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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 WEDNESDAY 3 AUGUST, 2022

AT 2.00PM

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THE COMMISSIONER: The oath that you took this morning continues to bind you.---Thank you, sir.

Take a seat. Yes.

10 MR PARARAJASINGHAM: Mr Hindi, my name is Pararajasingham. I'm Counsel for Mr Badalati. You can hear me all right?---Yes, thank you.

Mr Hindi, just a few questions I wish to ask of you, but can I ask this at the outset, please. Could you just confine your responses to the questions I ask. You're able to do that?---I will do so.

This, you understand, is, it's not an argument, it's not a discussion and I'd ask that you not make any gratuitous comments or any non sequiturs. ---Thank you. I will. I will ensure.

20 Now, do you recall, Mr Hindi, that about two weeks ago, I questioned Mr Badalati about his perception or understanding of his relationship with you? Do you recall me asking those questions?---I think so, yeah.

You were seated about a metre and a half away from me as I was asking them - - -?---I'm, I'm sure you were, but, yeah.

Well, just to assist you, but transcript 1758, if that could be brought up, please? And it's just the first 10 or so lines I want to take you or refresh your memory, at least, Mr Hindi.---Thank you.

30

You'll see, I was questioning Mr Badalati and I said, "Now, just final topic, Mr Badalati. The truth is, up until about 6 June, 2022 you were on good terms with the Hindis, were you not?" He said, "Yes." "You considered each other friends?" He said, "Yes." "You were friends for years, were you not?" He said, "Yes." "You went on holidays together, did you not?" "To Hong Kong, yes." "All right. And we've seen that you were in China together on at least one occasion." "Correct." And then you see it says, "MR HINDI: (not transcribable)" Do you see that?---Yes.

40 And I said, "Sorry, I think Mr Hindi is trying to give some evidence at the moment," and then it goes on.---Yes.

It's the case that you had a very strong reaction to that evidence by Mr Badalati, didn't you?---Oh, yes.

Because you disagreed with it, didn't you?---I did. I did.

And it's the case that you do not regard yourself as ever having had a close relationship with Mr Badalati, correct?---I regarded him as a, not a close friendship but a, a friend, as in colleague as a, yeah, council colleague.

10

Okay. That's an answer to a question I didn't ask. Let's try again. You do not regard yourself as ever having had a close relationship with Mr Badalati, correct?---It's, it's not an easy question to – it depends what time of, what, what, what date are we talking about?

I'm not confining it to any dates.---So as of what date because - - -

Ever. I'll go one more time. You do not regard yourself, as you sit there now, as ever having had a close relationship with Mr Badalati.---That's not true.

20

Okay. So you say that you did have a close relationship with Mr Badalati? ---Yes.

And when was that?---Probably started around mid '19, '20, '21.

Okay. I'll come back to that. Have you ever regarded Mr Badalati as a close friend?---Probably after '19, '20, yes. Not before that.

30 Not before that, okay. And have you ever regarded Mr Badalati as a confidante, that is someone you could trust, you could confide things in? ---Not really, no.

You qualified that with "really"? Why did you do that?---Because I can confide certain things to him but not important things to him.

Okay.---I mean, it depends what you say confide in, I know I shouldn't be asking any of these questions, sorry.

No, no. That's fair enough. So what I'm - - -?---I'm just trying to determine what you mean "confide" something, because there's certain things you could - - -

No, no. I'll - - -?---Thank you.

I hear you. What types of matters did you confide in with Mr Badalati?
---What type of matters? I don't know. I mean, didn't confide in, confide family matters, I don't think so.

10

Sorry, I missed that. Didn't confide - - -?---Not family matters, I didn't do family but what I, did I confide in him? Just general things like you do with other councillors. Run of the mill. He's a, he's a council colleague. So - - -

Okay. You said a number of things there.---Sorry.

I'm just picking up on something, on a distinction that you drew in answer to my earlier question where you drew a distinction between confiding some things and not confiding others.---Okay.

20

I'm just trying to understand what that distinction is.---Maybe after '19, '20, I was confiding a little bit more in him than prior to that.

Okay. So you've given me a time period. What types of things were you confiding in him?---I don't know. Give me an example and I'll tell you whether I did or didn't, I don't know. I don't recall what I confided in him.

So you've just given evidence that after, words to the effect, that from 2019 you've confided things in him. You said that.---Yes.

30

So I'm asking you what types of things did you confide in him?---I, I don't recall what I confided in him. It's probably general matters. I mean, he confided in me certain things about his health and what's happening.

That's not what I asked. It's been five minutes and you're already doing it. ---I don't know what I've confided in him. I'm sorry.

You see, Mr Hindi, I'm going to put some propositions to you and this is what Mr Badalati tells me and what he's told this Commission.---Yes.

40

Okay. Mr Badalati instructs me that from around the commencement of the private examinations in December of 2021 to about June of this year, Mr Badalati says that you and he were in regular communication with one another. Do you agree with that or do you disagree with that?---Oh, I probably agree, yeah.

Okay. And what form did that communication take between yourself and Mr Badalati in that time period?---Catching up.

10 Sorry?---Catching up.

In person?---Yes.

Okay. Any other forms of communication?---Maybe phone calls. Phone calls, but very rare, but mainly phone calls to catch up and say “Can you catch up?” Yep.

20 So your position is you caught up from time to time and there was, I think you said, some rare phone calls?---I mean from time – look, I don’t know whether that’s rare or not. We’ve had phone calls and we’ve had catching up.

Okay. I’m just trying to get a sense - - -?---Yes.

- - - of the quantity of the phone calls that you have just said that you had with Mr Badalati from about end of 2021 to June of this year. You said rare earlier. Is that your position?---So let’s look at the period. Christmas, New Year. Oh, no, we’ve probably had regular contacts, yeah. Regular contacts. Not rare, regular.

30

Okay. So now you accept that you had regular phone contact with - - -

MR KUTASI: That’s not what he said, Commissioner. He said regular contact.---Said regular contacts.

THE COMMISSIONER: Yeah.

MR PARARAJASINGHAM: Okay. All right. Point taken. So you say that you had regular contacts with Mr Badalati - - -?---Ah hmm.

40

- - - from at the end of 2021 to about June of this year?---Yes.

And just so it's clear in my mind, you say these contacts took the form of physical meetings?---Yes.

Right. What proportion of the contact was physical meetings?---I don't know. Don't recall.

Well, just try and exercise your mind on the question that I'm asking.---I am. I am. I'm going. I don't recall.

10

Was it 50 per cent?---I don't know. Don't recall. I don't keep tabs on these things.

I'm asking you about things that happened in the last six or so months. ---Yeah. I lost my wallet two weeks ago. I can't find it. Same thing. Sorry. I don't know. I don't recall.

Was it more in person contacts than phone contacts?---Yes.

20 Mr Badalati also tells me that during this period, that is end of 2021 and mid this year - - -?---Ah hmm.

- - - you were both constantly trying to make contact, phone contact with one another. Does that accord with your memory?---No, I don't recall.

Do you deny that?---I'm not, I can't deny it or not deny it because I don't recall.

30 Again I'm asking you about things that happened in the last six months or so.---As I said, I can't remember things happening last week sometimes. You remember things two years ago maybe. I don't know. I can't recall. I'm sorry, Mr - - -

So you remember things two years ago but not six months ago. Is that what you're saying?---Yeah. Sometimes memory plays up on you. That's how it works.

Do you have some sort of cognitive deficit that we need to know about? ---Oh - - -

40

MR KUTASI: Commissioner. Commissioner. Commissioner, come on. That's out of line.

THE COMMISSIONER: If you've got an objection, articulate it and I'll rule on it.

MR KUTASI: I do have an objection. That's out of line. There's no evidence that's been put. It's just, it's a smear and it's not a proper line of
- - -

10

MR PARARAJASINGHAM: I won't press it. I won't press it.---Thank you.

Now, Mr Badalati also tells me that the purpose of the communications and attempted communications between yourself and him were to discuss the ICAC investigation and to get your stories straight. Do you agree or disagree with that?---Disagree.

20

So you remember that position?---Yeah, because something I remember. I disagree that we talked about the ICAC investigations. That's something clear in your mind unlike how many phone calls did you make.

And to be clear, Mr Badalati instructs that the purpose of these communications, be it in person or on the phone, were so that the two of you could get your heads together and reach a joint position on what you would tell to this Commission. Do you agree or disagree with that?---I disagree with that.

30

You recall the Commissioner at some point used the expression "scrum down" or something to that effect.---Yes.

And you understand that to be where two or more persons sit down together and essentially nut out an agreed position on a particular topic. You understand that's what that expression means.---That's what the Commissioner explained to us last night, yeah.

Yes. But as you sit there now you understand that's the meaning of that expression?---Yes, thank you.

40

And you deny that you participated in any such activity with Mr Badalati? ---Absolutely I deny that.

And Mr Badalati tells me that you wanted to make sure that he gave a consistent version of events to this Commission that you had and that you would give. Do you agree or disagree with that?---I disagree with that.

And not only was it to be a consistent version of events, it was to be an exculpatory version of events. Do you understand what I mean by that word exculpatory?---No, I'm sorry, I don't. No, I don't know what that means.

10 Innocent, an innocent version of events.---Okay, thank you. I disagree.

Okay. Now, just coming back to this contact. You accept that in the week of 6 December, 2021 yourself, Mr Badalati and your wife gave evidence at a private examination. You're aware of that?---Yes.

You're also aware, as you sit there now, that the public inquiry was announced on 25 May of this year?---Yes.

20 You're also aware, and for present purposes I'm just confining to what you know now as you sit there, that Mr Badalati gave evidence on 2 June and 7 June of this year in a private examination?---Yeah. Based, yeah, what's in there, yeah. Yes.

And you're also aware that this public inquiry commenced on 14 June of this year?---Yes, yes.

You're nodding, yes?---Yes. Thank you, yes. Sorry. I, I don't know if you can hear me, yes.

30 And you say, do you, that throughout the period of your contact or communication – or do you say that this investigation was not discussed between the two of you?---It depends what you say this investigation, it depends on what you mean by discussed. People can discuss general things but not specific things about the investigation.

At any point from the end of the last year to June of this year, in your contact and communications with Mr Badalati, did the topic of the ICAC investigation arise?---Yeah. I would have said, oh, investigation but just general.

40 What do you mean by general?---General means if there's a public inquiry,

well, there's a public inquiry, everyone knows. That's, that's all that was discussed. There was nothing discussed as specific about the investigation or any evidence to be given or discussed in any way what was given or is to be given. That is clear. That was never discussed.

So was there any discussion about what the investigation was looking at?
---Everyone knew what the investigation was looking at.

That wasn't my question.---Sorry. Oh, can you repeat that, please?

10

Was there any discussion about the particular matters that ICAC were investigating?---What exactly are you talking about particular matters?

Don't play games, Mr Hindi.---Sorry. It's just - - -

It's a simple question.---No.

20

MR KUTASI: Commissioner, it's not Mr Pararajasingham's place to tell my client not to play games. If he's got questions to ask, he can ask those questions.

THE COMMISSIONER: Well, I'm not expressing any view but others might think that that's exactly what's happening. He's been asked over and over and over again to listen to the questions and answer them.

THE WITNESS: I've been trying to clarify the questions.

THE COMMISSIONER: Excuse me.---Sorry, Commissioner.

30

And he hasn't done that.

MR KUTASI: Well, that's a matter for the Commissioner to direct, it's not a matter for my learned friend to give directions.

THE COMMISSIONER: Carry on.

40

THE WITNESS: Sorry, I'm trying to clarify, Commissioner. That's all I was trying to do, so, so I can answer honestly and truthfully rather than saying I didn't know what he meant.

MR PARARAJASINGHAM: I'll ask the question again, Mr Hindi.
---Thank you.

Please fix your mind on what I am asking you.---Yes.

At any point in time, from about December of last to June of this year, were there any discussions between yourself and Mr Badalati about the particular matters that this Commission were investigating?---No. Just general matters.

10

Okay. I'm going to have to press you on that. When you say general matters, give me an example.---There's an article in The Sydney Morning Herald that was dated 23rd, or whatever, or 2nd, and then there was a council resolution referring us to ICAC because we went to, we went to a trip to China, did this, that. That was all open, it was there. So you can discuss what was in the general public.

Okay. So - - -?---That was discussed, it had been discussed for a year. That's what we were talking, people, about all that. That's what we
20 discussed but it had nothing to with ICAC, that's before even ICAC started.

THE COMMISSIONER: But you must have been curious as to what he was going to say, and I assume he was curious as to what you were going to say when called to give evidence.---What, giving evidence to the, to the ICAC?

Yeah.---Oh, Commissioner, we've had a year to talk. Why would I have to be curious in the day to come in? Everyone knew what the investigation was about. Didn't need a genius to work out what the Commission's going
30 to ask. It was there. It's what the newspaper said.

Well, it might be what the Commission's going to ask. But my question to you or suggestion to you is that you must have been very curious as to what ultimately Mr Badalati would say and he was likely very interested in what you would say. No doubt you talked about, well you tell me you spoke about it over the preceding year or so, but it's D-day. The public announcement has been made, you're going to be called. Surely, you're curious as to what he was going to say and what you were going to say?---
40 Absolutely not, Commissioner.

MR PARARAJASINGHAM: You had no curiosity about what Mr Badalati was going to say to the Commission?---Because I've known for a year what he was - - -

No. Answer the question.---No.

And, as you understood it, Mr Badalati had no curiosity about what you were going to say to the Commission?---He probably had but we didn't talk about it. Probably did, but I don't see the - - -

10

THE COMMISSIONER: Well, why didn't you talk about it?---Because we're not allowed to talk about it, number 1. Number 2, Commissioner, in terms of, in terms of an inquiry, it was 25 May, 24, whenever it was called, and from that day, fine, you can't talk about it. Before that, there was no inquiry, unless you've had your private hearing and you can't discuss it and you can't talk about it but before the private hearing, before December, you can talk as much as you want about anything. There's nothing stopping you from talking.

20 Nobody's suggesting otherwise.---No, but, sorry. But Mr Pararajasingham, he's, he's, you were saying between December '21 and that, yes, I agree, that was never discussed but before that, yeah, he would have discussed anything. It's in the paper, talking what was in the paper.

MR PARARAJASINGHAM: Yes. So, sorry, just so I understand the position. Before December 2021, you discussed the matters that this Commission were - - -?---Not December.

30 - - - investigating. Is that what you're saying?---No. Probably mid, around, around, I don't know, around mid – can you repeat your question again, 'cause I don't want to not answer the question.

Responding to something that you just volunteered, which is that in the period before, at some point, before the end of 2021, I'm asking whether are you saying that you and Mr Badalati did discuss the particular matters that you understood this Commission were investigating?---I, I don't want to ask the question again. You're saying end of 2021. Can you give me a month?

40 Sir, I'm responding to something you just said a matter of minutes ago.
---I'll withdraw, I'll, I'll withdraw what I said.

Is it the case that you just say so many things, you just lose track? Is that what's going on here?---No, because you're asking me questions that's going all over the shop, that's why.

In that period that you say that you and Mr Badalati had discussions, that is prior to December 2021 - - -?---That's not what I said, no. I withdraw that.

You withdraw it?---Yes.

10 Was that a lie what you said a moment ago?---No. I withdraw. I just, it's not December. It's probably around October/November, all that before, we were talking.

That's what I'm asking you about, right?---Yes. Before that.

Preceding. Before December 2021 - - -?---Not December. You're asking me the question December, then I can answer, but - - -

Before December?---Yeah.

20

Right. So before December 2021, are you saying that you and Mr Badalati had discussions about the matters that ICAC were investigating?---No. No because there was no ICAC investigation to be discussed. It's clear. There was no ICAC investigation to be discussed. We discussed general things, what was in the paper, what the newspaper wrote, what happened, what the council, that's what it was, defamation case, other stuff. That's what we were discussing.

30 But is the takeaway this, Mr Badalati - Mr Hindi, that you say on your oath - - -?---Yes.

- - - that they have been, that at no point in time have you and Mr Badalati had discussions about the evidence that you would give at the inquiry?
---No. I never discussed the evidence that I'm going to give.

And do you say that you never suggested to Mr Badalati the evidence that he should give at this inquiry?---Absolutely not.

40 You say that you and Mr Badalati never reached an agreed position on what you would both say to this Commission?---That is definitely not. We were discussing it way before, as we said, about the, the, in, in 2019, discussed, as

general for, for defamation and other things but not to do with this Commission.

Can I ask you this. When did you first become aware that Mr Badalati was to be examined privately in June of this year? So you understand that he was examined at a private examination on 2 June and 7 June?---Mmm.

My question to you is when did you first become aware that Mr Badalati was to give evidence on 2 June?---I was never aware of that.

10

Never aware of it?---Nuh.

So, what, you learned it in this inquiry?---Yes.

In this public inquiry?---Yes.

You say that on your oath?---Yes, on my oath because I was in Melbourne at the time. I didn't know anything.

20 THE COMMISSIONER: Well, the fact you're in Melbourne doesn't - - -?
---No, I know, Commissioner. I can give him a call.

Yes. Exactly.---I know what you're saying, but, but people don't talk on the phone mainly, so, so if you're going to talk about, look, I did not know.

MR PARARAJASINGHAM: Okay. And - - -?---And if I did, why would he tell me? I didn't know.

Now, we know that you and your wife gave evidence the week of 6
30 December, 2021.---Yes.

Am I right to assume that you learned that you were required to give evidence at the private examination in December 2021, about a week or so before you actually gave the evidence? Is that right, did you receive the summons about a week or two beforehand?---My summons?

Your summons.---I think my wife received it but, yeah, maybe, around that time.

40 But does that sound about right? So kind of - - -?---Yeah, yeah. Normally they give you about four days or five days or something.

Sure. So late November, right? If the private examinations were, I think, 6 December - - -?---Yeah, yeah. Late November, yeah.

Late November. Mr Hindi, you've given evidence about having a particular interest in waste-to-energy.---Yes.

Is it the case that you in fact worked for an energy company?---Yes.

10 And when was that? What was the period of that approximately?---Oh, for 35 years and finished in March 2020.

Okay. And can I ask you this? As at December last year, how many mobile phones do you use?---I don't recall. How many mobile phones? I don't know.

THE COMMISSIONER: Well, was it more than one?---Yes. More than one, probably two.

20 MR PARARAJASINGHAM: Sorry, say that again, sorry?---Probably two.

Probably two, okay. And why did you have two mobile phones?---Nothing wrong. You can have three mobile phones if you want.

That wasn't my question. Why did you gave two mobile phones?---Why? I don't know why. I wasn't, I, I don't know why I had them.

Well, do you use one for a particular purpose and another for a different purpose?---No.

30

So you used both phones interchangeably, did you?---I don't know. I don't count how many times I used one and how many times I used the other.

That's not what I'm asking you. I'm asking you for the purpose to have two phones.---Well, the purpose of having two phones is I decided to have two phones.

No, that's - - -?---I don't see a problem with that.

Now, we know that one of the phones ends in 7-8-3, we've seen spreadsheets where that number has been disclosed. Did the other phone end in 1-4-3?---Sorry?

Did the other phone, did the phone number for the other mobile, end with the numbers 1-4-3?---No.

What did it end with?---I don't, it's not 1-4-3.

10 Well, what did it end with?---2-0-0.

It ended with 2-0-0, did it?---Yes.

Mr Hindi, have you ever used any encrypted messaging services?---Yes, I have.

And you understand that encrypted messaging services make it virtually impossible for third parties to access communications?---Oh, yeah. If you tell me that, I agree, yeah.

20

You didn't know that?---No.

So why did you use encrypted devices?---Because it's a means of communication - - -

MR KUTASI: Excuse me. He never said he used an encrypted device, he said that he used an encrypted messaging service. It's not the same thing.

30 MR PARARAJASINGHAM: Why did you use encrypted messaging services then?---It's a means of communication.

I mean, but you do understand, as you sit there now, that encrypted messaging services do make it difficult for third parties to access communications? You know that?---I don't know but if you're telling me that, I agree, yeah, fine.

That's news to you, is it?---Yes, because there's people that can actually de-encrypt a lot of stuff.

40 That's not my question. That's news to you, is it? You're hearing this for the first time - - -?---No, no, no.

Listen to my question. You're hearing this for the first time, are you, that encrypted messaging services make it difficult for third parties to access communications? Is that seriously your evidence on oath, is it?---It does make it difficult but I'm not sure whether it's, it's impossible to break. That's, that's the answer I was trying to give you. It's difficult but it's not impossible.

10 And you understand that encrypted messaging services are typically used to protect the privacy of communications?---Yes, absolutely.

So I'm going to ask you again, did you have any reason to be using – I withdraw that. Let me ask you this. Did you have any reason to be using encrypted messaging services in the period December 2021 to June of 2022?---It's called privacy. You're entitled to your own privacy, aren't you? Yeah, it's my privacy.

20 So your answer to my question is the reason that you were using any encrypted applications, any encrypted messaging services in the period December 2021 to June of 2022 was to protect your privacy?---Yes.

You're no doubt familiar with the platform WhatsApp.---Yes.

You have a WhatsApp account.---Yes. I did anyway. Not anymore.

In the period December 2021 to June 2022 did you use your WhatsApp account?---I have, yeah.

30 You're familiar – sorry, you're familiar with the platform Signal.---Yes.

What's Signal?---And Wickr and everything else, yeah.

Yep. What's Signal?---It's a means of communication.

It's another encrypted messaging service, isn't it?---Means of communication.

40 It's another encrypted messaging service, isn't it?---I said it's difficult but not impossible to break.

THE COMMISSIONER: Is it encrypted or not encrypted as you understand it?---Encrypted but it's not impossible to break because people have actually broken into it.

Just one matter. Counsel has been referring to the period December 2021 through to June 2022.---Yes.

10 Were you using any of those services prior to December 2021?---Yes. Because we called Lebanon all the time on, on WhatsApp and all that before.

All right.---It's a means of communication to call overseas.

Thank you.---Thank you.

MR PARARAJASINGHAM: In the period December 2021 to June 2022 did you have a Signal account?---Yes.

20 Did you have more than one Signal account?---I don't recall. No. I think it was only one. From my memory there's only one.

Sorry, you've said a number of things there.---Sorry.

Do you - - -?---I don't, I don't recall that I had one or two but I, I know I got one but - - -

Okay. Well - - -?--- - - - I don't check these things.

30 Well, are you able to deny on oath - - -?---Yes.

- - - that you only had one Signal account?---I'm not, I can't say yes or no because I don't really know.

So you're unable to deny on oath that you only had one Signal account. ---Can I say I can't deny it or not deny it. I can't, I can't say yes and I can't say no because I don't know.

40 So that means that you are unable to deny that you had only one Signal account. Correct?---That's not correct. That's not what I said. You can't deny something if you don't know.

Could document 1 please be put up on the screen, please.

THE COMMISSIONER: That's Exhibit 1, is it?

MR PARARAJASINGHAM: No. These are documents that I provided to Counsel Assisting.

THE COMMISSIONER: Yeah. I apologise for that. I haven't seen it.

10 MR PARARAJASINGHAM: The first page of document 1. Mr Hindi - - -
?---Yep.

- - - what's before you are screenshots of Mr Badalati's Signal account.
---Yes.

And what this shows, and I'll take you through the pages shortly, is
extensive communications by phone on this application between yourself
and Mr Badalati in the period December 2021 to June of this year. So if we
just go through, go to page, well, just starting on page 1 you'll see the dates
20 there 3 December, 12 December, 13 December, 14 December, 21 January.
If we go to page 2, please. 21 January, 31 January, 4 February, 5 February.
Next page.---Ah hmm.

9 February, 11 February, 20 February, 21 February, 27 February, 1 March.
Go over to the next page, please. Skip down one-third of the way. Sunday,
13 March, 14 March, 19 March, 23 March. Next page, please. 23 March,
25 March, 29 March, 11 April, 12 April. And if we go over to the next
page, please. 12 April, 14 April, 21 April, 22 April, 26 April. If we go over
again. I think there's a blank page and then the next page, please. 26 April,
30 27 April, 29 April, 26 April, 29 April. Then over to the next page, please.
11 May, 12 May, 19 May. And if you just go to the final page. That's your
name and that's your - - -?---Sorry, can we go back to the - - -

- - - mobile number. No. Just I'm asking you questions here.---Yes, it is.

Right.---Can we go back to the previous - - -

No. No, you can't.

40 THE COMMISSIONER: Can I just clarify one matter,
Mr Pararajasingham.

MR PARARAJASINGHAM: Certainly.

THE COMMISSIONER: With some of those dates they've got multiple entries so you can see 21 June there, there seems to have been contact at 2.40pm, and there's another entry for 3.46pm. Does that mean that there were two communications?

MR PARARAJASINGHAM: Yes.

10

THE COMMISSIONER: Thank you.

MR PARARAJASINGHAM: So, Mr Hindi, what I'm suggesting to you is that document shows extensive phone contact between yourself and Mr Badalati between the relevant period that I've already identified over this encrypted messenger service. You accept that? You accept that's what that depicts?---No.

20 What you've seen doesn't depict that?---No, because you've strung that in front of me, and if we go through some pages you won't let me, so I say no, it's not extensive. If you throw something in front of me, I, I might point a few things to you.

Well, Mr Hindi - - -?---You're not letting - - -

- - - what this document shows - - -?---Yeah.

- - - is a number of contacts - - -?---Yes.

30 - - - where you've called Mr Badalati and Mr Badalati has called you, correct?---Yes.

Yes. And I've taken you through a number of dates.---Mmm.

And do you still – it's your evidence on oath, is it, that this – what you've just seen – does not depict extensive phone contact between yourself and Mr Badalati via this encrypted messaging service?---My evidence on oath is I have not had a chance to digest that information. You haven't given me the chance. That's my - - -

40

THE COMMISSIONER: And that makes a difference to your answer, does it?---I'm sorry? Of course it makes a big difference because there are certain things I need to point out in that thing.

All right. Well, let's start from the beginning.---No, just don't worry about it. Just pick through. I'll just - - -

MR PARARAJASINGHAM: No, no, that's - - -?---Can we go back to the back page if you don't mind?

10

No, we'll go back to page 1.---No, yeah, back page or the one that you had before first.

Now you'll see three - - -?---No, it's not this one I was looking for. I wasn't looking at this one, but anyway. We'll go through that.

You can see on this, this is page 1 of document 1. 3 December, 2021. Constantine called you 3 December, 2021, at 11.50am. Do you see that?

20 ---Yeah, yeah, yeah. Yeah. I see that. I don't need, I don't need to go through it. Can we go to the next page?

Sorry, no - - -?---Yeah, I can see that.

Mr Hindi?---Sorry, yeah, I can see that. Okay, sorry. You want to go through each item?

No, I don't need to go through each item.---Well, okay.

It's a pretty simple document, isn't it?---To you it is, not to me.

30

Are you sitting there trying to manufacture some explanation for this, are you? Is that what you're doing?---I'm not. Can we just - sorry, you flicked through five or 10 pages, I don't know how many pages are in front of me, with lines in there with times and dates, and you expect me to digest all that in two minutes?

I'm simply asking you - - -

THE COMMISSIONER: No, well, you can take as much time as you like.

40 ---But I'm asking but he's not allowing me. I said, "Can we go to the next page, please?"

MR PARARAJASINGHAM: Fine. Let's go to the next page.---(not transcribable) just want to, just want to look at it, that's all. I'm trying to look at – for example, for example, if we go to the Saturday, 5th of Feb, and we've got here "Constantine called at 12.41 and Constantine called at 12.42", what does that mean? You tell me.

THE COMMISSIONER: It means exactly what it says.

10 MR PARARAJASINGHAM: It means that you called.---What does it mean? That means we didn't talk, it was a missed call and you – that's what happens with most of them. They're missed calls.

I've simply put to you - - -?---Yes.

- - - that this document demonstrates contact between yourself and Mr Badalati. Now, either you accept that or you don't.---Of course.

20 The document will speak for itself. I'm giving you an opportunity here. Do you accept that or not?---You said contact, yes, but didn't say extensive contact. There's a big difference.

It shows contact every, every - - -?---Yes, but not extensive contact.

THE COMMISSIONER: Doesn't it?---No. Because some of them, let's look at 31st of January. 12.32, 12.33. That's, that's people just, you can call 10 times on Signal and it doesn't connect. It doesn't mean that you've been trying to – you can call 10 times in, within one minute, and it shows 10 times but it doesn't connect. It doesn't mean it's connected.

30

Look at Saturday, 5 February. And there's some other entries as well. ---Yeah.

Where there's a missed call, it records it.---A missed call from him. Not me calling him. That's a missed call from the other person calling you.

I see, okay.---So he called me at 12.40. I tried to call him at 12.41. He didn't answer. I called him at 12.42, didn't answer. Then we stopped calling. So that's how it works. So that's, not play with Signal that much.

40 But can I just go to the, another page where it shows the voice message, message, if you don't mind. You, you see out of all this there's, there's a

voice, voice message somewhere. Can we just read through that? 'Cause I might see the voice message.

I think it might have been on the last page.---Yes, thank you. I think, Commissioner, it would be the last page. 'Cause it was as of a few days ago.

MR PARARAJASINGHAM: So it's the second-last page.---Yep. Second-last, a few days ago.

10

MS HEGER: Sorry, Commissioner, I understand there's a technical difficulty with the Webex session and we need just a short adjournment to fix that problem. Shouldn't take very long, I'm told.

THE COMMISSIONER: Does that mean the people in heaven can't hear?

MS HEGER: I think so.

THE COMMISSIONER: Right. Let's adjourn.

20

MR FAHD: I'm not in heaven, but we can hear you.

THE COMMISSIONER: Okay. Excuse me.

SHORT ADJOURNMENT

[2.45pm]

THE WITNESS: Sorry, can I, Commissioner, can I make a comment if you don't mind? I'm sorry

30

THE COMMISSIONER: Well, it depends what the comment is. Is it - - -? ---No, no. Just, just regarding Mr Pararajasingham, you asked about the other phone and I'm thinking you said it finishes 1-4-3, is it? And I said "No, 2-0-0." I just wanted to clear in my mind whether it was one of them. I don't want to mislead you. I don't recall if there's one that finished 1-4-3. I'll have to check it, I don't. But it could be, I, I don't recall the number itself, or 1-4-2, I don't remember. So I'm just trying to say, is it may so I don't want to mislead you, so I do want to correct the record, please.

40

MR PARARAJASINGHAM: Thank you. Commissioner, in terms of this first document, I mean, Commissioner, if it's of assistance to you then we can go individual entries. This document serves the purpose for which I propose to, I'll ask that it be put into evidence. It shows extensive phone contact attempted or otherwise between these two gentlemen.

THE COMMISSIONER: Are you talking about document number 1?

10 MR PARARAJASINGHAM: Document number 1, the one that we just looked at.

THE COMMISSIONER: Yeah.

MR PARARAJASINGHAM: Commissioner, if you would be assisted by going to particular entries, otherwise I propose to ask some general questions about this document before moving on. If my learned friend wants to re-examine on it then he can have at it but it really doesn't - - -

20 MR KUTASI: I'm not learned, by the way, just for the record. Commissioner, there was a specific question that was put in relation to entries and we were just about to show Mr Hindi a specific entry that he wanted to draw attention to. I think he should be entitled to answer a question in relation to it.

THE COMMISSIONER: Very well.

MR KUTASI: Thank you.

30 THE COMMISSIONER: I'll leave it to Counsel Assisting as to whether she wants to take the matter further but let the witness say what he wants to say about it.

MR PARARAJASINGHAM: Certainly, sir. So Mr Hindi, was there a particular entry that you wanted to direct our attention to?---Yes.

Yes. Which one is it?---It looks like I just, when I scanned it, when it went through, it was one to with like a, a voice message.

40 Oh, right.---Right at the end somewhere.

So the second-last page?---Yes. That's the one the Commission even alluded to, the second-last page.

Right. So if that could be brought up, please. Yes.---If you look at the second-last page it says "today." What is "today"? Do you know what "today" is?

Today is – no, I can't assist you with that.---Well, can I assist you with that?

10 Well, I'm not asking you a question about that, Mr Hindi---Well, I'm asking the question because that's a very important question.

Well, no. Someone else can ask you that, Mr Hindi.---Sorry. That, that - - -

Mr Hindi, I'll stop you there.---No, I'm sorry. That's very important to the whole conversation because the Commissioner made it clear that no contact's to be done between me and Mr Badalati subsequent to his accusation. I think, I believe that's what you said, Commissioner. That was sent on Monday, I believe, to me. I haven't opened it, I haven't looked at it,
20 I haven't touched it.

THE COMMISSIONER: But it's on your phone.---Sorry, it's not my phone, that's not my phone. That is not my phone.

No, just a moment. I think you said that that voice message was sent to you.---Yeah. So it's sitting on my phone.

Yeah.---Which I haven't opened, but was sent by Mr Badalati to me. So what I'm trying to get at, you made clear that there's no contacts to be made
30 between any of those and he sent today, which I believe was Monday, about 4.00 in the afternoon. So even though you've got "today", today is not today, it's probably Monday.

Well, if it's relevant we should examine it, no doubt.---Well - - -

Do you have your telephone on you?---My telephone?

Yeah.---No, Commissioner but this, this is demonstrating, this is a screenshot of Mr Badalati's phone, is that correct? I shouldn't be asking
40 questions but is that a screenshot of Badalati's record? That's his record, not mine. That's on his phone.

But I assume that the message would be your phone if he's sent it to you.
---It would be but based on this, it is on his phone and he sent it to me. It says that it's been sent to me.

MR PARARAJASINGHAM: What's the relevance of this, Mr Hindi?---No contacts between us.

10 All right. What I am questioning you about is the extent and nature of the communications between yourself and my client from December last year to about June of this year. You understand that's the question I was asking you?---Yeah, I've also alluded that he should not be contacting me.

Okay. Right. Now, what I am suggesting to you is, what this document shows that there was contact between yourself and Mr Badalati in that period. Do you agree or disagree with that?---Contacts, yes.

Okay. And these contacts were occurring over this encrypted service. Correct?---Yes.

20

And you spoke to each other over this encrypted service. Correct?---I, I can't tell, we, we may have, but, 'cause I can't tell from the - - -

Don't look at the document. Just try and exercise your memory.---No, no. I want to look at the document. That's what, that's what refreshes my memory.

30 No. I'm asking you about your memory here. Do you have a memory of having conversations with Mr Badalati over this encrypted messenger service between December and about June of this year?---Absolutely.

Right. And why were you communicating with each other over this encrypted service?---It's a privacy issue.

THE COMMISSIONER: What was the privacy issue?---I don't know. I just, we want to use it. Why do I want people to listen to my phone calls?

Well, exactly - - -?---It's a privacy issue. And people are entitled to their privacy, aren't they?

40

I'm not - - -?---Sorry.

I'm not suggesting you're not entitled to your privacy - - -?---Thank you.

- - - but why were you seeking to have private communications you were having with Mr Badalati and he with you?---I have it with other people, as well, not just Mr Badalati.

No, no. I'm not interested about other people. Why did you use encrypted services to communicate with Mr Badalati and he with you?---Because
10 that's a means of communication.

I realise that but you could have just telephoned, texted, whatever.---If I did, I telephoned and he said, "Why don't you use something else?" so I decided to use that one. Just a means of communication, Commissioner.

So there was no logic, rhyme or reason about it?---Nuh. Nuh. Just a, everyone uses it. It's a means of communication.

MR PARARAJASINGHAM: Were you discussing matters of some
20 sensitivity that you didn't want third parties to know about?---No. I don't think so. No.

"No. I don't think so. No." What's your answer?---It depends what sensitivity you mean about what? I might want, want to be discussing about sleeping with this girl, I don't know. What I'm saying is that's sensitive but I don't want to discuss it, I want privacy. So it depends what you're asking about sensitivity.

Let me put it squarely to you.---Yes.
30

Were you discussing this inquiry?---No.

And is that the reason why you have these communications with Mr Badalati over an encrypted service, because you knew that you were talking about matters that you should not have been speaking about?---Well, we've just said, we met nearly every, every day, so I could have waited till I met him on the day and talked about things rather than just ring him, so - - -

Indeed, you could have. So why then make these contacts?---Using a phone,
40 saying hello, trying to see how he's going.

You're just making this up on the run, aren't you, Mr Hindi?---Of course not.

Commissioner, could I ask that that document be tendered? I don't know if I can tender it or Counsel Assisting needs to tender it?

THE COMMISSIONER: Yeah, I think - - -

10 MS HEGER: Can I propose that it be marked for identification at this stage?

THE COMMISSIONER: Yeah.

MS HEGER: I do understand its relevance. It's something the Commission may want to examine for itself further before I go ahead and tender - - -

20 THE COMMISSIONER: Yeah. Sure. So we'll just mark it as an MFI at the moment. I think it's MFI - - -

MS HEGER: It's MFI 74.

THE COMMISSIONER: - - - 74. Thanks.

#MFI-074 – DOCUMENT 1 SCREENSHOTS

30 MR PARARAJASINGHAM: Thank you. Could document 2 be brought up, please? Now, do you see before you, Mr Hindi, I can tell you is again screenshots setting out communications between the handle Joe and Mr Badalati?---Mmm.

Can I just ask you, did you have a signal account under the name of Joe?---I don't recall.

THE COMMISSIONER: You must recall that, surely?---I don't because I, I don't look at the names. I just use it.

Well, if you use the name "Joe" you must remember that you used it, surely?---I, it doesn't come up as Joe, so can, can we look at the next pages, so see what number is that we're talking about - - -

MR PARARAJASINGHAM: Certainly. If you go to the last page - - -? --- - - - then maybe that would help, rather than saying me Joe, 'cause I'm not Joe.

10 Sorry. If you go to the last page, please?---Nuh. That's what I said, lucky.

So is that your mobile number?---Yes.

Right. So you accept that Joe was a signal handle that you used?---Yeah.

And I suggest that what this document sets out is communications between yourself under the handle "Joe" and Mr Badalati. You accept that?---Yes.

Why do you use the name "Joe"?---'Cause I like it.

20 Because you like it?---Yes.

Were you trying to conceal your identity?---No. If I'm ringing, if I'm ringing and Mr Badalati knows that I'm Joe, what's the big deal?

Well, to conceal it in the event that something like this has just happened. ---Sorry? Sorry? What was that comment?

30 Could that be, if not tendered, then marked for identification, as well, please?

THE COMMISSIONER: Yes. Certainly.

THE WITNESS: It's means of communication - - -

MS HEGER: MFI 75.

THE COMMISSIONER: We'll mark that as MFI 77, yeah.

40 MS HEGER: 75.

THE COMMISSIONER: Sorry. Yeah.

#MFI-075 – DOCUMENT 2 SCREENSHOTS

MR PARARAJASINGHAM: Could document 3 be put on the screen, please. Now, Mr Hindi, what you're looking at now are screenshots from Mr Badalati's phone, from his WhatsApp account, which sets out contacts, communications between himself and yourself, and you're saved as "Hindi
10 Energy". Do you see that?---Yep.

And do you see on the first page here, on 17 December, there's a number of missed calls from you? Do you see that?---Yeah.

And on 29 December, a missed call. 12 April a missed call.---Sorry. Sorry, is that WhatsApp, you said?

This is WhatsApp.---Yes.

20 This is WhatsApp. See that? The whole page is missed calls.---Yeah.

Can you provide any insight as to why you tried to contact Mr Badalati on a number of occasions on 17 December?---11.40, 11.41, that means I couldn't get him. 11.38, that means I couldn't get him. 11.45, I couldn't get him.

Yeah, no, that's precisely the point of missed calls. That's what they depict.---Yeah, so you, you - - -

30 No, listen to my question. Why? Why were you trying to contact him?---I wanted to talk to him.

About what?---I just want to see how he's going, how his health is going. Because he was sick. So I'm trying to work out how he's going.

That's just nonsense, isn't it?---It's not nonsense.

40 What you were trying to do, can I suggest, throughout this period, was to speak to Mr Badalati and ensure that the two of you got your stories straight for this Commission. Do you agree or disagree with that?---I disagree.

If you go over to the next page, please. You see there, Mr Hindi, you've sent an article about ICAC to Mr Badalati? Do you see that?---Oh, yeah, okay, yeah.

See it reads "Ben Fordham slams ICAC putting John Sidoti's life on hold for years" and it goes on. Do you see that?---Yep.

What was the purpose of you sending Mr Badalati that article?---Just giving him information.

10

Okay.---He sends me things too. Used to send me things.

Well, if we go over to the next page. Let's go to the next page if possible, please. Thank you. See here, 26 May. You send Mr Badalati a screenshot of an article in The Sydney Morning Herald, do you see that?---Yes.

And then, Mr Hindi, if you just cast your eye down to Thursday, 2 June, we've got three missed calls there from you. 4.06pm, 4.06pm, 4.07pm. You see that?---Yes.

20

And we know that on 2 June Mr Badalati attended the Commission for a private examination.---Yeah, so?

You know that now, don't you?---Now I know.

And you knew that then as well, didn't you?---Of course not. I just got back from Melbourne. That's why I called him.

30

So you send him three frenzied missed calls after 4.00pm the day that he attends a private examination and you say it has nothing to do with your awareness that he attended the Commission on that day? Is that seriously your sworn evidence?---It is my sworn evidence. And it's not frenzied phone calls. There was a call that you call, it just goes it doesn't answer, then you try again and try again, and you say, oh, right, you move on.

40

All right. So on your count it is just pure coincidence, is it, that on 2 June, when Mr Badalati attends a private examination, he receives three missed calls from you after 4.00pm on an encrypted device? That is just a pure coincidence, is it?---It is absolutely a - sorry. It's not a, it is, it is a coincidence, definitely, and I've just called him. And if you looked at the other calls, they're the same thing. If you - - -

Just focus on what I'm asking you.---This is a pure coincidence. I did not know about the private hearing.

That's just nonsense, isn't it? You were anxious to know what Mr Badalati had said to this Commission in its private sitting.---I did not know about the private hearing.

Perhaps that document could be marked, please?

10

THE COMMISSIONER: Thank you. That'll be 76.

#MFI-076 – DOCUMENT 3 SCREENSHOTS

MR PARARAJASINGHAM: And could – document 4 has two parts. If the first part, which is an email, could be brought up, please. If that could just be enlarged, perhaps. Now, if you could just fix your mind, Mr Hindi, on what appears about a quarter of the way down from con.hindi@[REDACTED]. That's your email address, correct?---Yes.

20

Sent Tuesday, 30 November, 2021, at 10.49pm. You see that?---Yes.

To Vince Badalati, vbadalati@[REDACTED]. Do you see that?---Yes.

And then there's an attachment, "Voting dates Vince.docx". Do you see that?---Yes, yes.

30 Why did you sent Mr Badalati this email?---Because he asked me to.

What did he ask you?---He just said "I don't remember dates when we voted on things and how we voted and what we did" and I said "I've come up with some documents with voting dates and all that" so I put that in, that's why it's called "Voting dates." So, I said "I, I've got one. I tried to cut it down because I've got my own things I don't want to show, things. So I must have cut it down and created one for him and sent it to him.

40 You agreed with me earlier that you received your summons for your private examination the week of 6 December, about a week or so earlier. You remember giving that evidence?---I don't recall but you said that to me

and I said yes. You've got to ask the Commission when they gave it to me, I don't know.

Sorry, I asked you a question about your recollection of when you received a summons and I suggested that it would have been or so prior to your attendance and you agreed with that. You remember giving that?---I said it depends, because they gave it to my wife first. Yep. Yep, okay. Yep. I said yes, so what? Yeah.

10 All right. So what we've got here, Mr Hindi, is less than a week before private examinations commence involving yourself, your wife and Mr Badalati, an email that you send to Mr Badalati with an attachment. And if part B of that document, which is the attachment, could be shown.---Yep. There you go, that's what I said.

And what you see here, Mr Hindi, is what you've sent to Mr Badalati - - -?
---Absolutely, yep.

20 - - - is a chronology of key events touching upon the matters that you knew that this Commission was going to explore, correct?---That is not correct.

Sorry, you deny that this document sets out a chronology of the keys events that this Commission, as you understood it, was going to examine?
---Absolutely I deny it. We, we, I had an idea it may but that was based on The Sydney Morning Herald article and, and - - -

30 Okay. So based on that you construct this document and you sent it to Mr Badalati a week before the three of you attend for private examinations, is that the position?---No, because that was constructed before, way before.

When did you – sorry. Go on.---It was constructed before.

When did you create this document?---I don't recall. You must have it if you have it.

Okay. But clearly you sent it on 30 November, 2021.---Yeah but it might have been created a year earlier and I just sent it. He said "Can you send me a copy?" I said "Yes." Why wouldn't I send him a copy? He asked me.

40 It may well – sorry. I'm not suggesting you created it on 30 November, 2021. What I'm suggesting to you, well not suggesting, it is undeniable that

this document was sent on 30 November, 2021.---True. At the request of Mr Badalati. He must have had a reason for it, so I sent it to him.

Yes. Can I suggest to you that that's nonsense and you sent this to Mr Badalati to make sure that he adopted the same joint position as you and your wife were going to adopt at the private examinations. Do you agree or disagree with that?---I disagree. But if you read it, it had nothing to do with joint things, it's all about FSRs and height and, and planning and planning and planning. So it just, it just, it is actual facts that's out there, not what's
10 been, just flick through it, go through it. 1 April, "JRPP voted contrary to staff recommendation. Councillor Sansom emailed." 20 April, it's - - -

THE COMMISSIONER: Thank you. We can read it for ourselves.---Yeah, but I'm just saying, Commissioner, it is nothing to do with fabricating, it is just given as a list of chronological events and, and what council voted for.

Why?---Because he may have forgot, he may have forgotten and I may have forgotten when did we vote on this particular item or that item or what we did. So I just put something together to refresh my memory how I voted.
20

Yeah, but why did you need to refresh your memory?---I'm sorry, Commissioner, are you sitting here telling me, you can ask any councillor that comes to this Commission and say "How did you vote" - - -

I'm going to ask you for the last time to stop being rude. It's pretty clear to me that you have great difficulty in doing that. Stop being rude and answer my question.---Okay. Okay. Thank you, Commissioner.

Why was it necessary to create this?---To refresh my memory of, of events.
30

And why was it necessary to refresh your memory of events?---Because if I came, if, if, if I had to go for, for, if I had to go for a defamation or I had to come here and they I will be told as a liar if I don't remember everything. So I have to refresh my - it's like an exam. Come in here, going to a defamation case, it's like a uni exam. You have to prepare yourself and that's what I've done.

You've prepared yourself and you've mentioned here and you sent this document, as I understand it, to Mr Badalati?---Yes.
40

So you could get your story straight.---No. Can we flick it more,

Commissioner, and then you get to see there nothing about story. It's about voting dates, voting for council. If I said 1 April, 2015, all he has to do and go and research it himself and find it. I made it easy because I did the research. I thought it easy, I did it and he said "Can you give me copy? I don't want to go and research 1 April, 20 April, JRPP 4 May, Treacy Street", I just did that. That's all it was. It was just creating the document that gives chronological events so he can use it. Anyway, that's all I did.

10 It was a document created by you to assist Mr Badalati?---No, to assist myself.

And Mr Badalati.---To assist myself. And there's probably another document that has a lot more than this. That's my document. I just shrunk his to suit what he needs for dates of voting.

It was for you and for Mr Badalati because you sent it to him.

20 ---Commissioner, if you read the document, the heading, it tells you what it is. It says Voting Date for Vince, not for me. I created it, I created probably one myself. I reduced it down to what his needs are in terms of dates. He couldn't remember the dates of voting. 'Cause the other one - - -

His needs in terms of the evidence he would give here?---No. That has nothing to do with it. Well, sorry, Commissioner, why don't we go and ask somebody? "Did you vote on the JRPP on the 4th of May?" What was he going to say? "I don't recall." Or you give him the thing and you show – yes, that's all he's doing. It's just giving us the date that we voted, which is in the public record.

30 Well, you're assisting him in relation to the evidence you thought that he might have to give.---No, that was, that was not assisting with the, with the evidence. I did not, I did not know he was giving evidence. He knew I did something like this, "Can you give me a copy, please?" I said, "Okay."

MR PARARAJASINGHAM: And do you say it's another coincidence that this was sent to Mr Badalati less than a week before the private examinations commenced the week of 6 December?---It is.

40 Is it another coincidence?---Yes, it is, because it was at his request, not mine.

If that can be marked for identification.---It was at his request.

Commissioner, those are my questions.

THE COMMISSIONER: Thank you.

MS HEGER: So the email and attachment together will be MFI 77.

THE COMMISSIONER: You're sure it's not 78?

10 MS HEGER: I thought 77, Commissioner.

THE COMMISSIONER: 77, all right.

#MFI-077 – EMAIL AND ATTACHMENT

THE COMMISSIONER: So who remains apart from Mr Hindi's counsel?

20 MS HEGER: I don't think there are any other applications to cross-examine, so I think we go to re-examination now.

THE COMMISSIONER: Okay, thank you.

MR KUTASI: We reserve the right to re-examine at the moment.

THE COMMISSIONER: Yes. I'm sorry?

30 MR KUTASI: We reserve the right to re-examine. I've got nothing to ask at the moment.

THE COMMISSIONER: Well, you can't reserve your right. You either do it or you don't.

MR KUTASI: Something may arise from further re-examination, but I have nothing to ask.

40 THE COMMISSIONER: Okay. I don't think there is any further examination by others. If there's anybody up there that was intending to answer questions, could you please let me know now? Radio silence.

MR MOSES: Commissioner, I just have one question I wanted to ask - - -

THE COMMISSIONER: Sure.

MR MOSES: - - - of that exhibit that was just on the screen that my learned friend asked the witness about.

THE COMMISSIONER: Sure.

10

MR MOSES: Just if that could be placed back on the screen. I think it's - is it Exhibit 78 or 77?

MALE SPEAKER: MFI.

MR MOSES: MFI. Thank you. Mr Hindi, could you just go to the entry where it's got "March 2016, Chinatown dinner". Do you see that?---Yes.

20

In brackets it's got "signing ceremony". Do you see that?---Yes.

Signing ceremony for what?---Everyone's been, the newspapers have been talking about the signing ceremony.

No, I'm asking you. What were you referring to there as the signing ceremony?---The Chinese banner that was there says "signing ceremony". That's what I was referring to. Everyone's gone at the signing ceremony, so I just put that in there so we don't get it confused with everything else.

30

So why did you feign ignorance when Counsel Assisting was asking you questions about this in your evidence about this signing ceremony and said you didn't know what was going on?---Before we get too excited, Mr Moses, could you tell me when was this document created?

Mr Hindi - - -?---I don't know when this document was created.

Mr Hindi, Mr Hindi - - -?---I, so I can't make any comments. I don't know.

That's okay. Don't pursue the gratuitous remarks - - -?---No, sorry, I don't know.

- - - because this Commission does have the power, if there's an application, to refer you off for contempt. So can you just listen to the question?---I'm listening, thank you.

Thank you.---Thank you.

10 The signing ceremony that's referred to there, when you drafted this document, what were you referring to?---I don't recall. I don't know what was going through my mind.

You're just making that up now, aren't you?---No, no, Mr Moses. With all due respect.

Okay. Thank you. No further questions.---Thank you, Mr Moses.

MS HEGER: Can I just ask one question?

20 THE COMMISSIONER: Certainly.

MS HEGER: Mr Hindi, you referred to, you were referred to a record of some communications for a mobile phone number ending in 143. Was it just you who used that phone number or did somebody else use it as well? ---I don't know. It was just used for the whole family.

The whole family used that number?---People can use it. It's just at home.

30 So you have a phone at home that multiple family members use, is that right?---Yes, we are, yeah.

Including Mrs Hindi?---Probably.

Including your children?---Yeah, well - - -

All right.---Doesn't mean they called Vince, but I'm just saying, yeah, they did, they did. They all use it.

All right. I have no further questions. Thank you.

40 THE COMMISSIONER: Thank you. Can I just extend my sincere thanks to all the legal representatives who appeared in this public inquiry. I

know it's a difficult one and we had an event during the course of it which was most unfortunate and I think very upsetting for all, including the witnesses. So I do thank you and I do so sincerely and that includes Counsel Assisting, of course. What I propose to do now is adjourn. I'm not proposing to release this witness from his summons just yet because the investigation has not concluded but I would hope that within a very short space of time, we can notify those, Mr and Mrs Hindi and the other witnesses that they're discharged, be of course, free to go. What I also intend to do is to have a proposed timetable for submissions circulated fairly shortly to accommodate that process. And the process will be normally that Counsel Assisting will have a period of time to prepare her submissions, there'll be responses and no doubt there'll be a need for responses to inter-parties, so to speak, witness against witness, so to speak. So that's what we'll do and we hope that that's finalised in the next couple of days.

MS HEGER: Commissioner, there's just a few matters of housekeeping

- - -

THE COMMISSIONER: Sure

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MS HEGER: - - - that I need to address before we adjourn. Right. Mr Hindi, can step down.---Thank you. Thank you, Commissioner.

THE WITNESS STOOD DOWN

[3.26pm]

MS HEGER: The first is the question of the private hearing that I raised earlier.

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THE COMMISSIONER: Yeah.

MS HEGER: The private hearing was held on the afternoon of 15 July and I neglected to mention earlier there was also some private re-examination of that witness on the morning of 19 July.

THE COMMISSIONER: Yeah.

MS HEGER: And I am proposing that the section 112 direction be lifted in respect of those private hearings. I understand that that is opposed by at least one person?

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MR HOOD: Yes. Thank you, Commissioner. It's Mr Hood for Wensheng Liu.

THE COMMISSIONER: Yes, Mr Hood.

MS HEGER: Could I ask Mr Hood, do you need to make submissions that need to be heard in private, so as not to destroy the subject matter of the very thing we're debating?

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MR HOOD: Yes. Thank you. I'd be grateful for that opportunity.

MS HEGER: It might be best then if we do that at the end, logistically speaking. No, 'cause I think we'd need to clear the room of certain people in order to have that debate, so I think we'll do that at the end if you don't mind, Mr Hood?

MR HOOD: Yeah. Thank you.

20 MS HEGER: So we'll circle back to that. There's a section 112 direction that I would seek, Commissioner, in respect of some other allegations that were raised by Mr Hindi during the course of his evidence.

THE COMMISSIONER: Yeah.

MS HEGER: He gave some evidence about some alleged sexual harassment that occurred, which is obviously not within the scope of this inquiry. And I would just ask that the position of the individual he identified or any other identifying information of that individual not be published, and I'll give you the transcript references.

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THE COMMISSIONER: Yes. That would be good if you could?

MS HEGER: That was at transcript 1806, line 23, and transcript 1944, line 31. That's it.

THE COMMISSIONER: Yes. Well, being satisfied it's in the public interest to do so, I direct pursuant to section 112 of the Independent Commission Against Corruption Act, that the evidence that appears at transcript 1806, line 23, and transcript 1944, line 31, shall not be published

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or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission.

SUPPRESSION ORDER: BEING SATISFIED IT'S IN THE PUBLIC INTEREST TO DO SO, I DIRECT PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, THAT THE EVIDENCE THAT APPEARS AT TRANSCRIPT 1806, LINE 23, AND TRANSCRIPT 1944, LINE 31, SHALL NOT BE
10 **PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION.**

MS HEGER: Thank you, Commissioner. I neglected to mark for identification the Facebook post that was shown to Mr Hindi in the course of Mr Moses' examination.

20 THE COMMISSIONER: Yeah.

MS HEGER: I'll just mark that for identification at this stage and consider my position on its tender.

THE COMMISSIONER: Yeah.

MS HEGER: So that will be MFI 78.

30 THE COMMISSIONER: Right.

#MFI-078 – FACEBOOK POST

MS HEGER: And finally, there are a number of other documents that have been referred to throughout the course of the evidence that have been marked that I need to tender, and some that haven't been mentioned that I need to tender. Can I give you those references now?

40 THE COMMISSIONER: Sure.

MS HEGER: Volume 2.1, which is a series of text messages, I tender – that was MFI 43. I tender the whole of that volume. That will be Exhibit 310.

#EXH-310 – VOL 2.1

MS HEGER: Volume 2.5, pages 5 and 6, they're MFI 46, and I now tender those pages as Exhibit 311.

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THE COMMISSIONER: Thank you.

MS HEGER: Those are also text messages.

#EXH-311 – VOL 2.5 PAGES 5 AND 6

MS HEGER: Volume 2.6 has been marked for identification as 16. I tender pages 3 through to 7, and pages 12 to 13. Those are also text messages.

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THE COMMISSIONER: Yep.

MS HEGER: That's Exhibit 312.

#EXH-312 – VOL 2.6 PAGES 3-7, 12-13

MS HEGER: Volume 2.8. I tender pages 2, 11, 29 and 39 to 45. Together they'll be Exhibit 313. And I note for the record that page 2 is already MFI 17, page 29 is MFI 8.

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THE COMMISSIONER: Thank you.

#EXH-313 – VOL 2.8 PAGES 2, 11, 29, 39-45

MS HEGER: Volume 2.12, it's a series of text messages. I tender pages 5 to 7, and also pages 9 to 29, and also pages 32 to 40, and page 41.

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THE COMMISSIONER: Yep.

MS HEGER: Together they'll be Exhibit 314.

THE COMMISSIONER: Thank you.

MS HEGER: I note for the record page 5 is MFI 10, page 6 is MFI 27, page
10 is MFI 28, pages 18 and 19 together are MFI 29, and page 29 is MFI 11
and page 41 is MFI 66.

#EXH-314 – VOL 2.12 PAGES 5-7, 9-29, 32-41

MS HEGER: Volume 2.21, also a series of text messages, I tender.

MR MOSES: Commissioner, can I be excused? Thank you.

20 THE COMMISSIONER: Of course, Mr Moses, yes.

MS HEGER: I tender pages 36 through to 49. Together they will be
Exhibit 315. I note for the record page 36 is MFI 7, page 39 is MFI 70,
pages 47 to 48 were together MFI 71.

#EXH-315 – VOL 2.21 PAGES 36-49

30 MS HEGER: Volume 2.24, I tender pages 2 and 5. Together they will be
Exhibit 316.

#EXH-316 – VOL 2.24 PAGES 2 AND 5

MS HEGER: Volume 2.25. I tender pages 2 through to 5. Together
Exhibit 317.

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#EXH-317 – VOL 2.25 PAGES 2-5

MS HEGER: Volume 2.26, which is marked as MFI 15, I tender the whole volume, Exhibit 318.

#EXH-318 – VOL 2.26

10 MS HEGER: Volume 2.30. I tender pages 3, 7 and 13 through to 19, together Exhibit 319. I note for the record page 3 is already MFI 5, page 7 is MFI 69.

THE COMMISSIONER: Yep.

#EXH-319 – VOL 2.30 PAGES 3, 7, 13-19

20 MS HEGER: Volume 2.33, I tender the whole volume. Exhibit 320.

#EXH-320 – VOL 2.33

MS HEGER: Volume 2.35, I tender the whole volume. Exhibit 321.

#EXH-321 – VOL 2.35

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MS HEGER: Volume 2.37, pages 2 to 3, I tender together. Exhibit 322.

#EXH-322 – VOL 2.37 PAGES 2-3

MS HEGER: Volume 3.14, I tender the whole volume. Exhibit 323.

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#EXH-323 – VOL 3.14

MS HEGER: Volume 9.1. I tender the whole volume. Exhibit 324.

#EXH-324 – VOL 9.1

10 MS HEGER: Volume 9.2, whole volume, I tender that. 325.

#EXH-325 – VOL 9.2

MS HEGER: I tender the whole of volume 9.3. Exhibit 326.

#EXH-326 – VOLUME 9.3

20 MS HEGER: I tender the whole of volume 9.4. Exhibit 327.

#EXH-327 – VOLUME 9.4

MS HEGER: The whole of volume 9.5, I tender. Exhibit 328.

30 **#EXH-328 – VOLUME 9.5**

MS HEGER: I also tender volume 19.2, which is MFI 40. That'll be Exhibit 329.

#EXH-329 – VOLUME 19.2

40 MS HEGER: I tender volume 19.3, MFI 6. Exhibit 330.

#EXH-330 – VOLUME 19.3

MS HEGER: Volume 20 I tender a spreadsheet of cash transactions in respect of Hindi and Sydney Realty, MFI 65. That will be Exhibit 331.

10 **#EXH-331 – VOLUME 20 – SPREADSHEET OF CASH
TRANSACTIONS HINDI AND SYDNEY REALTY**

MS HEGER: I tender volume 33.3, that will be Exhibit 332.

#EXH-332 – VOLUME 33.3

20 MS HEGER: I tender volume 33.7, that's Exhibit 333.

#EXH-333 – VOLUME 33.7

MS HEGER: I tender volume 7.3, Exhibit 334.

#EXH-334 – VOLUME 7.3

30 MS HEGER: I tender volume 7.16, Exhibit 335.

#EXH-335 – VOLUME 7.16

MS HEGER: I tender volume 7.25, Exhibit 336.

40 **#EXH-336 – VOLUME 7.25**

MS HEGER: I tender volume 7.29, Exhibit 337.

#EXH-337 – VOLUME 7.29

MS HEGER: I tender volume 15.1, Exhibit 338.

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#EXH-338 – VOLUME 15.1

MS HEGER: Volume 15.3 I tender, Exhibit 339.

#EXH-339 – VOLUME 15.3

20 MS HEGER: Volume 15.4 I tender, Exhibit 340.

#EXH-340 – VOLUME 15.4

MS HEGER: I tender volume 16.1, Exhibit 341.

#EXH-341 – VOLUME 16.1

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MS HEGER: I tender volume 16.4, Exhibit 342.

#EXH-342 – VOLUME 16.4

MS HEGER: And I tender volume 16.6, Exhibit 343.

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#EXH-343 – VOLUME 16.6

MS HEGER: I think that completes the tender.

THE COMMISSIONER: Thank you very much. So does that leave Mr Hood's application?

MS HEGER: I think it does.

10 MR FAHD: Mr Commissioner, can I just – Mr Fahd, solicitor for Mrs Hindi. I apologise in advance but I missed the part about the release of summons and you notifying parties.

THE COMMISSIONER: Yes. I'm not proposing to release people at the moment. The investigation is ongoing. I would hope that nobody has to come back and I would also hope that within the next couple of days, say, people will be advised that they're discharged.

MR FAHD: Thank you. Thank you, Commissioner.

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THE COMMISSIONER: So how do we organise this?

MS HEGER: So I think at this point there needs to be a private hearing to hear Mr Hood's application and consistently with who is present at that private hearing, those present at Mr Hood's application could be of course Mr Hood and the other representatives for Wensheng Liu, Mr Patterson for Philip Uy and Mr Hindi's representatives.

30 THE COMMISSIONER: All right. They were the ones that were present at the private hearing?

MS HEGER: At the private hearing.

THE COMMISSIONER: All right. Then all other legal representatives and witnesses, whether online or within the hearing room, should depart. Mr Hindi, you're entitled to stay if you want to.

MR KUTASI: Sorry, I heard otherwise. Sorry, Commissioner.

40 THE COMMISSIONER: Thank you.

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THE COMMISSIONER: Yeah. I proposed to do that now. I accept what you say. So I intend to revoke the order I made under section 112 of the Act in respect of that transcript and the documents that were - - -

MS HEGER: So the transcript references are transcript 1470 to 1495, that's the transcript from the afternoon of 15 July, and also transcript 1585 to 1595, which is the transcript from the morning of 19 July. And the exhibits that were tendered were volume 7.1, Exhibit 259; volume 7.33, Exhibit 257; volume 7.35, Exhibit 256; and volume 7.36, Exhibit 258.

THE COMMISSIONER: Okay. Well, in respect of that material you've just identified, the section 112 order is revoked and that material can be published.

VARIATION OF SUPPRESSION ORDER: I INTEND TO REVOKE THE ORDER I MADE UNDER SECTION 112 OF THE ACT IN RESPECT OF TRANSCRIPT 1470 TO 1495, THE TRANSCRIPT FROM THE AFTERNOON OF 15 JULY, AND ALSO TRANSCRIPT 1585 TO 1595, THE TRANSCRIPT FROM THE MORNING OF 19 JULY, AND THE EXHIBITS THAT WERE TENDERED WERE VOLUME 7.1, EXHIBIT 259; VOLUME 7.33, EXHIBIT 257; VOLUME 7.35, EXHIBIT 256; AND VOLUME 7.36, EXHIBIT 258. IN RESPECT OF THAT MATERIAL JUST IDENTIFIED, THE SECTION 112 ORDER IS REVOKED AND THAT MATERIAL CAN BE PUBLISHED.

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THE COMMISSIONER: All right. Is there anything else?

MS HEGER: I have nothing further to raise, Commissioner.

THE COMMISSIONER: All right. We'll adjourn and thank you all.

AT 3.54PM THE MATTER WAS ADJOURNED ACCORDINGLY
[3.54pm]

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