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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GALLEY

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 2 AUGUST, 2022

AT 2.00PM

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

MR CORSARO: Commissioner - - -

THE COMMISSIONER: Mr Corsaro.

MR CORSARO: Before Counsel Assisting resumes, Mr Hindi spoke to me
over the luncheon break and wanted to ensure that he puts on formal record
10 an apology to you in relation to his initial reluctance to answer your
questions. Can I indicate he will do so personally but I thought it was best
done through this medium.

THE COMMISSIONER: No, that's fine.

MR CORSARO: He did so on the basis of his misunderstanding about the
nature and thrust of the question and what it was intended to elicit and his
desire to try and keep his family and all members of his family out of the
limelight of what's occurring in the investigation. He apologises for it and I
20 have spoken to him and I'm sure it won't happen again.

THE COMMISSIONER: Okay. Thanks for that.

THE WITNESS: My sincere apology, Commissioner, and my sincere
apology, Ms Heger. It won't happen again.

THE COMMISSIONER: Thank you.

MS HEGER: Mr Hindi, did you watch Ms Tang give evidence in this
30 public inquiry?---I may, I probably did but I, yes, I did but I'm not sure.

Did you read the transcript of her evidence?---I don't think I did, I just
watched it.

All right. You're aware that she has given evidence that over the period
2017 to 2019 she met with Mrs Hindi from time to time. Are you aware
she's given that evidence?---Yeah, probably, yeah.

All right. And she's also given evidence that one purpose in meeting with
40 Mrs Hindi was so that she could raise any problems that she might be

encountering with council regarding the Landmark Square planning proposal. Are you aware of that evidence?---That's what she said.

All right. And you yourself knew that Mrs Hindi was meeting with Elaine Tang from time to time over that period, at the time?---I mean, yes, I probably but I'm not sure how often or, and the, and the frequency of it. I didn't have a clue.

All right.---I remember that, yeah.

10

From time to time Mrs Hindi mentioned to you that she met with Elaine and that she was having certain problems regarding the Landmark Square planning proposal?---She may have, yes.

All right. And one of those problems in that time period was the delay that One Capital Group was encountering with the progression of the planning proposal, correct?---When was that? What year?

Well, let's say around about 2018.---She may have, she may have.

20

All right. And the purpose of Mrs Hindi mentioning that to you, as you understood it, was so that you could then take some action in response, correct?---It may have been, yeah. It may.

All right. And you - - -?---Not all the time but occasionally, yeah.

You did then take various actions in response to the problems that were being encountered by One Capital Group, correct?---I don't recall whether, whether it was subsequent to Mrs Hindi's request or was it because someone sent me an email or because I found out myself. So I'm not sure but I, I would have taken some, some action as required for any constituent, yep.

30

All right. But sometimes you took action in response to what Mrs Hindi had conveyed to you, correct?---Very rarely. I doubt it. Not what she conveyed to me because most of the time, if you don't mind me saying, if I get emails from, when a constituent has issues I say, "Send me an email" and that way I can act on an email, rather than just tell me because I want to be able to talk to the staff about it with some, some weight. That's what I normally do. Again, it's not a practice, I don't use the word, but it's generally that's what happens.

40

Well, over that time period of 2017 to 2019 Mrs Hindi was effectively acting as a conduit between Elaine Tang or Philip Uy and yourself, wasn't she?---No, because if I wanted to talk to them, I could talk to them myself and Elaine could talk to me at any time. She can email me any time. She doesn't need Mrs Hindi. I'm a, I'm a, I'm a councillor, my mobile number is on the website, I'm available. They can, they can talk to me any time. They can email me as a constituent, again.

10 Well, certainly Elaine Tang could email you directly and she did from time to time but if she wished to raise something more informal or more delicate she could do that via Mrs Hindi, couldn't she?---She could have done it to me directly if she wanted to. She, she could and other people have done it with Mrs Hindi, not just Elaine, other, other developments, other, other developers. She could and she may have but - - -

THE COMMISSIONER: What's your explanation for Mrs Hindi meeting with Ms Tang and sometimes, as I understand it, in the presence of Philip Uy?---Well, it's the same as Mrs Hindi met with other, other, other
20 constituents, other developers, other people, she's done it so many times and maybe she is a friend of hers, so they were just talking. It may have involved, when you, when you get a friend that talks to you, you, and you're, you can, you can talk to a councillor, you'll, you'll throw in Landmark or something else. Yes, they would. But it doesn't mean that the whole conversation, the whole aim of the meeting was to do with that. So she might have met her as a friend.

I stand to be corrected but my recollection of Ms Tang's evidence was that she wasn't prepared to go do far as to say Mrs Hindi was a friend. She said
30 she was an acquaintance and the reason for her and for Philip Uy meeting up with Mrs Hindi was so they could convey through her to you problems that they were experiencing with getting this proposal through. Now, is that your understanding?---Well, maybe that was Ms Tang's perception of, of the relationship with Mireille, and with Mrs Hindi, Mrs Hindi's perception is she's a friend. Everyone has different perceptions, doesn't mean a friend is a friend. They've all got a different perception of what level of friendship they are.

40 Was Mr Uy a friend of Mrs Hindi?---No, he's not a friend. He's a, he's a, he's a real estate agent that they deal with each other. So doesn't mean it's a friend. I mean, as you say, in life you, I've got, you've probably got two

or three close friends and the rest are just people, they're acquaintances. Doesn't mean they're friends. So she doesn't consider him as a friend.

It doesn't seem though as though the meetings that involved Mr Uy, your wife, Mrs Hindi, and Elaine Tang had anything to do with the fact that Mrs Hindi and Mr Uy as real estate agents. It seems it was related specifically to Landmark Square.---Well, Commissioner, we're making it sound like they're meeting every day.

- 10 No, no. Don't worry about that, I'm not worried about that.---Well, I'm just saying, the frequency of the meeting is what determines how close you are to somebody or not, this constituent that you meet with two or three times a year because they've got issues.

- I'm not particular concerned about the closeness of the relationship. What I want to know is why would it be that you, sorry, that your wife, Elaine Tang and Mr Uy were meeting, it would seem, for the purpose of Mrs Hindi listening to problems they were having in getting this development through so that she could convey it to you.---Yeah, she could convey it to me but
20 maybe she didn't get hold of me. She likes talking a female to a female, maybe, she likes that, so she did it.

But you said that she did convey information to you - -?---I said, I said sometimes she may have, I don't recall, but she may have and I, sometimes I've acted on my own initiative or acted when there's an email sent.

- Yeah.---So she may have. Doesn't mean that all the time. This is the whole thing is when you've got a development that's been happening for five years and you meet with somebody 10 times, they think, wow, 10 times but if you
30 met someone 10 times in, in two months, that's a lot but if you met with someone over five years, that's not much.

Well, that might be. But you were a person who was going to vote either in favour or against the development.---That is true but they've sold it at that time so there was no need to worry about, anymore.

- Right.---There's, there's a new proponent, and it was told to us by the director, so why would I be concerned about, this could be just a constituent that's concerned - - -
40

Constituent being the - - -?---Elaine. She's probably a constituent because she's no longer, she's not, she's not part of One Capital, she's not part of anything, so she might, people send you email. You don't even have to dissect where they come from, who they belong. You just help.

You're telling me she might have just been a concerned citizen?---As I said, maybe, but I'm not, it could be someone might have put it up to her to talk to us, to talk to my wife, I don't know.

10 Okay.---So I can't really tell you what would, but can I, can I put on the record, sorry, I, I, anyway, as we go along, probably put that on the record, something that's important, yeah.

MS HEGER: As at 2018, despite the fact the land had been sold to Prime Hurstville, you understood that The One Capital Group still had a significant commercial interest in the Landmark Square planning proposal, didn't you?---No, I did not and they were, they were into administration.

20 Well, they went into administration in October - - -?---Yes.

- - - 2018.---Yes.

How about prior to that?---Well, they've sold it, so I don't know what they're doing - - -

30 Yes, but you understood they still had a significant commercial interest in the Landmark Square planning proposal, didn't you?---Who would have told me? How could I understand? I don't see anything in front of me. Sorry, I, I, to answer your question, no, I don't.

Can I show you volume 1.6, page 158? This is an email from Elaine Tang to a number of people, including yourself and Mr Badalati and some other councillors - - -?---Mmm.

40 - - - dated 30 August, 2018. The first paragraph says, "We're writing to express our disappointment with the rezoning process for the properties bounded by Forest Road, Durham Street and Roberts Lane, Hurstville, in which The One Capital Group has a significant commercial interest." You understood from that, didn't you, that The One Capital Group still had a significant commercial interest in the Landmark Square planning proposal?

---No, I didn't. Doesn't mean that people write things to me, I'm going to take it literally what they write. They - - -

THE COMMISSIONER: Why not?---Why? Because have a look at elaine@gencorp. One minute elaine@gencorp, the next minute elaine@onecapital, next minute elaine@grcapital. You don't look at these things. You just look at the gist of it. All you're saying is if there's an issue with that, we'll take it up with the, with the staff. That's what you do.

- 10 MS HEGER: Her email address may have been Gencorp but she's making it quite clear she's writing on behalf of The One Capital Group, isn't she?
---Well, according to Adrian Liaw's evidence that she was not involved and never dealing with it at that time. Greg Hynd was the only one - - -

Well, I'm asking you - - -?---Yeah.

- - - just put Mr Liaw's evidence to one side for a moment.---Well, okay.

I'm asking you to read this email - - -?---Yes.

20

- - - and tell me what you understood from it?---This - - -

You understood she was purporting to act on behalf of The One Capital Group, didn't you?---In what way?

In raising this concern about the progress of the Landmark Square planning proposal.---Well, I don't see her name on, on any documentation that says she's, she's in charge of the, the planning proposal.

- 30 I'm just asking what understanding you formed, based on this email?---I had no understanding. I had no understanding about it. All I knew, sorry, Ms Heger. I don't look at the first line and second line. I look at the main gist of it, what their concerns are, can we help out as a councillor, yes, if you can't, that's fine. That's what we do.

All right. You read this email when it came in?---I don't, I probably did but I don't recall now, yeah.

And you read the first sentence of the email, didn't you?---I don't recall.

40

Well, it's very unlikely you just skip over the first couple of paragraphs and go straight to the middle, isn't it?---That's what, that's what you probably do most of the time, you go straight to the gist of the thing, not, is it elaine@gencorp, is it really her, who's, I mean, I don't know, that's (not transcribable)

No, I'm suggesting, Mr Hindi, you wouldn't ask yourself those questions. You would read that first sentence and - - -?---Yes.

10 - - - and take it at face value to mean that Elaine Tang was acting on behalf of The One Capital Group in writing this email?---So what authority did she have to act on One, on their behalf?

I'm not, no - - -?---No, that's - - -

- - - please don't ask me questions.---That's why as a councillor, I look at it and say, this person doesn't have any authority to act on One Capital. That's how I looked at it, probably, if you're asking me what was I thinking at the time, that's probably what I was thinking at the time.

20

All right. So you read that first paragraph and you said, well, I know she said she's raising a concern - - -?---Yeah.

- - - on behalf of The One Capital Group but my view is that she has no authority to do so.---Because Adrian Liaw has taken - - -

Is that the view that you formed at the time of receiving this email?---Yes, because Adrian Liaw has taken over. Prime Hurstville have taken over. They're dealing with the planning proposal.

30

THE COMMISSIONER: So you must have concluded then that she was just writing this - - -?---As a concerned citizen. That's what I thought.

As a concerned citizen.---Yes.

MS HEGER: And when she said One Capital Group has a significant commercial interest you read that and said well, that's rubbish. Is that your evidence?---No, I never said that's rubbish. I don't dissect every word that comes out.

40

THE COMMISSIONER: But the substance of the problem - - -?---Mmm.

- - - or a significant part of the problem is disclosed in the first paragraph, isn't it?---If somebody told me I, I had a significant interest in, in Barangaroo and I write it to council is every councillor going to believe me? It's the same thing.

No, that's not my question.---What's the question then?

Just listen.---I'm listening but I'm trying to understand.

10

Well, it's a simple question. Isn't the substance of the problem that Ms Tang was raising - - -?---Ah hmm.

- - - what is contained in the first paragraph?---She's talking about the rezoning.

Yeah.---Yeah.

20 And her disappointment.---Yeah. So what, what authority does she have to send that email?

Okay. So your - - -?---I'm just trying to work out.

Your view is she didn't have authority but she was writing this email as a concerned citizen?---Well - - -

30 That's what you said to me.---Yeah. What I'm trying to get at, I'm trying to recollect why she sent it herself, but she may have a commercial interest. I don't know. She hasn't disclosed what her commercial interest is. She should have said I have this and I have that. We sold it to Prime but I'm actually this. Like she didn't say that so I don't know. She may have a commercial interest but it hasn't been told to me what it is.

40 On what basis did you form the view that she was writing it merely as a concerned citizen?---Because I didn't think she had anything to do with, with One Capital. If she's writing on behalf of One Capital you'll have Elaine at One Capital. That's what I thought as at least. Or you'll have Elaine at something else that she was. So she didn't have that so I'm thinking, and I knew it was, it was sold, everyone knew it was sold so I thought she's sending it maybe trying to help the new owners. Could be

helping the new owners. I don't know. She may still be working with the new owners.

Come back to my question.---Yes.

On what basis did you form the view that she was a concerned citizen?

---Well, for someone to send you an email that has no, no, I don't know. I can't, I just thought it was anyway. If there's not, look, I don't know what I was thinking at the time so - - -

10

And you were aware at the time that at least previously she had some involvement in the project.---Well, she said, I think, I'm not sure if she sent some emails. She was, there's a difference when I said before I thought she was a PA on that project but it doesn't mean anything.

PA on something else. The fact is that she had an involvement in the project prior to sending this email. Correct?---Yeah. So many people can have involvement. It does, does not mean - - -

20 That's not an answer to my question.---Sorry.

Please come back to it.---Sorry. Can you say that.

You understood that she had some involvement in the project, don't worry about the capacity at the moment, before this email was sent.---Yes. Yes. Some capacity, yes.

Yeah.---I agree.

30 Yeah. Thank you.

MS HEGER: Well, this time, August 2018, you understood that The One Capital Group was still the developer under the voluntary, the proposed voluntary planning agreement, didn't you?---Proposed voluntary planning. I haven't seen any planning agreements. I don't know. Did that come to council at that time?

Well, it says in this email about halfway through, "The current offer of the VPA is about 7.8 million."---Yeah.

40

And it says prior to that, "We may have to withdraw or reduced the amount to half as we do have a report that can justify that." You understood from that that One Capital Group was still the developer making the VPA offer, didn't you?---Is there a confirmation that the VPA for that is, I thought Prime, I thought Prime Hurstville had signed it. It was sent over to Prime
- - -

Well, that wasn't until October 2018 that - - -?---Oh, well.

10 - - - the change took place.---Yeah. Well, they don't sit down and look at the actual month. That's August. So I thought Prime took over and Prime has taken over the whole lot. And if you're sending a - - -

Well, that's contrary to the contents of this email, isn't it?---I don't sit here and digest every word that everyone, every constituent sends me because if I do that I'll be there forever digesting every word and trying to work out is it true, is it false.

20 You understood at this time it's possible for one party to own a subject site and for another party to be the proposed developer, didn't you?---No.

You didn't understand that?---No, and you can't. We took him to court, we took Piety to court, and council, about that. Anyway. Yes, I didn't think, yeah.

30 Well, even early on in the life of this planning proposal One Capital Group was proposing to rezone a site, site B, that was owned by someone else altogether, weren't they?---You need to own most of the site before you can do something.

Yeah, but you understood, as at August, 2018, it's possible for someone else to own the site?---We understood also it's been, the, the planning process had been taken over by Prime Hurstville. That's what we understood and the staff told us.

40 Yeah, but in collaboration with Elaine Tang on behalf of One Capital Group. That's what I'm suggesting to you.---Well, that can say in collaboration with anyone they want. I mean, we're not here to, I, I, I don't know at the time what I was thinking. I mean, it's addressed to Adrian Liaw, cc.

Well, quite. Because he was working together with Elaine Tang to progress this planning proposal at this time, wasn't he?---Maybe, well, if we heard the evidence of Meryl Bishop she told him to get, get rid of Elaine and we're working with you, what's going on, and he, and he made it clear in his, in his evidence that they didn't want, we were just doing it ourselves. We, as soon as we, we bought the site, we took over everything, the whole planning part of it.

10 We'll move on, Mr Hindi. Did you advise Elaine Tang or Philip Uy about the contents of this email before it was sent?---I did not advise Elaine and I don't recall advising Philip Uy.

Why do you make that distinction? You say you did not advise Elaine and you don't recall advising Philip Uy?---Because I didn't speak to Elaine.

Is it possible you advised Philip Uy on the contents of this email?---As I said, I don't recall.

20 So it's possible?---It's not possible.

But you've forgotten.---Highly unlikely but I don't recall. Because all that stuff is, is from the people that they know about. Their, their, their planners, their, everybody can, Adrian there himself is a very smart person, is a good lawyer, he can actually draft it for her. Doesn't have to be, they don't have to be done by a councillor. It's nothing that extraordinary out of this.

30 All right. Can we go back to page 148 in volume 1.6, and this is part of Exhibit 126, no, 129. You accept this appears to be a draft of the email I just showed you?---Yep. I haven't read it but I'll take your word for it, yep.

Whose handwriting is that on the email?---I don't know.

Is it your handwriting?---Definitely not.

Is it Mrs Hindi's handwriting?---Definitely not. I don't write the word "I" like this, never.

40 Did you ever advise Philip Uy to Elaine Tang on any other correspondence with council regarding the Landmark Square planning proposal?---It depends when.

Well, you tell me.---Oh, you said “ever”, is it?

I’m sorry?---Did you say “ever”?

Ever, yeah.---I don’t, I don’t recall but I may have around 2020.

10 What sort of correspondence was that?---Oh, that might have been a, a, an email from some constituent that owns part of the site and, and something to, about his lawyer and I, he said, “Oh, we’re, we’re struggling. It’s been five years” and so on and I said, I basically said Robert Stokes, the minister, has come out and said within 90 days, if you don’t want it to happen, you can take it straight to the parliament, so he, he’s actually encouraging planning proposals to be done because of the COVID. So if you’re really concerned, write a letter, an email, get your lawyer to write an email to the councillors so they can see if they can do something for you.

20 Is the lawyer you’re referring to Cam Ly?---Yes. I, I didn’t speak to him directly. Must have been through Philip - - -

You spoke to Philip Uy, didn’t you?---Yeah. So I, but you know what Philip’s English is so bad, so I just told him “Tell him that and just put something around that thing.” So I may have helped him out.

30 Did you actually review a draft of that letter?---I don’t recall reviewing a draft but I, I did, I did suggest that’s what he should do and, and I do that to every constituent that has a problem. I say “Write this and write that to councillors because if you don’t send them an email, they, they ignore it. They don’t answer everyone’s call. Send an email.”

And that was a letter to council, was it?---I think it was sent to all the councillors. There was some council - - -

As well as Rob Stokes?---I’m sorry?

40 As well as Rob Stokes?---Yes, yes, yes. Because, because Robert Stokes was saying, The Honourable Robert Stokes was saying that we need, any planning proposals should be done within 90 days and get it done quickly because we’re in COVID and in fact he also says, because we wanted construction to happen, we will not be, we will not be collecting, he gave the concession for the section 94 contribution because normally section 94

had to be collected prior to the CC being issued, and he says, “We will allow for, for large development to, to be collected at the occupation certificate stage.”

Okay, I don't need to hear anything further about that.---Well, that's, that's what I was saying.

Can I take you to page 39 of volume 1.6, still in Exhibit 129. This is some minutes of a councillor briefing held on 9 April, 2018, which you and
10 Councillor Badalati attended. Have you reviewed these minutes before?
---Of course not. They don't give them to you.

Well, I'm asking you in the course of this inquiry. You know that - - -?
---No, I haven't.

- - - they're part of the evidence.---No, I haven't.

Have you been through them before?---No, I haven't.

20 All right. Meryl Bishop's evidence was that the level of questioning by you in this meeting was exaggerated compared to other planning proposals. Do you accept that?---Absolutely not.

You don't accept that generally speaking you asked more questions about the Landmark Square planning proposal than other planning proposals over this time period 2016 to 2020?---Absolutely not. The reason being she just sent me, I've got a copy of an email that I sent to my legal representative about Kogarah North, and around that time '17/18, and she said, “Thank you so much for your contribution and we love your persistent approach to
30 this.” That's exactly words she used in her statement. She's got the email. I'm happy to provide that to the Commission.

All right. Well, I'm not, I'm – I'm just asking for your impression of your own behaviour, Mr Hindi, not what evidence you might seek to deploy against Ms Bishop's evidence.---Oh, okay, sorry. No, no, okay.

You don't think you asked more questions about Landmark Square than other developments? That's the position?---Well, no, because based on what Meryl Bishop's evidence is, that Councillor Hindi asked a lot of
40 questions all the time. She's distinct, she, she separated me from Councillor Badalati.

All right.---She said he asked questions all the time about all topics and he wants to understand everything about planning.

All right. Well, I suggest to you one reason that you asked so many questions in this meeting is because you were seeking to promote the interests of Philip Uy and Wensheng Liu regarding the Landmark Square planning proposal.---That is not true. Can we go to the second page, please, if you don't mind?

10

Certainly.---I wanted to look at, is there another page as well?

Yeah, maybe.---If you don't mind, I'm sorry.

Let's go to the next page.---I'm trying to look at something where it says the mayor, somewhere it says mayor. Is that the same one I was thinking of? Is there another page or that's it? No, it must be the mayor, okay, sorry.

20 There was something, another one similar to it that talked about the Mayor Greene said, said, "How the hell, why did you give them 3.5:1 while GMU recommended 2.5?" Anyway, so just go back to here, that's fine.

All right.---I didn't see that in there, so it must be there somewhere (not transcribable)

Can I show you volume 1.6, page 131.---Where is it, just following where it is. But I'm trying to think about what I asked, but anyway.

Sorry, did you need another moment to respond to my last question?---Yes, please. Yes, please.

30

My last question was simply that the level of questioning was designed to promote the interests of Philip Uy and Wensheng Liu, which you've denied. Is there something else you need to say in response to that?---No, I've asked the same questions on Beverly Hills master plans, on Mortdale master plans, on a number of them, so, on, on Narwee rezoning, on – there's a lot. I've asked the same questions, same level, and maybe, maybe I come across as aggressive. That's just my nature. I can't, I'm trying to help it. And some of them think I'm persistent and – because as an engineer I like to understand things, so that's different.

40

All right. Can I show you page 131.---Yes.

This is a set of minutes of a council briefing on 12 June, 2018.---Sorry, does that show, if we go to the next page – oh, no, here we go, the mayor. Okay, there you go.

All right. You attended this briefing, correct?---Yes.

10 And Ms Bishop has described the level of questioning that you engaged in on this occasion as exaggerated compared to other planning proposals as well. Do you accept that?---Well, I don't accept it 'cause if you look at the councillor briefing, let's have a look how many times I've asked and how many times Councillor Katris and then we'll see if it's exaggerated. That's how you look at it, not what, what someone's thrown in front of her and said, "What do you think?" and she said, "Yeah, yeah, yeah, it was exaggerated." Let's have a look. Katris. Katris. Katris. Katris. Katris. Yeah.

All right, I understand that.---Badalati.

20 We can read the notes, Mr Hindi.---Yeah, but I'm trying, what I'm trying to say, Ms Heger, is that I asked the same question as Councillor Katris, and Councillor Katris, rightly so, is an architect, so he's interested in the details, and with the details there's a lot of questions. He did high level, three questions. If you did details, could take 20 questions, to understand the details and that's what he does.

THE COMMISSIONER: But we're asking about your position.---Yes, my position is exactly the same as Councillor Katris. That's the same questions we asked, basically. They were along the same thing.

30 MS HEGER: All right. And I take it you would deny that the level of questioning you exhibited on this occasion was designed to promote the interests of Philip Uy or Wensheng Liu?---No, and if we look at mayor, what the mayor said, which is very important "the current and amended proposals are significantly greater than the GMU proposal". Yes, but the, the area has shifted since the GMU proposal, one year later, it's shifted, so they've agreed with our three and a half to one, oh, okay. It's interesting, isn't it? And we're actually pushing, are we? Anyway, sorry.

40 All right. Can I show you a statement of Meryl Bishop, paragraph 20 - - -? ---Yes.

- - - which is Exhibit 168?---Which paragraph, sorry?

Paragraph 20. Just read that to yourself and I'll ask you a question.---Yeah.

All right. So you did, in fact, call Meryl Bishop to organise a meeting in the last week of August 2018. Correct?---May have. I don't see any problem. May have if that's what she says. Is, is there a diary entry? Is there a file note? I don't know. But I said "may have" but if she has a file note, then
10 I'd say yes, it's definitely happened. If there's a diary entry, I'd say definitely, but - - -

Okay. Do you have a recollection of calling her?---I don't recall it, no.

No. All right. But you don't have a basis to dispute her evidence at the moment?---I don't but I don't see her basis, as well. Where's it from?

All right. In paragraph 21, she says, "The purpose of the meeting was to establish was it possible for the staff to put the planning proposal on
20 exhibition without the DCP." Was that your purpose in organising the meeting?---I don't recall that, whether it was that. It may have been because we've done it before without the DCP, so maybe your question.

Right. I understand. Paragraph 22 she says, "It was unusual for the councillors to request a meeting with Cathy McMahon or I to discuss the process of a planning proposal at this level of detail." Do you accept that?
---No, I don't because this level of detail, all you're asking is do you need a DCP or not. We didn't say through the entry and the exit and the traffic and the, and the infrastructure. We just said do you need a DCP or not because
30 you've done it before, you've done it on so many places. Kogarah North didn't have a DCP and look at it. And she, she acknowledged in her cross-examination, yes, we've done it before, but it was nice to have it but we've done it before.

Yes, but on how many other occasions have you contacted Meryl Bishop or Cathy McMahon directly to request a personal meeting with one or both of them regarding a planning proposal?---Many occasions. I did, I did on Beverly Hills. Ask the planner. I did on Mortdale Master Plan, I did on Oatis building, I did it on many of them, the only thing is when I find time
40 to be able to meet them face-to-face and talk because I'm at work but, anyway.

And so those were occasions where you met with - - -?---Yeah.

- - - Ms McMahon or Ms Bishop?---Yeah. That's my recollection, yeah.

Did anybody else attend those meetings?---I don't know. I don't recall. Maybe by myself or maybe some other councillor, I don't recall. But there was one very classic example is across the road from that site is the, what do you call it, the Piety building or the old Toyota site building where the
10 person was trying to get his subdivision done to sell the units and he had problems. So I, I emailed Meryl Bishop, "Can we have a meeting? Please arrange it. I want to be there, as well." And she said, "I'm happy to do it," and all that, so we do that all the time for people that have issues. But when it comes to a planning proposal or very large DAs, I'm always interested to make sure we don't set precedents for the next ones. That's the problem.

All right. And at this meeting, you question why it was necessary for a DCP to go on exhibition with the planning proposal. Correct?---I may have.

20 Were you doing that at the request of Philip Uy or Elaine Tang?---I mean, there was an email that was sent, so I just thought there's a constituent that sent or a, or a proponent or, or a developer or a, whatever, architect, sending a councillor a question, I said, we'll go and ask for you. Nothing wrong with that. That's what we do.

Are you referring to the email from Elaine Tang that we've just seen that was - - -?---I'm presuming that's - - -

- - - the day before the meeting?---I'm presuming that's what it was in
30 relation to, or a (not transcribable) because of that, as a result of that email I said I'll go and ask the question, if I did. If it was me that called. I don't know who called. Was it me or Badalati or whatever did but if he did that's what it would've been. It wouldn't have been anything out of the ordinary to that.

All right. And the reason why you were questioning the need for the DCP is because you were concerned that if they had to be exhibited together there'd be a delay to the finalisation of the planning proposal. Correct?---Not really because, because I was trying to ensure consistency in what we do in this
40 area and that's exactly what happened with these ad hoc planning proposals where we do, for this one we put a DCP, for this one we put a VPA, for this

one we want to do them both together, for this one we want (not transcribable). That's the problem, and I can give you a classic example of the Macmahon Street.

All right. I don't need that example at the moment.---Okay. Sorry. Yeah. So what I'm saying is my - - -

10 Again Mr Corsaro can ask you about that.---No, it was not but my concern is the DCP was asked is it required and when Ms Bishop said it would be nice to have it we said fine, thank you, finished, we're done. She's given us the answer. Give me the answer, I'm satisfied.

So you weren't concerned about the delay with the planning proposal at all. Is that your evidence?---No. Well, all I can do is relay concerns of constituents, applicants or the owners of land to the staff. The staff give you an answer. You take it and say thank you.

20 And one of the concerns raised by Ms Tang in that email you've referred to was the delay with the planning proposal. Correct?---Oh, '14, '15, '16, '17, '18, yeah, about four years, yeah.

So the answer to my question is yes. Is that right?---No, no. No, I was not concerned about the delay. I was relaying what Elaine has said to councillors. I was relaying it.

Yes. And one of the concerns in her email was the delay with the planning proposal. Correct?---Yes. Yes.

30 And you understood that if there had to be a DCP exhibited with the planning proposal that would likely lead to a further delay. Correct? ---Absolutely.

And that's one of the reasons why you were querying whether a DCP was necessary because you were trying to minimise delays. Correct?---No. No, that is not true at all. That is not the primary reason you take people's concern.

40 Well, was it part of the reason?---No, it was not. You just ask the question. When they say no you move on. Did that change? No. Did they stop doing the DCP? No. We just asked the question. As councillors we're entitled to

ask questions. We get an answer. We convey it back and say thank you, see you later.

And one of the reasons you asked that question was to promote the interests of Philip Uy or Wensheng Liu around this time. Correct?---Well, if that's the case I would be doing that for 50,000 other people that would have asked me but that's no that I would - - -

The answer is no.---Absolutely no.

10

All right. Just going back a step to 23 July, 2018. At a council meeting on that day you voted to send an amended planning proposal for Gateway Determination. Correct?---Well, yeah, (not transcribable) you're saying, if that's what you're saying, yes.

All right. I'll just show you the minutes of 23 July, 2018. Can we just move through to the item for the planning proposal.---Is that the council meeting or the - - -

20 These are the minutes of a meeting - - -?--- - - - minutes of the environment.

- - - on 23 July. You'll see at the bottom there it has ENV019-18 planning proposal.---Ah hmm.

And the recommendation proposed by yourself and Councillor Badalati was that council endorsed the revised planning proposal. Do you see that? ---Yeah. Can we go to the next page, please.

30 Can we go to the next page.---Or the one before to see who are the members of that committee. That's more important.

Well, no, I'm not asking you about that at the moment.---All right.

Paragraph B of the proposal was that council endorse the revised planning proposal to be forwarded to the delegate of the Greater Sydney Commission for an alteration to the Gateway Determination. Do you see that?---Where's that B?

Yeah.---Yeah.

40

And paragraph C that the planning proposal be placed on public exhibition. Do you see that?---Yes.

All right. And the record of voting there records for the motion was yourself and Councillor Badalati amongst others.---Ah hmm.

And against the motion was Councillor Landsberry. Do you see that? ---Ah hmm.

10 There was some debate at that council meeting about the Landmark Square planning proposal. Correct?---I don't think so.

No. Councillor Landsberry didn't express a view against the planning proposal at that meeting.---My recollection her view was fairly simple. "I don't know much about the area. I don't like high rise in Hurstville so I'm voting against it." I said, "Okay."

I'll just note for the record that these minutes are Exhibit 135.---That's what my recollection was, just there, and, and, because we don't normally have
20 heated debates on those in, in committees. Normally it's left for council but there was no heated debate about it when you got - - -

No heated debate at the council meeting?---No. Not on this one, no. I don't think it was. It would have just been, and I, I note Councillor Landsberry, she's a very diligent and quite good councillor, and she would have said "Look, I haven't been involved in it from day 1, from Hurstville days, I don't like seeing all these high rises in Hurstville so I'm going to vote against it." A lot of them have the right to do that and they do it.

30 All right. Can I show you volume 2.32, which is Exhibit 241? These are some messages that were extracted from Philip Uy's phone. You can see the messages are between himself and another individual named there. If we scroll down, see at message number 3 he sends the other person a picture? We'll just flick to that picture for a moment.---Ah hmm.

All right. And I want you to assume that's a picture from Philip Uy's apartment in Rhodes. If we go back to the text messages. The other person asks Philip Uy at message number 4 "To be given to me?" and Philip Uy responds "Fat and Middle East." Now, I want you to assume that's a
40 reference to Mr Badalati and yourself. And then if we go through to message number 8, Philip Uy says, "Middle East suddenly two weeks ago

stop requested,” dot, dot, dot “ because the last meeting all things have been completed. However, the female arranged a group of people to turn it over. Big fighting last week. Middle East, Fat-Fat fought for their life. Yesterday’s newspaper had a large paragraph.” I want you to assume there that the reference to Middle East is to yourself and Fat-Fat is to Councillor Badalati. You’ll note the time of these messages. Message number 8 is 2 August, 2018 and the previous messages I read to you were 25 July, 2018. Now my question to you is, did you, Mr Hindi, following that council meeting on 23 July, 2018, request some money from Philip Uy?---No.

10

Do you have any idea what Philip Uy is referring to in this message where he says that you suddenly two weeks ago requested something?---I don’t know. You have to ask him. It’s not my text.

All right. Did Philip Uy in fact pay you an amount of money around this time?---No.

Can I show you another document, which is phone records from 25 July, 2018? Now, let’s focus on the entries from 25 July, starting the second-last line. Oh, they started on the previous page. There are two entries from 25 July there.---Sorry, 25 July, the last two?

20

Neither of which involve you. If we go to the next page, you see there are, there’s a call from yourself to Vince Badalati at 11.23. That’s only three seconds long. Then another call at 12.17 from yourself to Mr Badalati. That’s only seven seconds long. Then there’s a series of other communications between yourself and Mr Badalati. I then want to come to the last entry on the page, which is still on 25 July, 2018, at 3.21pm, for 35 seconds.---Sorry, twenty - - -

30

The last row on this page.---Yes.

You see that’s from Mr Badalati to Philip Uy?---Yeah.

And it records the start location and the end location as Rhodes Waterside Shopping Centre, do you see that?---Mmm, yeah.

40

And I want you to assume that records the telephone towers that the mobile phone is bouncing off at the time of this call. And if we go to the next page, there’s a call at 3.22pm from Mr Badalati to yourself. The location’s also being in Rhodes.---Three seconds, yeah.

And then there's another one at 3.23 from Mr Badalati to yourself.---Zero seconds.

Start location is Rhodes Waterside Shopping Centre.---That's zero seconds, isn't it?

That's zero seconds, yep. And then another one at 3.23 for 15 seconds from Mr Badalati to yourself, from Rhodes Waterside Shopping Centre. You see that?---Yep.

And then another one at 4.06pm, 28 seconds, from Mr Badalati to Philip Uy at Rhodes Rider Boulevard. Do you see that?---Yes.

Did you meet with Mr Badalati and Philip Uy in Rhodes on this afternoon, 25 July, 2018?---Did we meet? I'm trying to work out. How does that let me know? I don't recall meeting, but if there's phone calls, that's different. It doesn't mean that we were there. It's phone calls we made.

20 THE COMMISSIONER: Well, it does, doesn't it?

MS HEGER: Well, the record of the location of the sender/recipient of these phone calls - - -?---Sorry, sorry, yeah.

- - - suggests that all three of you were in Rhodes that afternoon. Do you understand that?---It may have been. Can we go back to the previous page, please?

Yes.---So if we looked at the time, the last one is started at 3 o'clock, 3.21. Sorry, go to the next page please. Sorry, 3.21, and the last call, when was that at? 3.22, which is nothing. 3.23, that's still Strathfield. If it was me, I'm still at Homebush. 3.23, Badalati calls from there. 3.23, sorry, I'm going through it to get it right.

That's all right.---3.23, Badalati calls me from Rhodes. Allegedly, that's what it is. Does not have to be Rhodes exactly, could be a tower nearby. And then 4.06, Rider Boulevard, Badalati calls Philip Uy, so that's, that's virtually half an hour later, 35 minutes later. Why would he doing that if we're all meeting together at the same time? Why would he call Mr Uy half an hour later?

Well, one possibility is you met for coffee in the Rhodes Shopping Centre first and then you arranged to meet up later at a park nearby. Is that what happened?---No, that's not what it says. That's not the possibility, and I deny that, all that anyway. So it's not true.

You never had such a meeting with Mr Badalati and Mr Uy where you first met at a coffee shop in Rhodes Shopping Centre and then reconvened to a park nearby?---You've got to be clear on the park nearby. So we did have -
- -

10

Well, any park nearby.---We did have, to the best of my recollection, we did have a, probably I met Mr Badalati there and Philip Uy probably on one or two occasions. At that time around one or two occasions. Now, you're saying in '18, I don't recall. We would have had, whether that's '15, '16, '17, '18, I don't know but we did have a, a coffee, the three of us at that, at Oliver Brown and we did venture down to the park across the road and that's about it, and then we all got in the car and went home.

20 You were talking the park immediately across from the shopping centre, which I think is Lewis Berger Park, is that right?---Yes, yes. That's where we went straight away. That's what we would have done. There's no, I, I didn't see any need to, to go to any other park. It was just having coffee and going.

Did you ever have a meeting where you had coffee at the shopping centre and then reconvened to Rhodes Foreshore Park which is slightly further away?---What do you mean reconvened? As in we drove all there, we walked all there, what, what does that mean, reconvened?

30 Well, either way, walked or drove?---No, I don't recall that. There was no need for us to go down to the park. I've never, I don't recall going to that park for any reason, to drive down there, park next to each other and be there, no, that never happened.

THE COMMISSIONER: Why did you go to the other park?---Which other park, sir, sorry, Commissioner?

The one - - -?---Across the road?

40 Yeah.---Oh, mate, I, I, I used to have coffee with all my work colleagues there and we just, because it's around lunch, you just take a coffee and you

walk around and you have a coffee and then you walk and you just talk a bit and then I think, I think, I don't recall what, exactly the time but any, one of those times would have been that, that Philip Uy was interested in showing us what Wentworth Point looks like and the high rises and, which I remember him saying "Here's all the high rises there. Why isn't Hurstville doing the same thing? We're going to be left out. Hurstville is the regional centre of the south" and all this. So, so I said "Okay." So we just go. Sometimes we would have gone to somewhere else.

10 But these times on the phone records are well after lunchtime, aren't they?
---I said, I said if it was, sometimes we met once or twice there, so it sometimes could have been at lunch and sometimes could have been that time. I, I don't know if that tells me we met there. That's not telling you I met there.

No.---That's not saying we met. That just says he made a phone call from there. He could have been going shopping, the other guy was shopping.

But you've told us you had coffee.---Yes, we did.

20

And I thought you at Oliver Brown but you certainly purchased coffee.---At Oliver Brown, yes. We had the coffee there.

Well, I'm asking you the question then, you had the coffee there, why did you go across to the park?---I don't know. I don't know what was going through our mind at the time. We just walked to the park.

Right. And what happened when you got to the park?---From my recollection we just walked down to the park, we walked around to the, to
30 the water bit on the, on the right where we showed us the, the towers across the road and I said "Fine." And he just wanted to whinge. Maybe he wants, as a real estate agent, he's saying "Look at these. Why aren't you doing the same?" I said "Fine" and then we got in the car and we just go. So what does show, after 4 o'clock? 3.30, 4.00, and then have a look at Homebush West, Con Hindi, at 4.30. So I just went to back to work. I don't know. I could have gone to work, I could have gone home. I don't know. I thought that he probably would have gone home.

40 MS HEGER: All right. So you don't have a recollection of meeting Mr Badalati and Philip Uy on this day, 25 July, 2018, correct?---Not on this day. It may have happened but - - -

It's possible it occurred?---Yeah. It's possible it occurred but I, I don't recall having the coffee, getting in out car, going to the car park, driving all the way down to the other park, parking next to each other and doing what Councillor Badalati said. That never happened.

All right. Can I tender this record of calls? It will be Exhibit 299.

THE COMMISSIONER: Thank you.

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#EXH-299 – PHONE RECORDS FROM 5 JULY 2018

MS HEGER: And can I show you Exhibit 288, which is a map of Rhodes? All right. Mr Hindi, did you watch that part of Mr Badalati's evidence where he was presented with this map and marked it?---Yes.

And you can see he's put a circle near Rhodes Foreshore Park.---Yes.

20

Do you see that?---Yes.

And his evidence was that you, he and Philip Uy had a coffee at the shopping centre in Rhodes and then drove your cars down to Rhodes Foreshore Park. You say that's never happened?---Never happened.

All right. And of course Mr Badalati's evidence is that when you got to Rhodes Foreshore Park, Philip Uy pulled out two bags and gave them to Mr Badalati and another two bags from his car and gave them to yourself. Do you deny that?---Yes.

30

And Mr Badalati's evidence was that in his two bags there was \$100,000 in cash. Were you given two bags containing cash - - -?---No.

- - - by Philip Uy?---No.

That never happened?---Never happened.

Did Philip Uy ever pay you any money in respect of the Landmark Square planning proposal?---No.

40

It's a bit of a coincidence, isn't it, that Philip Uy was messaging someone with a picture of cash saying that it was for you, and that you'd requested it, and the phone records indicate that that very same day you met Mr Badalati and Philip Uy in Rhodes. Can you explain that?---I'm sure if you looked at other phone records, instead of being selective, you'll find we probably met there on other occasions. So it's not – we can't go selective one record. There's probably heaps of other records that shows that we were there and that didn't coincide with the photo. But picking something that coincides with the photo, which is fair enough, that's what you have to do, but it
10 doesn't mean we were there. It doesn't say that. It just says there's phones, people calling. Doesn't mean they sat there and did anything. And that never happened anyway. And for, for – that's all I can say, anyway.

THE COMMISSIONER: There's something that's, you know, you understand that's playing on my mind, that's this, that – and you may not be able to help me on this, but Mr Badalati told this Commission two things. The first was that you had told him that you, like he, had received approximately \$70,000, and the second was that you and he took \$100,000 each from Mr Uy. Do you have any explanations why Mr Badalati would
20 tell this Commission that you had received bribes in the order of \$170,000? ---Commissioner, I don't have any evidence or basis to tell you but I can speculate why.

Well, don't speculate. I just want to know whether - - -?---No, in terms of evidence and this, I don't know. You'd have to ask him. But I can speculate why he did it, why he said that. You can tell from his private hearing why he said it. 330,000 had to be explained.

Say again?---He had to explain 330,000 into his account.
30

Yeah?---So I'm just saying I can only speculate, and - - -

Well, you see, it's obvious, isn't it, the admissions that he made about himself were incredibly damaging, do you agree with that?---Absolutely, hundred per cent.

And it wouldn't be putting it too highly to say that he's ruined his life?

---Yes, I - - -

40 And indeed I think from questioning from his own counsel, Mr Pararajasingham, he told us that one daughter had disowned him and his

family life was hanging by a thread. But as I understand your evidence, you've got no explanation as to why he involved you in all of this?---Oh, I don't know whether it's the witness cooperation program or not. I don't know. Could probably to do with that. So witness cooperation program, if you read it, you'll get good concessions if you tell about other people. So maybe he took the opportunity. I, I can't, I can't, I'm not basing anything on any basis and I don't know what he was going through. But when you've got 330,000 you have to explain, well – and, and he's concerned about his daughters, so, being brought in, so. Can I just say one thing - - -

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But that didn't necessarily involve him throwing you under a bus, surely. ---Well, can I just say one thing, Commissioner, which is I find that hard to understand. If he had the confidence to tell me about the 70,000 first, and you're saying it's around April 15, isn't that what we're saying, roughly after, after the, after Landmark, sorry, after Treacy Street that he got the money. That's what he's saying. We don't know the time but he's saying around that time. Well, if you look at the, based on the evidence that you've got in there and based on your, the records that you have of the phone, I think around that time he was in China with Mr Sansom. Now, I'm not alleging anything about Mr Sansom or what he did or didn't do, but I'm saying they were in China at the same time. So if they were that close and they were actually with nice ladies and doing what they want to do, he could have said to Philip, "We're working together. I got 70. You get 70." To Mr Sansom I mean. Right? So he didn't. Now, why did he throw me under that? I don't know. But he, he could have confided that in Mr Sansom more than me at that time. He's closer to him than he was with me.

20

But he didn't. He named you, specifically.---But, but the question becomes, Commissioner, why are you going to volunteer something to someone you don't know that well but you didn't volunteer it to someone allegedly has been working for the three of us, which is Mr Sansom, that he was in China with girls for them, at, at, around that time, April '15, April/May '15 they were there together, from my recollection. So if I'm wrong, I'm happy to be corrected, but I think around that time, they were together.

30

So you're saying because he was closer to Mr Sansom?---Yes, because he, just to let you know, Commissioner, around, this is the figures you're looking at 18 or, 2015 or in, in September 2014, Mr Badalati ran against me as the mayor, so, and I was told by the people that voted for me, "You will either do not talk to Badalati and don't work with him and we'll vote for you," for me "otherwise we're not voting for you" and I accepted that,

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around that time. So, what, how can I be close for him to tell me those things? But, anyway, I'm only speculating here, Commissioner, and that's my views and not, there's no hard evidence.

No, but you'd understand why it's playing on my mind because, you know, he's admitted to doing a very bad thing and he's said essentially that you did the same thing.---Well - - -

10 And I'm just trying to find out from you whether you've got any explanation as to why he's done that?---Maybe the cooperation program plays on your mind, I don't know, witness cooperation program plays on people's mind? We've still got 160,000 we have to explain, don't we? No?

I'm not going to answer that.---No, I appreciate. It might have been 'cause it was redacted but, it might have been but I'm just saying that's - - -

I'm just - - -?---I don't know.

20 MS HEGER: You've brought up an additional amount of money deposited into Mr Badalati's accounts but it doesn't explain that to point the finger at you, does it? There's no logical connection between the two?---Maybe, maybe I'm Liberal, he's Labor and he's gone back to his roots of Labor? "I hate Liberals and I want to come after him. Why would I go after my mate Philip Sansom" - - -

30 THE COMMISSIONER: Come on. That's - - -?---But you think, you think, Commissioner, wouldn't it be best to go down by yourself or go with somebody? I don't know. I mean, why would he confide in me on the, on that day? Why would he confide in me he's got 70, it's a bribe? Why would you do that? You don't know me that well. I ran against you as mayor.

40 Because maybe you were both in it together in terms of giving assistance to these people in respect of Treacy Street?---Sorry. He said in his evidence that he was not expecting any money at all and he didn't know it was money and he was surprised. So how could it be that we're working together and we're going to get money and then he tells me? Sorry, I, look, I understand where you're coming from, Commissioner, and I'll respect that but I don't have an answer. As, on the basis, I don't have any answer for you. All I did is speculating and that's my speculation. If it's all wrong, it's up to you, but I, I don't have an answer. I can't, I can't, I don't know.

Thank you.---Thank you.

MS HEGER: I think you gave evidence either today or yesterday that around 2015 and 2016, you hardly spoke to Mr Badalati. Is that still the position?---Hardly, doesn't, spoke, maybe we have spoken but not met because I was at work, I had a full-time job, I couldn't leave my work. So it's not the meeting that I would say we used to have in 2019/2020 which I used to have a lot 'cause I left work at that time. So I had plenty of time to
10 be at Hurstville. But the other one, I wasn't. So phone calls, you still talk on the phone and if - - -

And how often would you talk on the phone during 2015?---I don't know. You've got the records. I don't really know. But I would have spoken to other councillors, as well.

Well, the phone records suggest that from the period 16 March, 2015, to 31 December, 2015, your two mobile phone numbers, one being your Ausgrid, I think, and one being your other personal mobile phone number, made 394
20 communications to Badalati's mobile phone.---Yeah, that - - -

Does that sound about right?---I don't know, but there may be zero seconds, three seconds, one second, 'cause we've just seen the seconds.

THE COMMISSIONER: Yeah, but you might have been leaving a message or whatever. The fact is you've endeavoured to make contact - - -?---We don't.

- - - with, that many occasions.---I, well, maybe there's, there are some
30 items on the agenda because, as I said, council was imploding so we might have talked to each other, but at the end of the day, maybe you should look at other councillors, how often I've spoken to them.

MS HEGER: And the records also suggest that from 10 June, 2015, to 31 December, 2015, Mr Badalati's mobile phone made 415 communications to your two mobile phone numbers. Does that sound about right?---I don't know. If you're telling me, that's fine, but, but don't forget that Badalati became the mayor in, in September '15 - - -

40 THE COMMISSIONER: But that's hardly consistent with having very little contact with him between 2015 and 2016?---Well, there's a difference

between contact as on the phone, as a contact sitting down and having coffee - - -

MS HEGER: Well, you - - -?---Because, as I said, I work and when I, driving most of the time I'm on the road, I just make calls.

Your evidence earlier was that you hardly spoke to him and this paints a rather different picture, doesn't it?---Well, if you want to take it that way, you can but - - -

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THE COMMISSIONER: Well, what other way is there to take it?---I did not have those records, Commissioner. I just said from my recollection that's what I think I did. Because it's not, it's not the same as the 2020 or 2019 when I met with him virtually nearly every second day and was sitting down having coffee and was sitting down talking. The other ones were on the phone. My, most of my work, because I'm on the road or whatever with Ausgrid, I can't leave, I ring up a lot of people. So I would have called him, it would have been a five-second call if it would have been something and you don't sit down and talk on the phone just, just, you miss calls, you do that. So all I'm saying is, Councillor Badalati, oh sorry, Mr Badalati was in China around that time with Mr Sansom and, please, I'm not alleging anything about Mr Sansom, right, but he could have confided in him if the three of us were working together rather than that one, that's all I'm saying.

20

I don't think so. I don't think that's right. I think Mr Badalati made it pretty clear that he knew there no wrongdoing - - -?---Sorry?

I think Mr Badalati made it clear, at least from his point of view, that Mr Sansom didn't involve himself in any wrongdoing and by that I mean taking money or the like.---But he was involved in all the drafting of the helping and asking, so - look, I, I'm not saying he did anything wrong. All I'm saying is maybe, based on the transcript, that he was asked about Hindi and he goes, "Yeah, I'll throw him in." I don't know, I don't know. As I said, that's speculation, I'm not going to speculate anymore, Commissioner. I can only give you what I believe is, is what I thought is his evidence. I don't have any - - -

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MS HEGER: Another coincidence, Mr Hindi, is that the photograph of the cash on Philip Uy's ironing board was all in 50s and Mr Badalati's evidence is that the money he was given for Landmark Square was all in 50s. Do you have any response to that?---They can only be 100 or 50s, so it would have

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to be 50s. So that's not much of a coincidence, fifty-fifty, it's the toss of a coin, isn't it? They're not going to have \$5 notes, so it's 50 or 100, or could be a combination. So (not transcribable). However, I'm, I'm not going to comment on Mr Badalati's evidence again because it's already been commented on but - - -

All right.

10 THE COMMISSIONER: Well, no, you've got competent counsel and no doubt at the end of the day he will make submissions.---That's what I'm saying. Thank you. I can't, I, yeah, I don't want to be saying anymore otherwise I'll be taking your time, Commissioner.

MS HEGER: Can I show you volume 24.8? Do you recognise this document, Mr Hindi?---Do I recognise it?

Mmm.---I probably do, yeah.

20 All right. Your family was involved in developing a property at 19 Culburra Avenue, Miranda around this time, 2018/2019, correct?
---Absolutely, yes,

And you ultimately built duplexes that property?---Yes.

30 All right. And Mrs Hindi's evidence was that the practice she generally adopted was that where she had paid an amount to a contractor in respect of this development she would record that in this spreadsheet. As far as you know, was that her practice?---Again, I don't like the word "practice", but generally that's what happens. However, it's, yeah.

And as far as you know, was that Malcolm Hindi's practice to the extent he made any entries in this spreadsheet?---I think they make, the, the three of us made the entries based on the, on the, on the WhatsApp messages we sent to each other. That's how we make it.

All right.---So that's how we know that's been paid.

40 All right. And so it was your practice as well that if a payment had been made to a contractor, you also recorded that payment in this spreadsheet?
---If it had been made or even anticipated to be made, it can be recorded as well.

Well, Mrs Hindi's evidence is that the purpose of this spreadsheet was to keep track of the costs for this development. You would hardly be keeping track of the costs if you put in anticipated expenditure, would you?---No. You can, of course, because it's not, it's the cost, it's the future cost as well because, for example, if I took you to "Colorbond roof," I won't mention names, 7,000, I don't think I paid them that much but because the whole thing was shonky it wasn't working properly. So we owe him that much but we didn't pay him because down the track he might come back and ask for his money and we have to argue, but we put it there.

THE COMMISSIONER: So these are entries that reflect estimates of what you might pay?---But as I said, the actual cost that would have happened is when we sent texts to each other and messages and saying, yeah, this has been paid, this has been paid. So that's what I believe.

But I'm talking about this construction cost.---Yes. Yes. There's messages going between us on that one.

20 So it includes amounts that were paid and amounts that might be paid?
---Yeah.

What possible use would that be?---It is very good uses because, again, if I take the, if I take, Commissioner, the, the Colorbond roofer, if the roof is leaking, it wasn't done properly, we've got somebody else here, it's not done properly, we're meant to pay in cash 7,000, we didn't pay him. We paid him a little bit and left the rest because we may need to get somebody else to come and do it. That all adds to the cost of the building because you need to pay that later on. So it doesn't mean we paid it. The payment is, is, is basically done with the actual WhatsApp messages between us. When the three of us say it's been paid, then it goes in.

But it then goes into the sheet.---Yeah. No, it, once it's been paid, but some of them is, yeah, if you compare that to the actual WhatsApp messages, you'll see what has been paid and what hasn't. That's how I look at it. Or some emails or some texts, whatever, that we've sent to each other.

Well, what was the purpose of keeping this record?---Sorry?

40 What was the purpose of keeping this record?---Keeping that record, like a spreadsheet?

Yeah.---Because it tells me how much it cost, so you can claim it on tax if you have to, down the track, if it's, if it's, you've got to pay tax when you sell it or whatever.

Yeah.---So it might not have been fully there but it's still money that could be, you need to pay. If they don't come back and fix it, you've got to give that money to someone else. But most of it would be, would be, would be correct, would be like, most of it, most of it would be money paid.

10

MS HEGER: Yes, and I think that was Mrs Hindi's evidence.---Yeah, most of it would be money paid.

That the vast majority of it would record payments made.---But we're saying not, not to the dollar, yeah. Most of it would be but it doesn't mean it's all of it.

Okay. If we go to the next page.---Ah hmm.

20 And, sorry, your practice as well was to record the method of payment in the last column. So if it says "cash", that generally means that it had been paid in cash to the contractor, correct?---That's what it means, yeah, usually.

All right. So the amount - - -?---Sometimes you make mistakes but it is basically what it's meant to be, generally, yeah.

So the amount on the right there, \$166,828, represents the total of the cash payments up to that point in the spreadsheet.---Yes. Yes.

30 I want you to assume that's the case. Which suggests that by that point, May 2019, about \$166,000 in cash had been sourced from somewhere to pay the contractors on this development. You understand that?
---Absolutely.

And I can tell you the Commission has looked for any matching withdrawals from bank accounts from yourself, from Mrs Hindi, from Malcolm Hindi, and can't find any withdrawals that explain this amount of cash.---Yes.

40 And so what I'm suggesting to you is that the family had around about that amount of cash at home available to be paid to these contractors. Do you

accept that?---That's not true. That's not true in terms of the whole amount being in there, no.

All right. Well, Mrs Hindi's evidence was that about 12,000 of the cash came from gifts for your 25th wedding anniversary, and another 35,000 I think she said came from her parents, and she said the rest came from loans from your family.---Yes.

Is that correct?---That is true.

10

All right. So that means approximately 120 grand or so in loans from your family, is that right?---That's not right because, as I said, some of that might not be correct.

All right, well, let's discount it to say 100 grand.---Let's just take around that figure, 100 grand, average that much, yeah.

You got that in cash loans from your family, is that right?---Yeah, but, but a bit at a time. Not, not in one hit.

20

Mr Hindi, I'm going to have to ask you which family members you got that amount of cash from.---I'm happy to tell you. Family member number one, he lent me 30,000. Family member number two lent me 30,000. And family member number three lent me 20,000, and my son had 20 with him.

THE COMMISSIONER: I might get you to write the names of those people - - -?---Thank you, sir, yeah. I'll do that. Thank you for - - -

30

- - - on a piece of paper and we'll mark it as a confidential.---Thank you for doing that. Thank you. Would you like me to put the relationship with me as well?

Yeah, if you don't mind, yeah.

MS HEGER: Thank you. Could you also just write the amount of money that you obtained from each relevant family member next to their names, please?---Yes, yes.

40

And while you're doing that, I'll tender volume 24.8, Exhibit 300.

THE COMMISSIONER: Thank you.

#EXH-300 – VOLUME 24.8

THE WITNESS: I'm not sure I got it right. Thank you, sir. Thank you.

THE COMMISSIONER: Do all these people reside in Australia?---Yes.

10 Thank you. We might just mark that as an MFI, I think, at the moment.

MS HEGER: Okay. MFI 72.

#MFI-072 – POST-IT WITH NAMES OF HINDI FAMILY MEMBERS

20 MS HEGER: Could I please – thank you. The first three entries on this post-it, did you repay all of those amounts?---I've repaid one. The last, is it the last one.

So there's an amount of 30 to the first person, 20 to the next group of people and then 30 to the third person.---I haven't paid those. Yeah, the third person I have repaid.

You haven't repaid?---The third person I have.

30 You have. And how did you repay that \$30,000?---Cash, cash.

All right. But you haven't repaid the others, is that right?---No, no. Because they, they don't want it. There's not an urgent need for it.

And when you repaid that person in cash, you literally just delivered \$30,000 in cash to that person's home?---Yes.

When did that happen?---Around, from recollection, early 2021.

40 And the contribution from your son that you mentioned publicly - - -?---He told me he - - -

Did you repay that amount to him?---No. Because that's his, that's his house.

That was just his contribution?---That's his house. I'm actually helping him, me helping him.

All right. And do you know where he obtained that cash from?---I'm just trying to work out, it was his, was it his, at the time, was it '18, it might have been his graduation or something, something, yeah. He always gets presents and all that, so he saves it and (not transcribable) I said "Do you have any cash?" and he goes "Yeah." I said "Let's use it."

All right. And the 30,000 that you haven't repaid from the first person, how did that provide that to you?---Cash.

They just gave you physical cash?---Cash.

And when was that?---Oh, I don't recall exactly but probably around sometime July '18, August, yeah, say sometime in late '18, mid to late '18 or '19.

Around the same time as those text messages from Philip Uy that we went to earlier.---Oh, geez, I shouldn't have said July. I should have said, but that's when it was.

No, that was inconvenient, wasn't it?---No, I don't think it was convenient. I don't think it was – anyway.

And the \$20,000 from the next set of people, you received that in physical cash?---Around, yes, around Christmas 2018. That wasn't near the photo, was it?

That was late 2018, was it?---Christmas '18, not late, Christmas.

All right. Thank you. The planning proposal for Landmark Square was gazetted on 7 August, 2020. Correct?---Yes.

And you told Meryl Bishop to announce the gazettal of the planning proposal. Is that right?---Yes, but did I tell her? I didn't tell her. I don't tell her what to do. I notified her that it's already on the gazettal portal.

And you asked her to send an email to all councillors?---No. I don't do that. I don't have, I don't instruct staff what to do. All - - -

Did you suggest that she send an email?---Why would I suggest to send to her? All I said to her is I knew it did and I'm just, as a, because we had a good relationship with Meryl Bishop, and I said, "Meryl, it's, it's being gazetted, so maybe councillors would be interested, as some of them want to know what happens to \$7.9 million to be used for projects 'cause we're looking for money and it's COVID time." And she goes, "Yeah. Okay." So
10 (not transcribable)

All right.---Can I, can I just put something on the record, please, if you don't mind 'cause I said that in the private hearing and I want to put it on public record, as well? It is important that, Commissioner, as of around probably October 2019, my circumstances have changed and they've changed in that I was given a redundancy by Ausgrid and I needed to go and find a job, whether I wanted to stay as a consultant, electrical, whether it want to become a builder, whether I want to become a real estate agent, so all that stuff. So around that time, I started, with Mireille and others, I said
20 to her, "Introduce me to people you know because I want to know what's happening." So my circumstances post-October 2019 is that I became more involved, more talking to Philip Uy, more talking to other people, more to other developers. And it was my, it was my obligation under the code of conduct and the Act that if any application comes through, then I have to reassess and re-evaluate my perceived conflict of interest on that. So if anything changes, more meetings with Faye and others, yes, it may have happened past that date. So I, I was trying to work out what I need to do in life. So that's, that's basically, I'm just trying to put that on record. If there is something that you said I've spoken, I've done, it's more that bit has
30 changed and therefore my status of, of conflict of interest, whatever, has, has changed, as well. So I want to put that on the record. And, and Landmark came to, to, to council. I was on the panel, and I did not vote on it. It came on the, the Sydney East, Sydney South Planning Panel and I did not participate, not because of anything. I thought because I'd been talking a bit more than usual, so did not participate ever.

Right. Did you declare at that time, that you were not participating because of your relationship with Philip Uy?---No. I just did not go to the meeting and it was, I did not go to the meeting.
40

But the reason you didn't go was because of your relationship with Philip Uy. Is that right?---No. No, no, no, no. There was, there was two or three, two things, maybe you may put in there. The first one would have been because if you participated in a, if you participated in an application before or anything to do with an application, if it goes to the panel, you can't be there and the reason being because you've got more information than the other three panel members, so you can't. So that's one thing. Another thing is would have been because maybe I'm meeting people while I was trying to do business with other people. So I don't know Philip Uy had anything to do with it but I didn't participate. And I took a, the easy way out. I said I'm not going. So I didn't go. Anyway, I just didn't, didn't participate. So my, my status and my circumstances have changed.

All right. Were you observing when I played Mr Badalati a telephone call between yourself and him a day after the planning proposal was gazetted?
---Yes. Yes.

All right. And you recall that in that telephone call, Mr Badalati said he was trying to get in touch with Philip Uy?---Yes.

Do you know why he was trying to get in touch with Philip Uy?---I don't know, really. I mean, maybe he's trying to tell him about the gazettal, I don't know. But he says, "I'm trying to get him and I can't," I said, "Mate, so what?"

Well, did you understand at that point that Philip Uy still had some kind of interest in the Landmark Square planning proposal?---No. Not a chance. I, as I said, he may, I, I did not know he had any commercial interest. I did not know about, for example, if it was sold to Prime Hurstville, he maybe assisted them looking at future opportunities. I don't know what the future opportunities are, so he might - - -

Did you know around that time that Philip Uy expected to receive a further payment upon gazettal of the Landmark Square planning proposal?---No, I did not know. No. But for him to keep asking questions to help him, there's something that maybe Prime's going to give him something, I don't know, or help him or future - - -

Did you receive any kind of money or other benefit upon the gazettal of the Landmark Square planning proposal?---Around, what, 7 August?

Yeah.---No.

Did Vince Badalati?---No. Well, I'm sorry, I'm saying no, he didn't tell me.

All right. Can I move to a different topic now, Mr Hindi. You're aware of a property in Hurstville known as the Gloucester Road car park?---Yes.

10 That's the area bounded by Carrington Avenue, Gloucester Road and Garthons Lane in Hurstville, correct?---Yes.

Can I show you volume 7.22, Exhibit 184.---Ah hmm.

See this is an expression of interest dated 20 October, 2011. It's expressed to be made on behalf of GR Capital Pty Ltd in respect of the Gloucester Road car park.---Ah hmm.

20 Were you aware of this expression of interest around the time that it was made, October 2011?---No, I don't recall. I don't recall, no.

Did you - - -?---It would have come to us, to council, but I wouldn't know.

Did you have any discussion with Philip Uy around this time about the Gloucester Road car park?---No.

30 Did you have any discussion with Wensheng Liu around this time about the Gloucester Road car park?---No. Can I ask a question on this? I mean, we've got GR Capital and we're saying it's Wensheng Liu. GR Capital Group is Wensheng Liu. GR Capital is not Wensheng Liu.

Wensheng Liu was the manager of GR Capital around this time.---Yeah, but he's not the director. People look at directors, not managers. Anyway.

No, that's correct. He wasn't a director of GR Capital Pty Ltd at this time. ---Yeah, so why are we saying, why are we saying – anyway, sorry, that's your question (not transcribable)

40 I'm not going to answer questions from you on that topic.---Sorry, it's your questions, not mine. My apology, yeah.

Can I show you volume 7.23, which is Exhibit 185. This is a letter back from Hurstville City Council dated 25 October, 2011, returning the cheque that GR Capital Pty Ltd had provided.---Yes.

Were you aware around this time that the cheque had been returned?---No.

You didn't have any discussions with Philip Uy about that?---No.

Any discussions with Wensheng Liu about that?---No.

10

You're aware that subsequently Hurstville City Council took the Gloucester Road car park site to tender?---Yes.

I'm going to show you volume 7.5. Exhibit 255. So this is a list of companies that had lodged a tender for the Gloucester Road car park.---Yep.

20

It says the tender box was open Friday, 30 March, 2012. Did you become aware around that time of the companies that had lodged a tender?---It was, I don't know if I have or not, but that's public knowledge. It was open to the public.

All right. So it's possible that you did, you just can't remember?---Possible. I can't remember if I was there or not but they're usually put on to list on the outside of council. There's a wall. They put the list.

All right. Around this time, you see one of the tenderers was Deicorp? ---Yep.

30

Around this time did you know anyone who was involved in the running of Deicorp or an employee of Deicorp?---No, I've heard of the, the founder/director but never sort of spoken to them, never talked to them, never seen it. 'Cause he did a lot of development around Kogarah Council, so I, I don't know. Don't know.

You hadn't had any discussions with that person around this time?---No. Not, not Deicorp themselves, no.

40

You didn't have any kind of professional or personal connection with anybody at Deicorp around this time?---No. Didn't even know them.

Do you recall becoming aware around this time that GR Capital Pty Ltd had lodged a tender for the Gloucester Road car park?---I don't know because if I've seen the list, I've seen it.

Did you have any discussions with Philip Uy about the fact that GR Capital had lodged a tender?---No. I don't, I don't, I don't recall that, no. I don't recall.

10 Did you have any discussions with Wensheng Liu about the fact that GR Capital had lodged a tender?---Definitely not. Never met him.

All right. You're aware that Mr Wong has given evidence that Philip Uy paid you \$10,000 in respect of the Gloucester Road car park? You're aware of that evidence?---Yes.

Did that happen?---No.

20 Did you have a meeting with Mr Wong and Philip Uy at your house in the period late-2011 to mid-2012?---No.

Have you ever had a meeting with Mr Wong and Philip Uy at your house? ---No.

Mr Wong's evidence is that you did have such a meeting and Philip Uy said that Mr Liu was interested to submit a tender for the Gloucester Road car park and he asked you not to assist other developers in relation to the car park. Did that happen?---No.

30 In July 2012 council ultimately decided to negotiate with Deicorp, correct? ---Yes.

And you voted in favour of that, correct?---I don't recall but I think – sorry?

You voted in favour of that?---I don't think I did.

All right.---I don't know how voted but I don't think I voted in favour.

40 Okay. Mr Wong had given evidence that he subsequently tried to recover the \$10,000 from you. Did that happen?---No.

Have you seen me ask questions of Philip Uy about various text messages exchanged between himself and Mr Wong?---Yes.

You're read those text messages yourself?---Yeah, sort of, yep.

All right. Mr Wong's evidence was that he was talking to Philip Uy in those text messages about recovering the money from you. Do you dispute that?---I dispute that. That, I dispute that, yeah.

10 All right. On 6 December last year you attended a compulsory examination at the Commission, correct?---Yes.

And before you attended the Commission for that compulsory examination you told Vince Badalati that you had been summoned for that examination, hadn't you?---No.

You didn't tell him that?---No.

20 He had no idea before you came to the Commission that you were coming to the Commission.---He may have, he may have had an idea because we knew other people were being summoned. So - - -

But you didn't tell him you had been called to the Commission?---No. He, he, he suspected that because he called me so many times on that day, so he suspected it. I didn't tell him.

Right. Mr Badalati's evidence is that you did tell him. So you deny that?---Yes.

30 All right. After your compulsory examination you and Mrs Hindi met with Mr Badalati that night, correct?---Yes.

You had a few missed calls from Mr Badalati that evening?---More than a few, yeah.

And you called him back?---Yes, at about 7.00 or 8 o'clock at night.

40 And you arranged to meet at Ramsgate?---Yeah. I said, he said "Can I come and see you?" I said "I'm having shopping with my wife at Ramsgate, do you want to come?" He goes "Yeah, I'll see you at Ramsgate."

Yep. And the three of you met on the beach at Ramsgate, correct?---Yes.

And you discussed this investigation, didn't you?---No.

THE COMMISSIONER: What was the purpose of the meeting?---He just wanted to catch up and we used to catch up sometimes late at night. We would catch up, we were talking about the election, the council election that had just gone past and who's going to get elected and how many Liberals,
10 how many Labor, how many independents and just to get it right, we weren't sitting on the beach in the dark. It was lit up like anything. You go over there, it's lit up. People sit there all the time around you, there's people walking around you.

It's all a bit odd though, isn't it? You - - -?---Sorry?

It's all a bit odd that the day before he gives his evidence you meet with him - - -?---No, it wouldn't be because we would have met the day before - - -

20 Just let me finish.---Sorry.

And the evening after you given your evidence you meet him with again. ---The evening after? Oh, I give my evidence?

Yeah.---But that's, we, we normally meet, nearly every day. I told you it was so, we were meeting a lot around that time.

Then he gave his evidence the next day.---Yep.

30 And were you aware that he was giving his evidence the next day?---He sort of hinted but he didn't, I didn't, I didn't - - -

He hinted, right.---I didn't, I didn't actually, I didn't push him to tell me yes or no. He sort of hinted.

Well then it's odd too, isn't it, that the evening after he'd given his evidence you meet again.---There's nothing wrong, Commissioner, with meeting people after giving evidence as long as you don't discuss it. I don't see any reason why you can't meet people. There's nothing there that says you
40 can't meet them. You can meet them, you can sit with them, you can have a drink after as long as you don't discuss it.

I know that.---Yeah, well.

But Mr Badalati says that you did discuss - - -?---Well, I'm not going to say which version of his evidence, Commissioner, again but it's not true.

Well, again, can you give any explanation as to why he would say that?

---Maybe because he wants to seek me more than he trying to and he wants to seek me more. I don't know. I don't know why. I have no idea. Why
10 would he change his evidence four times? I'm sorry, Commissioner, I don't know. I can't give you a basis of why he would have done it, but I don't know. But all I'm saying is there is nothing wrong with meeting people as long as you don't discuss it.

I know there's nothing wrong with meeting people.---Yes.

But you'd have to agree with me that it's very, very odd that the day before you give your evidence, you meet with him. The night of your evidence, you meet with him again. He gives his evidence the next day and you meet
20 with him after he's given his evidence.---No, met with him the day after he gave his evidence. Not on the, on the day.

Okay.---On the night. The day, the night after.

After, yeah.---Yeah, and meeting him the day before giving evidence makes no difference. We used to meet nearly every, every, every day or every second day. So it wasn't an odd thing to do. So, I'm sorry, I understand where you're coming from, Commissioner. I respect your views, but I'm just saying we meet, we used to meet all the time. (not transcribable) we
30 met all the time.

Yeah.

MS HEGER: All right. And when you met the second time, on the Wednesday, you knew that Mrs Hindi was coming into the Commission on the Friday, didn't you? She told you that?---I don't know if she told me. She may have but I, I don't recall. Let me tell you about, sorry, let me tell you about my evidence in terms of the, the date I went. The Commission was calling my wife to say, "We want you to give a summons to Con for
40 this date," 'cause they couldn't get hold of me. They were telling people.

All right. I'm not interested in that at the moment.---Oh, sorry. Okay. No, I - - -

I'm just asking you, did you know Mrs Hindi was due to come in on the Friday?---Well, I don't recall that, I don't recall.

All right. And your position is that that second meeting, that occurred at Mr Badalati's daughter's apartment in Ramsgate, correct?---Yes.

10 You didn't discuss this investigation at all?---No. As I said, general - - -

What did you talk about on that occasion, given you'd just met each other two days earlier?---I mean, it was, it was clearly told that my wife went there, 'cause do shopping, a lot of shopping in Ramsgate. That's where we do our shopping with our kids. We go there. And we met them before, and he says, "Oh, if, my daughter won't be there. Do you want to give, give a valuation to my daughter? Your wife's a real estate." "Yeah, she'll drop in." We dropped in, 15 minutes, and we left. Nothing wrong with giving a valuation (not transcribable)

20

I suggest what was really going on is that the three of you were trying to get your stories straight as to the evidence you'd give to this Commission. ---That is not true because we'd had a year to get, to get - I'm sorry, if we were, we had a year to do it. So why would - - -

Yeah, but what had changed by this time is that - - -?---Yeah, what changed?

- - - you'd attended a compulsory examination on the 6th.---Yep.

30

So you had a pretty clear idea of the sorts of questions the Commission was interested in.---No, because the questions that were asked it was just, everyone knew what was going to be asked. It's basic. There was nothing. In fact, it's interesting that all the private hearings there was nothing put in front of me except it's all been put now. People think you've had that. I didn't. Nothing was put in front of me. Everything's put in now.

Well, that's not right, Mr Hindi, and you know that.---Some of it is. Most of the stuff that you have to think about, like spreadsheets and all that, they
40 put in front of you right now. And people that are listening, they'll be

going, "You should know that. You've given it to you two weeks ago."
Just got it now. Sorry, I'm not being rude, but - - -

No, I accept the spreadsheet I just showed you wasn't shown to you in your private examination.--- - - - it was simple, yeah, yeah, but it was, sorry, but it is simple what you're going to ask. If you're saying I'm investigating from 2004 to '14, we'll go through all that. I mean, it's like an exam. You go to uni exam and that's how you study. You don't know what they're going to ask but you expect it, so - - -

10

All right, all right.

THE COMMISSIONER: The questions you're being asked here are pretty simple, aren't they?---Yeah, so - - -

And they come down to, I suppose, three core facts.---Yeah.

One, did you accept a \$70,000 bribe? Two, did you receive a \$100,000 bribe? And three, were you putting your heads together over this period of time around when you were giving evidence so you could get your stories straight?---No, sorry - - -

20

No, they're simple, simple questions.---No, I appreciate that, Commissioner. All I'm saying is there was no, there was no mention of any, any money because there was no money to mention. So, and putting our heads together, there was no need to put our heads together because we all knew about the private, we all knew it's been in the papers, it's been referred. I don't want to mention [REDACTED] again because I'll be - but she's told everybody that ICAC's watching.

30

MS HEGER: No, I don't want to hear anything about [REDACTED] or what they've said to have done.---I'm just saying that it's, there was no need for us to do that because you could have done a year earlier. That's all I'm saying. Thank you. That's all I'm saying.

All right.---Could have done it a year earlier. There's no need to do it on that, on that day.

40

Mr Badalati has also given evidence that you met up in a coffee shop on 11 June, three days before the inquiry commenced. Did that happen?---Yes, it did.

All right. And you were aware at that time that Mr Badalati had been called to attend some further private examinations at the Commission?---No, I was not aware.

He didn't tell you that?---No. The look on his face looked, looked funny, but he didn't tell me. But - - -

10 What do you mean the look on his face looked funny?---Well, I tried to call him a few times and he didn't answer, and he was um and ah, and I'm thinking, because I, I heard that he was on medication and he was going through - - -

I don't want to hear anything about that, Mr Hindi.---Sorry, okay. Okay, sorry. Okay, so he didn't tell me. I didn't, I don't recall him telling me. He may have told me but I don't recall that he told me about that.

20 THE COMMISSIONER: Was this before or after the public inquiry was announced?---That's three days from the beginning of it.

MS HEGER: 11 June, before the - - -?---11 June I think, is it?

After the public inquiry had been announced.---Has been announced, yeah. And now knowing that after he's had his private hearing.

THE COMMISSIONER: And knowing that he'd been called at a public hearing?---Well, everyone would have known, you know, if you're called, you don't need to be a genius to work out you're going to be called.

30 But you met up with him?---Sorry? Sorry?

You met up with him?---I, I, I think I called him a few times to see how he's going but he wasn't answering. And I thought there's something, maybe something's wrong. I don't want to mention about his health. I thought, I was concerned about his health. And then he called me back on a Saturday and says, "Let's go catch up for a coffee?" I said, "Okay." So he called me and I caught up with him and another friend in the coffee shop.

40 MS HEGER: Mr Badalati hadn't been returning your calls, you say, and you also say he had a funny look on his face. You suspected that he was

cooperating with the Commission, didn't you?---No. I thought he was going through mental issues.

All right. Mr Badalati's evidence is that you said to him, "I want you to look me in the eye and tell me you haven't turned."---That is the biggest lie I've ever heard, sorry. I shouldn't say that. That is not true.

10 Right. Well, I suggest you did say that and what you meant by that was tell me you haven't told the Commission about the cash payments we have received?---So you're, you're suggesting to me that's what I told him? Don't tell them about the cash payment? Is that what you're suggesting to me?

Yeah.---Well, according to his evidence, he's never discussed the cash at all with any of us at any stage after the - - -

I'm just suggesting to you - - -?---So, no, it never happened. No.

20 - - - that that's, that - - -?---There was no cash to discuss.
- - - you did say "tell me you haven't turned" and by that, you meant tell me, you haven't told them about the cash payments?---No. That never happened, 'cause there was no cash payment to be talked about.

All right. Did you make any sort of threat to Mr Badalati on that occasion that he shouldn't tell the Commission about the cash payments?
---Absolutely not. It's, it's and I'll, when you finish I'll continue now.
Sorry. No.

30 Did you make any sort of suggestion to Mr Badalati on that occasion that he shouldn't confess anything about the travel expenses on that first trip to China?---Absolutely not.

Commissioner, I have no further questions for Mr Hindi at this time.

40 THE COMMISSIONER: All right. Having regards to the time, I think we'll adjourn. Just a think overnight if there's anything else that you think you should ask, then by all means, do. I mean, I know from experience, sometimes you close things down and then the next day, you think, geez, I should have asked that.

MS HEGER: Otherwise I'll be expecting the cross-examination to commence.

THE COMMISSIONER: Yeah. Sure. Have we got any takers as to who's going to go first?

MR MOSES: I'm happy to go first.

THE COMMISSIONER: Thanks, Mr Moses.

10

MR MOSES: So whenever's convenient to Counsel Assisting. Thank you.

THE COMMISSIONER: Thank you very much.

MS HEGER: And can I confirm that it's still only the council and Mr Badalati who intend to cross-examine Mr Hindi?

MR PARARAJASINGHAM: I intend to question Mr Hindi, Commissioner. I'll be about 15, 20 minutes.

20

THE COMMISSIONER: Who's that?

MS HEGER: Who is that, I'm sorry?

MR PARARAJASINGHAM: Sorry. Pararajasingham for Mr Badalati.

THE COMMISSIONER: Yes.

MS HEGER: Yes. We had assumed you were asking some questions.

30

Thank you.

MR PATTERSON: Patterson for Mr Uy, Commissioner. I don't intend asking any questions.

THE COMMISSIONER: Thank you, Mr Patterson. All right.

MR O'NEILL: O'Neill for Mr Sansom. At present, we don't intend to ask any questions although I might just reflect on that overnight as well.

40

THE COMMISSIONER: Okay. That means there's a possibility we'll finish tomorrow. All right. Good. I'll adjourn.

THE WITNESS STOOD DOWN

[3.53pm]

AT 3.53PM THE MATTER WAS ADJOURNED ACCORDINGLY

[3.53pm]