but you'd be able to, you've got some, some capital behind you to get you started. Not a, somebody's got no money and you've got to keep them for money.

All right.---But mind you, it cost me, sorry, it cost me money to set up the company, it cost me money, a lot of that stuff and I had to close it all down because it didn't eventuate.

You then travelled in June 2016 to Tangshan with Mrs Hindi, correct?

10 ---Yes, I did. And with a senior minister of the government.

Yes. And then you attended a signing ceremony in Tangshan, correct?

---Yes, and it was witnesses by the senior minister of the government.

All right. And you signed the agreement again regarding the potential waste-to-energy plant in New South Wales with China Liu at that ceremony?---I, I'll be honest with you, I don't know I don't know whether it was the same but they put something in front of me, it's very similar, I said, "Yeah, I'll sign it. Yep." And we signed it on the stage where was so many
20 people from different countries were doing the same thing,

All right. You flew, and you and Mrs Hindi flew business class to China on that occasion?---Yes.

And the tickets were initially paid for GR Capital Group. Correct?---That's not correct.

Well, have you seen the evidence given in this inquiry - - -?---Yeah (not transcribable) evidence.

30

- - - about the accounts of GR Capital Group?---I've, I've, I've seen - - -

Did you see that?---Yeah, I've seen it.

You've seen those accounts?---Doesn't mean anything. So what? That's just a cash account - - -

Well, that suggests that GR Capital Group at least initially paid for your
- - -?---Yeah.

40

- - - and Mrs Hindi's airfares to China. Correct?---Absolutely. If they did, they're fine, because they actually booked, the ticket was booked through Elaine and, and, and that and it was sent to Mireille, so, yeah.

All right. Did you and Mrs Hindi ever reimburse for those flights?---I asked, I, I asked Mrs Hindi and she says, yes, she has reimbursed Faye for the flights. Now - - -

10 When did you ask her that?---I think, I don't know, was it, don't recall when, probably before we left, I don't know, before we left - - -

Before you left for China?---Yeah. At, at that time, I've got to make it clear, I, I wasn't interested in whether she paid or didn't 'cause I wasn't a councillor, so it didn't worry me. I wasn't worried about anything.

20 And so given you weren't a councillor, why were you even concerned to ask her whether she'd reimbursed for the flights?---Well, it's very important that if you want to, if you're thinking of venturing on a new business, business venture and you want to be seen as if a man who'd got reasonable weight behind you, you can't allow the people to pay for, why don't I pay for him when he comes to Australia? What's the difference? We're now doing a business venture together.

THE COMMISSIONER: But he did pay for it, and then you - - -?---No, sorry?

30 I know you say you reimbursed him but he did pay for it. There was no reason why you or your wife couldn't have organised the flights yourself, is there?---Well, Commissioner, I don't, my, I'm going to say it and my wife's going to probably get upset with me, because at that time, her brother [REDACTED] and she doesn't want that disclosed. And she didn't have time to book it herself, so it was booked for her and by the time she had the chance, she wasn't even going to go. We were actually going to cancel the, the trip [REDACTED] And then she eventually, eventually Elaine withdrew, her company, whatever, Elaine or Chris or whatever, booked it, they sent it to us and we said, "It's already booked. We can't say no," so just reimburse Faye and that's it. Allegedly, he seems to be working on the waste-to-energy, so they'll give it to Mr, to China Liu, 40 that's - - -

You could have booked?---I was at work, busy. I don't do these things. I don't deal with money at all. I don't deal with these things. I'm busy at work, so she does all that and because she was going through a lot of hard times, she, and, and probably you'll see text messages between them, where she's saying have, have you booked, are you going to do this, what's happened, just, just didn't get a chance, so it wasn't done. I, I don't see a problem with someone booking, when people go to Lebanon, sometimes I book it for them and they pay me cash and I move on, a lot of people ask. But I wasn't a councillor, so I wasn't that fussed but she did tell me she paid him.

MS HEGER: And are you sure that you had that conversation with Mrs Hindi before you left for China?---I don't recall exactly but I think I have, to the best of my - - -

Well, is it, in fact, the case that you had that conversation with Mrs Hindi after the evidence was adduced in this public inquiry that GR Capital Group had paid for the flights?---Sorry? What was that?

20 Did you, in fact, only discuss this topic with Mrs Hindi after evidence was adduced in this public inquiry that GR Capital had paid for the flights?
---There was no, nothing discussed about this inquiry.

Are you saying you've not discussed this public inquiry with your wife since it commenced?---I'm saying, I'm saying I did not discuss that issue with my wife since the public inquiry has started.

All right. You and Mrs Hindi have, from time to time, watched the live stream of the public inquiry together, haven't you?---Yeah. Once or twice, yeah.

30 And did you sit in silence, the two of you, while you were watching that live stream?---Absolutely. Yes.

You and Mrs - - -

THE COMMISSIONER: Why was that? Why did you sit in silence?
---You're not allowed to comment on what's, what's, what's been said, Commissioner. So we just sit there and listen. That's it. And, and, mind
40 you, Commissioner, I had my legal representative there. You think they're going to allow me to talk and discuss things, evidence?

Well, I don't know.---Well, if you don't have confidence in the legal team, that's different, then.

MS HEGER: Why did you need to watch it together if you weren't going to discuss it as it was happening?---We could have gone down the pub and watched it and discussed it, so what are we trying to hide? We just, she's just happened - - -

10 Just answer my question, though.---I'm answering, sorry.

Why did you need to watch it together if you had no intention of discussing it as it happened?---Because it just happened to be convenient once or twice that she couldn't go to her lawyer she just came in and sat down, sat in the office.

THE COMMISSIONER: Was her lawyer in the same building as your lawyer?---No.

20 No.---No. I mean I - - -

MS HEGER: You could have easily watched the livestream separately from your own devices, couldn't you?---No, you can't.

Why is that not possible? You have an iPad, don't you? You have a computer.---No, you can't.

THE COMMISSIONER: Why?---Because, because you don't get to see the evidence. That's the difference.

30

MS HEGER: All right.---Okay. So thank you.

Well, that is a difference.---Yes.

So you could have easily watched the livestream with your legal representatives and Mrs Hindi could have watched it with her own legal representatives. Correct?---But she can't sit there every day for eight weeks paying money to watch it with somebody so she just came and sat in the room. I don't see an issue with that. I could have gone down to the pub and
40 watched it. I'm just saying I don't see an issue.

All right. Well, I find it very difficult to believe - - -?---Yes.

- - - that you and Mrs Hindi never, not once discussed the evidence in this public inquiry as you were watching it. Is that seriously your evidence?
---Absolutely. We don't discuss it. I mean you discuss, you don't discuss anything. You're listening to what's being said then you're like mmm. But you can't discuss evidence that's been given or about to be given so, and, and especially in the presence of two legal, senior legal counsel. I won't issue names but especially in front of that. They would never allow it to
10 happen, to even discuss a word.

All right. Well, did you and Mrs Hindi discuss the evidence that had been given in the public inquiry once you got home?---No, because it we're so tired we can't even be bothered talking to each other.

Not once have you and Mrs Hindi discussed the evidence given in this public inquiry. Is that seriously your position?---My position is if we have discussed anything, and I don't know if it's the right word call discussed, but if we talked about it would be what's in the newspaper, what's out
20 already in the public.

Yes.---But not comments about, not comment about what is said and not said, yes, ever. Look at the newspapers so, okay.

All right. Well, did you ever, having heard or read about what had been publicly said, say to Mrs Hindi well, that's not right?---I don't recall that.

You must have done at some point.---Why would I say it to her and not to somebody else? I had my legal team. I'll talk to them. I don't understand.
30 But you live with Mrs Hindi, don't you?---Yes.

You see her every day.---So? I see my kids every day. I see my, my legal team every day. Actually my team, my legal team is my family now so I see them every day.

I understand that. You never not once during the course of this public inquiry said to Mrs Hindi I know this person has given that evidence. That's wrong. That's rubbish.---I don't recall. I don't recall doing it.

40 THE COMMISSIONER: Surely you recall that. We're talking about - - -?
---I don't recall it, Commissioner. I don't recall doing it but if I said no, no,

no and then you're going to say oh well, you said hello once and you shouldn't have said it. So I'm just saying I don't recall it exactly.

Please don't play games.---Okay. You think it's a game, is it?

10 It's been put to you that it's highly unlikely that you did not speak to your wife.---That's not true. As I said, we discussed things that is in the public openly as a newspaper or something like this but I don't think, recall discussing what evidence you're going to give or gee that is bad and that is, that's not true or whatever. You don't have to, if you lived with somebody you'll know, Commissioner, that you don't have to get the words out of their mouth to know what they're thinking.

I don't have that ability but - - -?---Well, you don't. I do.

MS HEGER: So your evidence is you may have discussed what had been said but neither of you commented on it at any point.---No. No. No comment on it.

20 THE COMMISSIONER: Was there a reason for that?---It's because you're not allowed to discuss evidence you're going to give to the Commission or, I had, I had, sorry, Commissioner, I had the ABC down there trying to get a comment and I made it clear I'll talk to you after the inquiry. I can't talk to you now because I'm not allowed to discuss it at all.

Ah hmm.---And they said, "Oh, thank you for that." I said, "I can't discuss it. Not allowed to say a word." And they said, "Fine." So it's (not transcribable) I don't know.

30 MS HEGER: All right. So getting back to the trip in June 2016. Your position is that you and Mrs Hindi paid for return business class airfares to China on that occasion.---Yes, that's what she told me. I didn't see it but that's what she told me.

All right. And you also paid for your own accommodation. Is that right?
---I don't know.

40 I just find it a bit difficult to understand, Mr Hindi, why you and Mrs Hindi would be willing to incur such a significant expenditure to travel to China for the second time.---Ah hmm.

Tangshan for the second time in the space of a few months. Can you explain that to me?---I can.

All right. Please do.---You've just seen the itemised schedule that I could get money out of, \$800,000 you've just said so a \$6,000 investment is not much if I'm going to get that much out of it. For example, that's only the start. So in businesses you've got to outlay money. Why would someone invite me to China? I'm sorry, I wasn't a councillor, I was nobody. Why would I be invited to China? That's why I had to bring a senior minister
10 with me to sign the agreement and to witness it and to meet their, their, their, their governor over there and vice-governors.

Is it your habit to fly business class when you go overseas?---No, it's, it's not really my habit. However, and as I said earlier in my evidence, that we didn't, Mrs Hindi didn't book the flight in time, so it was booked for her. And what is she going to say? It's already booked business class and I want to be a cheapskate and I'm not going to do it? She said fine. The problem is she didn't book it in time. She was not going to go and I was not going to go. But because they booked it, it's been committed, we said, okay, we'll
20 just, just have to deal with it. But you don't say to people, well, it's not my habit, I don't, I'm not that rich to fly business class. But sometimes I do. Doesn't mean that.

THE COMMISSIONER: Were you still working with Ausgrid at that time?---Oh, what date, you're talking '16? Yeah, yeah, I was working Ausgrid and on the front page of every paper, yes. And I was in NCAT trying to overturn the suspension and everything else from council. But I wasn't on council.

30 MS HEGER: All right. Can I move forward to July 2016 and show you Exhibit 147. It's volume 2.15, page 40.---July, sorry, July.

So this photograph was taken on 21 July, 2016. What was the purpose of this dinner?---I didn't look happy, did I? I think that's July 2016, I think this is probably going to China Liu's – that's what we, China Liu's house to have a bit of dinner because we've signed an agreement in China. That's after the signature, isn't it? Or before?

This is after the trip to Tangshan in June, yep.---Yeah, so, yeah, so we,
40 we've just gone in there, signed an agreement and we're going to start working.

All right. Who invited Mr Badalati?---Oh, China Liu.

And why, on your understanding, was Mr Badalati there?---He's a former mayor so it's good to invite former mayors. I mean, if China Liu can invite, China Liu can invite former ministers and former MPs and former treasurers, he'll invite them too.

10 THE COMMISSIONER: But is this, was this photo taken in Australia or in China?---In Australia, in Sylvania I think somewhere.

20 Yeah, well, why would it be important to have a mayor, an Australian mayor at a dinner in Australia?---I think, Commissioner, once you start sitting in the, in the, in the seat of Chinese investors or Chinese businessmen, like in China, they all want to be surrounded by the politics. The government is everything in China. So you can be a lousy councillor, as long as they give you a title. Title works, that's all you want, nothing else. So here's a title, former mayor, or maybe it's an emeritus mayor at the time anyway. So be an emeritus mayor. I was nobody. I was just a former
20 councillor. But I was still a former mayor so people invite you. But I was there because I wanted to talk about waste-to-energy and he's – I guess hospitality. I mean, let's get it right. He'd gone to my house in, in May and in, and then I invited him August I think after that one. So I paid him back, I don't know. You know, I don't know.

MS HEGER: Who is the woman sitting to your right?---It looks very good-looking. Must have been my wife. Can't see her face, but her hands look, I can see.

30 All right. And by this point Wensheng Liu still had nothing to do with the potential waste-to-energy plant, correct?---Yeah.

Why was he there?---He's inviting a friend. Why is Badalati there? We invite a friend.

All right, well - - -?---I told you there was other people there but it wasn't showing on the photo.

40 THE COMMISSIONER: Who are they?---I don't know. I don't recall, Chinese people. It wasn't, it's not, that's not in the photo.

MS HEGER: Well, the more likely explanation for all of these people sitting around the table was that you were discussing the Landmark Square planning proposal.---What's there to discuss when I'm not a councillor and I don't have any say? I wasn't even on the committee of the – it's called the Reformed Committee, which Councillor Sansom was there, sorry, Mr Sansom was on it. Badalati and I were not on it. And there was heaps of other councillors are on that committee, so they can have a say to the administrator, they can discuss the planning proposal. I can't because I wasn't on that committee. And that was for 18 months. I wasn't - - -

10

But at this point you were contemplating running for re-election to Georges River Council, correct?---No.

Had you made a decision in that regard by this point?---Well, I didn't have to make - - -

As to whether you would run or not?---I didn't have to make it, it was made for me at the time, at that time you're talking about. It was made for me. I was in front of NCAT being suspended not to be able to run in the Liberal -

20

No, but you were trying to set that aside, weren't you?---I was trying to but, but it didn't get set aside until later on.

Yeah, but you still hoped that you would get it set aside and that you would be able to run for re-election?---Well, that's night-time true because Liberal Party might not be able, might not preselect me.

In fact, that's why you were progressing the matter through NCAT because you hoped to be re-elected to Georges River Council, correct?---No, that's not true, you go to NCAT to clear your name. That's what you do. You go up for defamation to clear your name, not to run for council. That's the same thing.

Right. So is your position that by this point, 21 July, 2016, you'd decided not to run for re-election to Georges River Council?---By that date I had no intention of running because I was already being battered and bruised from, from pillar to pillar through The Sydney Morning Herald and through the local paper every week, every day, an article about me for the past year or two years. Who's going to vote for me? So I had to clear myself at least, not, not clear – sorry - - -

40

Did you convey all of that to China Liu?---No, I didn't. I didn't have to. You didn't have to convey that, he can read the paper. China Liu probably doesn't know how to read it but can, can I make it clear, it wasn't for me to clear my name to run. It's very, very important because I had a very good position in, in Ausgrid as a project director on one of the biggest projects in here, and for me to have my name splattered everywhere and looking to be suspended, that's what I had to clear at least to be able to keep my job, not to worry about council that gives you nothing. It's this job that I was
10 worried about. That's what I was clearing it.

And at this dinner did Mr Badalati discuss whether he intended to run for re-election to Georges River Council?---I don't know. He doesn't discuss these things with me.

All right. Let's move forward to 2017. You attended a meeting at Addisons on 15 June, 2017, correct?---Who?

Addisons Lawyers.---Addison?
20

On 15 June, 2017.---I don't recall but if you show me something I'll probably recall.

Well, there's been evidence given that you did in fact attend that meeting. You don't dispute that, do you?---I don't recall.

Well, let's see if this jogs your memory. Around this time One Capital Group was seeking advice from Addisons Lawyers about the Landmark Square planning proposal and you and Mrs Hindi attended that meeting with
30 Elaine Tang and Philip Uy. Does that jog your memory?---Doesn't jog it but if it's, if that's what you're saying, if, if it's recorded, it's recorded.

All right. Well, I think Mrs Hindi's evidence was that you came along to that meeting. Do you accept that?---She has a better, she has a better memory than me. She's younger than me so she can have a better memory.

And did you stay for the whole meeting or did you leave partway through?
---No, I left partway through. I, I don't recall but I, from, from what I've been seeing, I think I left partway through. I just started for about, I don't
40 recall, I mean - - -

You actually don't have a recollection of whether you stayed for the whole meeting or not, do you?---I, no, no, I, I don't have a recollection but when I started looking at what you've put in front of us and what was said, I left, I probably left about after 10 minutes or something.

THE COMMISSIONER: How can you say that when you can't recall the meeting?---Because I've just seen the evidence that was put in front of me, that my name was not on that list.

10 What list?---The, can we have a look at the attendance list of that meeting?

MS HEGER: You're referring to the Addisons file note?---Yes.

I can confirm that you weren't listed as an attendee on that file note.---So there you go. So, where do I go? I, I, I don't recall but I, either myself or my wife were recommended Addison through a, a through a professor. He said, "Addison are good, they've done Barangaroo. Use them." And I said, "Go and see them." So if I did go and I did walk out before the main part of the meeting is because, just so, so I could get to know Addison for future
20 references.

What future reference?---What? There's plenty of development that I can be dealing with. I'm, I'm the biggest developer in Hurstville according to the papers. So I might want to use them for myself and if someone's arranging a meeting, might as well go.

THE COMMISSIONER: Is that your explanation for being there?
---Absolutely and that's why I walked out. It's, according to that, my note's not there, my name's not there. So if I'm not there how they can I say I was
30 there?

So you went there because you might want to use them?---Yes.

Wouldn't you have wanted to sit down and listen to what they had to say to work out in your mind whether they were any good?---No. We went there for 10 minutes. They gave us, they told me what they worked on, Barangaroo and this and that, and I said "Thank you." They told me.

And that satisfied you?---Yeah. What, do I need to get their - - -
40

Don't ask me questions. Did that satisfy you?---I was, yeah, I asked them for their degree and they, and they didn't actually show it to me, but anyway. I mean, they, they've worked for Barangaroo, that's what they did.

MS HEGER: So now you recall what the Addisons Lawyers said in the meeting, is that right?---I don't know about the meeting. I said, I'm now recalling that I went there.

10 And that they said they worked on Barangaroo?---Because somebody else told me they work on Barangaroo.

Well, you need to be a bit more specific, Mr Hindi, in your evidence - - -?
---Okay. I don't recall.

- - - because sometimes it's unclear whether you're saying you observed somebody to say something or somebody else has told you that they said it years later.---Okay. Okay. Yeah.

20 So when did you find out that they worked on Barangaroo?---I don't recall.

All right. And who invited you to attend that meeting?---Either, either Philip Uy or Mireille. I don't know. Either of them, could have been. One of them invited me but I knew about Addisons, so - - -

And you understood they were inviting you, so that you could provide some advice on how council might deal with the Landmark Square planning proposal, didn't you?---Yeah, I'm going to the best lawyers in the world, I'm going to give them advice on how to progress the application. No, it's not true. We had the best lawyers. That's the whole aim of them.

30 No, but you were a person who had served on Hurstville City Council for many years?---Yes.

You had been involved in making decisions on this very planning proposal. Correct?---Yes.

40 You had a unique insight to offer to the meeting as to how the proposal might progress in the future, didn't you?---No, because the department overturned it, so, what we did was all thrown out, so I don't know anything about it. The Department of Planning and Environment overturned the whole thing.

They sent it back for further consideration and as a result, it was working its way through council, still. Correct?---Yes.

Yes.---Yeah, it doesn't look like I have plenty of expertise if it was overturned, so I'm not going to give them much expertise. They're the experts. That's why you go to the experts.

All right. So you're denying you were there to provide any sort of - - -?
10 ---No. Absolutely.

- - - advice on the Landmark Square planning proposal.---No. No.

Is that right?---That is true. I was only just, from my recollection, I was there just to get to know the people and so on.

THE COMMISSIONER: You'd been a developer for some years?---Sorry?

At that point in time, you'd been a developer for some years?---I mean, I
20 don't know what, what's your definition of a developer, Commissioner, but
- - -

Well, it's a word you've been using throughout your evidence, so - - -?
---No, no. Sorry, Commissioner. I was telling what the newspaper has been saying about me. I didn't say I'm a developer. I said the newspaper has been saying I'm a developer/mayor. That's what they've been saying about me.

Well, were you involved in developments?---If you knock the house down
30 and built another one, yes. But if you built a high-rise or you built multi
units, no.

Right.---So - - -

Did you have your own solicitors at that point in time?---No. I don't him.
I'm, if you're knocking a house down, you don't need a solicitor.

No, that's true, well, it may be true.---Well - - -

40 But you didn't have a solicitor, a family solicitor, for example?---I do have
but I don't use them.

And who are they?---I can't mention their name here. Sorry, Commissioner.

Who are they?---What do you mean who are they?

What's their name?---I'm not going to mention it. I can't. They've got nothing to do with this inquiry. You - - -

10 I'm going to ask you one more time - - -?---Well, you can take me to, you can put me in gaol, I don't care. I'm not going to mention it.

I'm going to direct you to answer my question.---I don't know what his name is. I don't recall.

MR CORSARO: Commissioner, can I just, might I just invite you to ask him to write the name down and to show it to you?

20 THE COMMISSIONER: No, I don't propose to do that because I cannot see why it will have any bearing on their reputation or what have you. As far as I, and I'm not used to being told that somebody's not going to answer a question. And I've directed it and he's going to answer it. And he should bear in mind that if he doesn't, he can be up for contempt. And I direct you to answer that question. Who are the solicitors?---Memcorp.

Spell that for me, please?---M-e-m-c-o-r-p.

Thank you.---But I don't use them.

30 Very well.---I don't know why you're doing that to me, but, anyway.

Beg your pardon?---Sorry.

What did you say?---I said I don't know why you're doing it to me for, I mean, it's, it's, we're getting my family involved. Maybe I talk too much, I guess. Sorry, Commissioner. Yeah. I apologise for saying what I said earlier but I just don't want my, my family to be involved, that's all, like, other witnesses said the same thing and you've respected that.

40 Memcorp aren't members of your family, are they?---Sorry?

Memcorp aren't members of your family?---Yes.

They are, are they?---Yes.

Right.

MS HEGER: Isn't it the case that you were, in fact, asked to leave that meeting at Addisons because someone was concerned about a former councillor being present at the meeting?---Maybe.

10

Do you have a recollection of that?---No.

All right. You were, in fact, re-elected to Georges River Council in September 2017. Correct?---Yes.

And at what point did you decide to run for re-election?---I don't recall.

Well, it must have been a few months in advance of September 2017, correct?---I don't recall.

20

What made you change your mind?---Oh, I cleared my name. I thought - - -

I'm sorry?---I overturned the suspension.

When did that happen?---I don't recall. It's probably the end of - I don't know, don't recall.

Did the tribunal actually make a decision to that effect?---I think so.

30 All right.---It's probably the end of, it's November 16, so December 16, something like this.

Ah hmm.---But my reputation was tarnished so it wasn't like easy run for me to run. I had to run.

Yeah, so why did - - -?---Plus - - -

40 - - - why did you decide to run? Why did you change your mind?---Why did I change my mind? I don't know what I was thinking at the time, but at - why did I decide to run? Well, I thought if Liberal Party preselects me,

I'll run. They don't preselect me, I don't run. So that's how I sort of – the Liberal Party felt you're, you're all right, you run. If they say no, no.

No, but why did you decide to put your name forward at all?---Oh, why did I put my name?

In circumstances where you made a clear decision not to run back in July 2016?---We're allowed, we're all allowed to change our mind.

10 Oh, I don't doubt that, Mr Hindi. I'm just asking you why you did.---I don't know. I can't, I don't, I can't tell you what I was thinking at the time, what made me and how I did it and what influence it had on me to run.

Okay. You now know that One Capital Group sold the – well, I withdraw that. You now know that the Landmark Square property was sold to Prime Hurstville in late 2017, correct?---Yes.

Did you find that out around that time?---Mmm, I heard something along those lines, yeah.

20

From whom?---I don't know.

Were you also aware around that time, that is late 2017, that One Capital Group had an agreement with Prime Hurstville whereby One Capital Group would be paid an amount by Prime Hurstville upon the gazettal of the Landmark Square planning proposal?---No, I wasn't.

Did you subsequently become aware of that agreement?---The agreement I became aware is at the public inquiry.

30

That's the first time you heard anything about that agreement is in the evidence given in this public inquiry?---Yes. Absolutely, yes.

All right. Were you aware around this time, late 2017, that Mrs Hindi had prepared a draft conjunction agreement with Taylor Nicholas in respect of the Landmark Square property?---No.

She never mentioned that to you?---I don't recall her mentioning it to me, no.

40

Did she ever mention to you that she was in fact paid a commission by Taylor Nicholas in respect of the sale of the Landmark Square property?
---No, because Taylor Nicholas says, he's never discussed anything with me, so he doesn't discuss.

I'm sorry?---No, he didn't, no.

10 Taylor Nicholas didn't mention it to you?---No, 'cause that was a question asked for him, that Con doesn't get, I never get involved with Con in anything, so - - -

No, no, I'm asking you now - - -?---No.

- - - did Mrs Hindi ever tell you - - -?---No.

- - - that she was paid a commission in respect of Landmark Square?
---Sorry, no.

20 No. Did she ever tell you she expected to receive a commission in respect of Landmark Square?---No.

Are you sure about that?---Yes. Well, if it helps with timing, the commission was in fact paid to Mrs Hindi in March 2018. At any point prior to March 2018, did she tell you she expected to receive a commission if the sale of the Landmark Square property went ahead?---No.

And around March 2018, she didn't tell you she was in fact paid a commission in respect of the Landmark Square property sale?---No.

30 All right. Is that an appropriate time for a luncheon adjournment?

THE COMMISSIONER: Almost.

MR FAHD: Commissioner, this is Mr Fahd, solicitor for Mrs Hindi. Before the luncheon adjournment I just have an application under section 112. But if there's - you've just said almost, so I'll just wait for you to finish, perhaps.

40 THE COMMISSIONER: I used the word "developer" in describing you and you asked me what I meant - - -?---Yes.

- - - and I said that you had described yourself as a developer and, as I understood your evidence, one of the biggest developers in Hurstville, and you said, "No, that's just in the papers. I was known as a developer mayor." And I understand that you then went on to tell me that you'd knocked out a property and I think that made the papers for various reasons, but was that the extent of your development activity?---No, no, you've read the paper. Everyone read The Sydney Morning Herald. I do a duplex here, a duplex there, a house there. That's what I do. So it's not hiding it. It's all, it's all open. It was, it was clearly detailed in The Sydney Morning Herald calling me the Hindi Empire, Property Empire.

Yeah, okay. I'm not particularly interested in The Sydney Morning Herald but - - -?---Yeah. Sorry. Yeah.

But they were, and I'm not casting any aspersions on you for saying this, but they were minor developments, weren't they?---Yep, absolutely, but you're still called a developer because under the Act you can't be a developer, you can't do this (not transcribable)

20 Have you had a fairly good understanding of the rules and regulations that apply to those sorts of developments?---I had a good understanding, a good understanding of high rises as well because I'm interested. I read these things.

And why was it necessary for you to go to Addisons?---I'm sorry?

Why was it necessary for you to go to Addisons?---You're dealing with a, a high-level law firm that has dealt with Barangaroo where James Packer has used them so I'm thinking if the State Government used them I'm thinking this is the best. It's like when people go to you, Commissioner.

Why would you need to use them though in respect - - -?---Sorry?

Why would you need to use them in respect of the developments you're talking about which are minor?---No, you're right, Commissioner, but I may recommend them to other friends that want a good planning lawyer because he's - - -

40 So that's why you went?---He's recognised, he's recognised as being a good planning lawyer. Not just a lawyer, a planning lawyer, and so there's a lot

of Lebanese developers that I know. Do you know any planning lawyer or somebody?

So you went along to satisfy yourself that they were somebody that you could recommend to somebody else?---Yeah. What's wrong with that? I don't see a problem. This is how life works. You've got to network. You've got to talk to people. You've got to – that's what we do.

Yeah.---Thank you.

10

MS HEGER: Commissioner, sorry, could I just ask one more question.

THE COMMISSIONER: I think somebody from heaven wanted to say something too.

MS HEGER: Yes. I asked you yesterday about an iPad, Mr Hindi. Do you recognise this iPad?---It looks like every other iPad. If you, sorry, if you said it came - - -

20 Is this not - - -?---If you said it came out of my house it'll be a lot easier and I could say yes.

Yes.---Thank you.

It was found in your house.---Thank you.

All right. Have you used this iPad from time to time?---I don't recall.

30 THE COMMISSIONER: Oh, come on.---Because I've got other iPads and I've got the work's iPad and I've got the council's iPad. I've got other iPads, Commissioner. I may have. I may not. I don't know. That's my concern. You're thinking, this is the problem. You're thinking, I've got five, four kids (not transcribable). It doesn't mean, I could have. I said I may have. I don't know. So if I want to tell you the truth, I'm telling you. If you want me to tell you something different, I will. I'm telling the truth. I may have.

Please don't carry on. You were just asked a simple question and I'm - - -?
---I said I may have.

40

- - - and I'm questioning the fact that you can't say one way or the other whether you used that iPad.---I said I may have.

Mmm.---I may have used it.

MS HEGER: That's it for me, Commissioner.

10 THE WITNESS: And, yes, there is, and there is emails in there that shows conhindi.com, [REDACTED]. Yes, I understand, but it doesn't mean I used it since 2014. I could have only used it a day before and then downloaded all my emails. It doesn't mean anything. So let's not get it right though because 2014 emails there means I've had it for 2014. No, it doesn't mean that. That's all I'm saying.

MS HEGER: All right. There was a section 112 application.

THE COMMISSIONER: Okay. Mrs Hindi's representative wanted to raise section 112.

20 MR FAHD: Commissioner, just in relation to the evidence concerning Mrs Hindi's brother.

THE COMMISSIONER: Yes.

MR FAHD: I am instructed to make an application that details of his illness or health do not be publicised - - -

THE COMMISSIONER: Yes.

30 MR FAHD: - - - pursuant to section 112.

THE COMMISSIONER: Yeah, I agree with that and for the moment I'll make an order pursuant to section 112 of the Independent Commission Against Corruption Act that the evidence given by the current witness concerning Mrs Hindi's brother I think it was.---Yes.

And his - - -?---Illness.

40 - - - his illness and the circumstances or the impact it may have had upon the family at that time shall not be published or otherwise communicated to

anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission.

SUPPRESSION ORDER: I MAKE AN ORDER PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT THAT THE EVIDENCE GIVEN BY THE CURRENT WITNESS CONCERNING MRS HINDI'S BROTHER, HIS ILLNESS AND THE CIRCUMSTANCES OR THE IMPACT IT MAY HAVE HAD UPON THE FAMILY AT THAT TIME SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION.

THE COMMISSIONER: I should also say that when we get to the transcript reference I intend to make that order a little more precisely so it actually covers the evidence. Do you understand that?

20

MR FAHD: Thank you, Commissioner.

THE COMMISSIONER: Yeah, but at the moment nobody publishes that information. Thank you.

MR FAHD: Thank you so much, Commissioner.

LUNCHEON ADJOURNMENT

[1.10pm]

30