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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

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OPERATION GALLEY

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 14 JULY, 2022

AT 2.00PM

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

MS HEGER: Commissioner, I call Mireille Hindi.

THE COMMISSIONER: Thank you. Mr Rizk, isn't it, that appears I think?

MR RIZK: Yes, that's correct, Commissioner.

THE COMMISSIONER: Okay. I'll have the witness re-sworn, thanks.

10

THE COMMISSIONER: Thank you. I made a section 38 declaration on the last occasion and that will continue but can I just remind you again that the protection given by a section 38 declaration will not protect if you give false or misleading evidence or commit any other offence under the ICAC Act. Do you understand that?---Yes, I do.

10 And if you give false or misleading evidence you will commit a very, very serious criminal offence, the penalty for which can be imprisonment for up to five years. Do you understand that?---Yes.

Thank you.

MS HEGER: Mrs Hindi, first I want to ask you a question about this iPad. This was found in your house. Whose iPad is it?---I believe that's my iPad.

20 All right.---Look, I can't remember exactly. We've had a few iPads at home so that's, I might have used that, yeah.

Okay. Well, I'm asking you, is it your iPad or not?---I think it is, yeah.

Okay. Did Mr Hindi use this iPad from time to time?---I don't know.

All right. You've had this since at least 2014, correct?---I don't know if it's, if we've had it for that long. I don't remember.

30 All right. Well, obviously the Commission has examined this iPad and I can tell you there were some emails found on it dated 2014.---Okay.

Does that suggest to you you've had it since at least 2014?---If that's what the email – oh, I'm trying to think, if they're emails dated 2014 does, does not mean that I've had the iPad since 2014 but that could be the case. I don't recall how long we've had this iPad for.

THE COMMISSIONER: Does it have a password?---yeah, it would've had a password, yeah.

40 And is that a password known to your husband?---I, I don't know if he's had the password to it.

Well, the only person who could have given it to him would be you.---If he asked for it - - -

Well, did he?---But I don't, we don't, I don't recall both of us using the iPad. I don't remember, so I can't give you an answer.

MS HEGER: You don't recall whether or not you ever gave him the passcode, is that right?---Yes.

10

It's possible, you just can't remember?---It, it's, yeah, I can't remember.

Okay. And I presume you could access your personal email account on this iPad?---I used to be able to, yeah.

Well, do you still use this iPad, that is before the Commission seized it? ---That's been a couple of years ago since I've used it. So, I was using it, yeah.

20 You haven't used it for a couple of years?---Since the Commission had it.

Oh, okay.---I was using it prior to that, yeah.

All right. You were using it prior to that.---Yeah.

And at that time could you access your personal email account on there, and I'm referring to the [REDACTED] account?---I don't recall. I don't, because sometimes I, a lot of the times I can access the emails on my phone.

30 Previously I used to access it on the iPad but I don't exactly remember at a particular time from where I was accessing my emails.

All right. Did you use the Apple Mail app on this iPad?---The [REDACTED] app, is that, oh, the, the mail. Yeah. I, I think it was there, yeah.

Was it the Apple Mail app or the [REDACTED] app?---I honestly do not remember. Probably the, I, I can't remember exactly.

All right. But you think you used an app, is that right?---Yeah.

40 And you were able to access your [REDACTED] account through that app, can you recall whether you did or not?---I believe so.

And you could also access your Sydney Realty email account through that same app?---I was able at some stage to access it, yeah, but sometimes the password stuffs up and I start using my phone.

10 All right. Well, to access your [REDACTED] on this iPad, did you actually have to put a password in or not? That is, once you put in the passcode for the iPad and it opens up, you didn't then have to put in another password to be able to see your [REDACTED] address emails, did you?---I used to, yeah, no, I had a password for my accounts, yeah, for the [REDACTED] account you're referring to.

Yeah.---Yes. I would have had to put in my password to get access to it.

Wasn't that a bit cumbersome? You had to put in a password every time you accessed your own email account on your iPad, is that what you're saying?---Yes, I do.

20 All right. And does the same apply to your Sydney Realty account?---Yes. Unless on my phone I have it automatically.

Well, I'm asking you on this iPad, once you've put in the passcode and accessed the iPad, did you then have to put in a password to be able to see your Sydney Realty emails?---Yes, yeah.

Okay. And was Mr Hindi's [REDACTED] account accessible through the same app?---I don't think so. I don't, I don't remember. I don't remember to be, I can't give you that answer because I don't remember.

30 All right. What I am going to do is just ask you to write down the passcode on a piece of paper for me, for this iPad.---Yeah. Oh, I actually forgot the password. Okay, this is, I haven't used this iPad for nearly two to three years.

40 All right. Well, just take a moment and if you remember it, please write it down.---I can't, I can't write it down. I can't remember. There's so many passwords that I had to remember. 'Cause it always, like, some of the apps obviously ask you to update your password, and this particular iPad I haven't used in a while, so I can't, I can't guess, I can guess but I'm just not, it might not be correct.

Okay.---I, I, is it a four digits or six digit, do, can you let me know, please, the password?

Four digits.---I, I don't, I don't remember. There's so many passwords going through my mind at the moment. I haven't used it in a while, so I, like, I honestly forgotten about the password for that.

10 THE COMMISSIONER: Do you store your passwords anywhere? I don't want to know where but - - -?---No. But I normally use one that's easy for me to remember but sometimes it asks to change it around and then - - -

MS HEGER: All right. I'm just going to show you - - -?---Yeah.

- - - a piece of paper - - -?---Yeah.

- - - and ask you whether this is the passcode?---It's possible.

20 Okay. Well, I might just try that now and see if it works.---I don't remember, yeah.

That does seem to have worked. Bear with me a moment.---Sure.

All right. I'm just going to show you this iPad.---Yeah.

And I'm going to ask you not to change the settings on it - - -?---Nuh.

- - - so don't take it out of flight mode. I'm told that's important.---Sure.

30 All right. Just have a look at it. Don't press anything.---Yeah.

You agree the Apple Mail app is open on that iPad?---Yes.

All right. And you'll see there are a number of accounts there?---Yeah.

All right. Just tap on the first account.---Are you referring to where it says "all inboxes" or the [REDACTED] account?

The [REDACTED] account.---Yeah.

40 And whose email account is that?---I've just got to go up the top and check. That's the [REDACTED] account. That would be mine. That's - - -

Do you have a [REDACTED] account?---Yeah. But that's the [REDACTED] account that I'm looking at.

That's your [REDACTED] account?---Yeah.

Yeah. And you didn't have to put a password in to access that, did you?
---Didn't seem like it.

10 All right. And you didn't have to put a password in to access that as at 2014, did you?---I, I don't remember at that time if I had a password. I'm assuming I would have had a password.

THE COMMISSIONER: But why would you have had a password and then suddenly not have a password?---Sometimes if I have to, if I try many times and I've forgotten the password and I create a new password, I stayed signed in, so I don't have to always remember it. I don't have to always remember the password. It might have been the case, so I, I don't, I don't remember exactly.

20

I don't want you to guess but do you know how you would have changed the password to no password, what the steps are you have to go through to do it?---Sometimes it comes in to say as, a message comes up to say if you want to stay signed in or you want to maybe save password.

But once you've entered a password and you have a password, how do you get to a point where you've got no password?---I guess maybe if I'm still signed in the account.

30 If you're still signed in, you've still got a password. I want to know how, your understanding of how you actually changed the system so you moved from a password to no password. You don't know, do you?---I don't know. I'm just guessing at - - -

I don't want you to guess.---Yeah, no, I don't know.

Thank you.---I don't remember the steps. If it comes in front of me, maybe I'll follow the steps but I don't remember the steps to take.

40 MS HEGER: Okay. And the next account that's on there, can you just open that up?---Here?

And whose email account is that?---Sorry, I pressed on Outlook and it looks like this is my [REDACTED] account. Sorry, let me see. Sorry. [REDACTED]. So why is this – I pressed on the [REDACTED] at the top.

Ah hmm. And you can see emails for your [REDACTED] account, is that right?
---But I can, [REDACTED], yeah.

10 Okay. And that's the one you didn't need a password for that we just went to, is that right?---Now I don't need the password to it, but I'm not sure at the time - - -

I understand, yeah.--- - - - I needed a password, yeah.

Yeah, okay. So go out of that account and click on the next one.---Yeah. Outlook, yeah.

And whose email account is that?---That's mine too.

20 Is that - - -?---That's the same account as the, the one above it.

Oh, okay. That's your [REDACTED] as well?---Yeah.

Does that have some Sydney Realty emails in there as well?---Well, not the [REDACTED] account. 'Cause everything to Sydney Realty goes to Sydney Realty. I, I still have agents sending me stuff through my [REDACTED] account too.

30 I understand. But can you access your Sydney Realty email account on this iPad?---Let me have a look. It looks like it's only [REDACTED].

Okay. And there's also an email account for Con Hindi, isn't there?---Yep.

Can you just click on that?---Yeah, I just clicked on that.

And you didn't need a password to access that, did you?---The one there obviously I didn't need to, yeah.

40 Not today.---Not today, yeah.

All right. Could you just hand that back to the associate, please.

THE COMMISSIONER: Do you want to mark that for identification?

MS HEGER: Yes. This iPad will be MFI 63.

THE COMMISSIONER: Thank you.

MS HEGER: And it has a leather case with white stitching, which has a little window at the back so you can see the Apple sign.

10

THE COMMISSIONER: Yep, thank you.

MS HEGER: And just bear with me one more moment. Yep. The official description is "black iPad in Targus cover". Model THZ634GL-52.

THE COMMISSIONER: Thank you.

MS HEGER: Oh, it's MFI 62 I'm told.

20 THE COMMISSIONER: Okay.

#MFI-062 – HINDI IPAD

MS HEGER: Just bear with me a moment. Okay. So you saw Mr Hindi's [REDACTED] account was on there. So did Mr Hindi use this iPad from time to time?---I can't recall exactly if he's used it. Maybe on the odd occasions he would have.

30

Okay. But you don't have a recollection of him actually using it?---I don't have a recollection of him using it. That used to stay with me most of the time. I had that iPad. I believe I was the one using it.

What do you mean it stayed with you most of the time? Where was it kept, at home?---Yeah.

And where at home was it kept?---In the home office.

Yeah, is that upstairs or downstairs?---Well, the iPad, I take it something, maybe downstairs in the office, but if I'm sitting watching TV, I'd use it. And I, maybe in the home office downstairs it's, it's kept, but - - -

All right. Well, it was actually found in the office upstairs. Are you aware of that?---I'm, I'm not aware of that. I can't remember.

10 And who mainly uses the office upstairs?---Well, there's a desk there so I, sometimes with the iPad, because I used to do a lot of work on the iPad, I will bring it upstairs. We've got a family room upstairs and sometimes into the room.

Into the office upstairs, you mean?---Yeah.

Well, it was mainly Mr Hindi that used the office upstairs, wasn't it?---It was mainly him but only – sorry, are we referring to, it depends what time, what period of time you're referring to.

20 Yeah, sure. So let's go back to 2014. Who used the upstairs office mostly at that time?---No, back in 2014 he was still working for Ausgrid so he hardly did anything at home. He, we didn't, I don't think we even had a desk in the bedroom at that time.

Does the same apply from 2015 to 2018?---Yes. It's, it's only from 2019, around October/November 2019, when Con started using the desk upstairs, he had more time because he left Ausgrid at that time.

30 All right. But even from 2014 to 2018 he used that office upstairs from time to time, didn't he?---I, I wouldn't say an office. He didn't have anything to do at home really, like in terms of work. To the best of my recollection he hardly ever, I don't think that even desk was there at, in, in that time, during that time. We just brought it up recently, took it upstairs recently. Oh well, not, I mean recently the, since 2019.

You're saying there was no desk in the office upstairs between 2014 to 2018, is that right?---I don't recall there being a desk. The desk has been there for a couple of years now but prior to that I'm not 100 per cent sure.

40 Well, so what was in that room in 2014 to 2018?---Oh, it's, it's a bedroom, there's a bedroom, there's a TV, there's a, there was a couch at the, during those years we've had a couch and I moved the couch downstairs.

All right. But a desk went in in 2019, is that right?---That, that's to the best of my recollection, that might have been the case. I'm just trying to – because Con didn't have really much to do at home when he was working for Ausgrid.

When did he finish working for Ausgrid?---Around November 2019.

10 Okay. And from that point he started using that room upstairs more often?
---Yeah, I believe so, yeah.

And a desk was in there from that time?---I think so.

Okay. Can I show you volume 2.24, page 8 and we'll go straight to page 8 of that volume, please. I can tell you this is a note that was found on the iPad I just showed you. You see it's created 13 May, 2019?---Yep.

20 And it starts "Sometime in March a meeting was arranged through my PA with a Chinese person to meet me in my office, which is normal in my role as mayor." Now, that reads like notes of Mr Badalati's account of events of this trip to China in April, 2016, doesn't it? Take a moment to read the note if you need.---Yeah. I don't know how that note got to my iPad. I think I was asked a question about that before.

Yeah. Previously I showed you a photograph of similar notes on an iPad, i.e. it was a photograph of an iPad that had similar notes on it.---Okay.

30 But this has been extracted from the iPad that I just showed you. So - - -?
---I, I don't know how that got to my iPad.

Well, did you draft this note?---No, definitely not. Why would I get involved? That doesn't concern me, that note.

Well, that's my question to you, Mrs Hindi.---Yeah.

You've said that this was your iPad and Mr Hindi may have used it from time to time but you're not really sure.---Yep.

40 And this, as I understand it, is found in the notes section of that iPad. If it wasn't you who drafted it, who did?---No - - -

Well, let's start with the first question.---Yeah.

Did you draft it or not?---No.

You didn't draft it?---Nuh.

All right. Who did?---I wouldn't know 'cause I didn't even know that existed on my iPad.

10 Well, who else used this iPad other than Mr Hindi?---No one.

All right. So unless someone else was using this iPad and going in and creating a note, it must have been Mr Hindi who drafted this. Do you accept that?---I, I don't, I can't say, I can't answer that question.

All right.

20 THE COMMISSIONER: Why not? I mean, there are only two alternatives, aren't there? One is that it's your or, two, it's him and the second – I withdraw that. They're the only two possibilities, aren't they?---So, Commissioner, I'm saying I don't, I don't know how that came onto my iPad and I'm not the one who drafted it.

Right. Well, I'm telling you - - -?---Yeah.

- - - sorry, I'm asking you, you can only think of two possibilities, can't you, you or your husband. And you say you didn't do it, so it's got to be your husband, hasn't it?---I don't know. I don't know if he did it, so I can't answer that question.

30

Well, who else could have done it?---I'm not going to guess 'cause that's, I don't know.

You're not guessing. I mean, you do know how serious it is if you give false or misleading evidence to us?---I know, Commissioner.

40 And this is pretty simple. You've got an iPad, you've got the password to it and it may be that your husband had the password to it, as well. But how can it be anyone other than you or your husband? And you've said you didn't do it, so it has to be him, doesn't it?---It's possible but I can't, I didn't

see him do it and I don't know if he's done it, so I can't, how can I say yes to that?

All right.---Yeah.

I'll ask you, you give me an explanation of how it could have got on there if it wasn't your husband or it wasn't you?---Like I said, Commissioner, I don't know who did that document, who drafted it.

10 You've said that a number of times.---Yeah.

And I'm asking you give me an explanation as to how it got there if it wasn't you or your husband?---I'm not going to make up an explanation. I don't know how it got there.

Well - - ?---Maybe you can ask Con that question, Commissioner? I can't answer - - -

20 No, I'm asking you. It's your iPad.---But that's my answer. I don't recall seeing that note. I haven't drafted it. And I can't give an explanation, make up an explanation for why it got there.

Well, it's obvious, isn't it? It must be your husband?---I, I can't answer that question, Commissioner. I'm sorry.

You can't or you won't?---I can't give you a false answer if I'm not sure if he's, how can I say yes if I'm not sure if he's the one who drafted it?

30 Who else could it be?---I don't know.

Very well.

MS HEGER: I'll just mark volume 2.24 as MFI 63.

THE COMMISSIONER: Thank you.

#MFI-063 – VOLUME 2.24

40

MS HEGER: All right. I just want to ask you a few more questions about that trip to Tangshan in April 2016. We'll just take that note down from the screen, please? You said that when you were checking out of the hotel in Tangshan, you had a conversation with China Liu's staff. Is that right?
---Which trip, sorry, we're referring to?

So this is April 2016.---Yeah.

The first trip.---The first trip, yeah.

10

You were checking out of the hotel in Tangshan and you had a conversation with China Liu's staff - - -?---Yeah.

- - - about who paid for the accommodation. Is that right?---Yeah.

And the staff person that you spoke to didn't speak English. Is that right?

---I believe the lady at the counter, the receptionist, maybe didn't speak English but the, no, one China Liu staff member was able, was actually speaking in English, she could understand. That's why she came, probably to translate, when I was at that counter.

20

The staff member was translating for you. Is that what you're saying?---I think so. She, that's why, I remember her approaching and talking to, to the receptionist.

Okay. And the staff member you spoke to was a lady, is that right, of China Liu's staff?---I believe so. I believe so.

And that's who you gave the money, you say?---Yes. That's, to the best of my recollection, that's what took place.

30

Okay. Then you left Tangshan and you went back to Beijing. Correct?
---Yeah.

And you stayed at the Beijing International Hotel again. So you stayed there on your way in to Tangshan and then on your way out. Is that right?
---Yes. Yeah.

Okay. And who paid for your accommodation at the Beijing International Hotel on your way out?---On the way back?

40

Yeah, so on the way back home.---Yeah, yeah, yeah.

Yeah.---I don't know who paid for the accommodation but I do remember when I went the next day that we checked out to pay for the room, they told me it's been paid for.

Okay. Philip Uy's evidence was that he paid for it on his credit card. You don't dispute that, do you?---No, I don't dispute that if that's his evidence, yeah.

10

Okay. Did you reimburse him?---I believe I did, yeah.

When did you do that?---So I'm trying to remember exactly what happened, 'cause there were two trips in that period of time. It's the first trip, 'cause I remember reimbursing Philip on the second trip. I think I paid him, I think I paid him there at the hotel.

20 You paid him some cash at the hotel in Beijing?---I believe. To the best of my recollection. I'm not a hundred per cent certain if he's paid for it. And I went and asked, I would have reimbursed him. But I'm not a hundred per cent sure. That's my recollection.

Yeah. Well, do you have a recollection of giving him cash in Beijing or not?---In Beijing on the way back? I think I did. I have a recollection, but not a clear recollection, that I did pay him money. I was a bit confused when I paid him. No, then it wouldn't, so we're talking about sometimes, it wouldn't have been China Liu stuff 'cause that's, they picked us up on the way there. So you're talking on the way back?

30 Yep.---Yeah. I believe I would have, yeah, I have a vague recollection, actually, that I paid Philip cash for that accommodation for one night.

Yep.

THE COMMISSIONER: Do you have a recollection of having paid him anywhere else?---I paid, in relation to that first trip?

Mmm.---Which part of the trip? Is it anywhere else you're saying on that trip?

40

Well, you say you've got a recollection of paying it in Beijing.---Yes.

Do you have a recollection of paying it anywhere else?---No.

No, okay, thank you.---Yeah.

MS HEGER: All right. And then you flew from Beijing back to Hong Kong and then caught another flight from Hong Kong into Sydney. Is that right?---Can't remember that part. I know we flew directly to Sydney but would have, I can't remember that, if it stopped in Hong Kong. So is that, it
10 says, does it say that we stopped in Hong Kong and then back to Sydney?

Yeah, the records do suggest that you flew from Beijing to Hong Kong first.---Okay.

I take it you have no reason to dispute the records?---No, I'm not disputing records.

Okay.---But what I'm trying to say is we didn't stop at Hong Kong. We flew to Sydney after the Beijing. After we checked out of Beijing, we flew
20 straight to Sydney.

Yep. Who paid for the flights from Beijing to Hong Kong?---So we booked the return flights before we left.

Mmm. And that was a return to Hong Kong? I can show you that invoice if you need me to.---Yes. Yeah. Oh, okay, so you're asking the, the flight from Beijing to Hong Kong?

Mmm, Beijing to Hong Kong.---I, I don't remember that. I don't, I don't
30 remember that part at all.

Okay. Well, Mr Uy's evidence was that he paid for the flight from Beijing to Hong Kong, at least initially. Do you have any reason to dispute that?
---If his recollection's, if he's saying it's paid, then obviously his recollection's better than mine.

All right. Did you reimburse him for those flights?---I know on the occasions where I didn't pay, I'd reimburse Philip in cash. But, again, I
40 don't have a clear recollection of, for that specific trip.

Yep. So you're saying your practice was to reimburse him with cash?
---Yeah.

But you can't remember whether you did for these particular flights?---(NO AUDIBLE REPLY)

Okay. Now, as for the return flight from Sydney to Hong Kong, your evidence was that you paid for that on credit card, correct?---Correct, yeah.

10 And your evidence is still that Mr Uy never reimbursed you for those flights?---Yeah, definitely, he's, he's never reimbursed me for that.

All right. Can I show you volume 2.15, page 18. Which is Exhibit 230. So this is a photograph found on Mr Uy's phone.---Yep.

It's dated 28 April, 2016. So that's after the trip to China in April.---Yep.

20 You can see it's a photograph of an iPad and the iPad is showing the invoice addressed to Mr Hindi and partner for the return trip to Hong Kong. Can you explain how this photograph came to be on Mr Uy's phone?---I don't know. All I know is I was sent the invoice, because I did ask when I paid for the invoice and the invoice was emailed to me but that, I don't have, I don't know why he's got it on his phone.

Is that your iPad that you can see in the photograph?---I can't see. Is, is that the same iPad, I don't, I can't tell from here if that's the same one. I was, sorry, I thought you said he, it was on Mr Uy's phone.

30 Yeah. So the photograph was found on Mr Uy's phone but you can see it's a photograph of an iPad.---Okay.

And I'll just hold up this iPad for you again. Is it the same one?---A lot of iPads look the same so I don't know.

Yeah. I mean, they're both black.---Yeah. I can't recall that being, like - - -

And they both seem to have a black cover around the edge. Do you agree with that?---Yeah.

40 So it could be the same one?---Yeah. It could not be the same one too because a lot of black iPads have black cases.

Yeah, all right. You don't know whose iPad is in the photograph, is that right?---No.

Okay. But it has an invoice addressed to you and Mr Hindi on this iPad.
---Yes.

So, it can only be your iPad or Mr Hindi's iPad, correct?---It's possible.

10 All right. Did you show this invoice to Mr Uy so he could take a photograph of it?---I don't remember, I don't recall showing it to him because he, it was, it was him who organised the invoice for me because I said, "I want an invoice. I don't know the travel agency." So why would he need to take a photo? He would have had a copy already of it.

Well, the agency sent you a copy of the invoice, that's for sure.---Yes.

20 So why did you need to – you can't offer any explanation as to why this is on Mr Uy's phone?---I, I don't remember showing him that. I don't, honestly, I do not recall that at all.

Okay.---Because I didn't need to have that because I had the invoice, that's all I was concerned about. I needed the receipt for the payment.

Yep. Well, one explanation is that you were showing this to Mr Uy because you understood he was going to reimburse you for this airfare. What do you say about that?---No, I don't agree with that.

30 You didn't have any such arrangement with Mr Uy, is that your evidence?
---No. Definitely not, yeah.

All right.

THE COMMISSIONER: Have you got an explanation as to – you may not, but do you have any explanation as to Mr Uy may have had a photo on his phone of that invoice?---No, Commissioner, I'm sorry, I don't have an explanation. I don't know why he would take a photo of it. I can't explain that.

MS HEGER: And it's even more curious that he would take a photo of it after the trip's finished, isn't it? Would you agree with that?---I, I don't know how it got to his phone. I don't remember that.

THE COMMISSIONER: But that was an invoice that had been sent to you, correct?---Yep.

And it ends up on his phone. Doesn't that suggest that you at some stage showed it to him? Otherwise how would he get a photograph of it?

10 ---Commissioner, I don't even know if that's my exact iPad but it's, it's possible. If you're saying it's, the invoice is addressed to me.

Put the question of iPad to one side.---Yep.

You've got a receipt and it ends up on his phone, or a photo of it does. Can you think of any explanation other than you provided that document to him in some shape or form and it ended up on his phone? Whether that's your iPad or not, you must have been the source of the receipt, do you agree, or the invoice rather?---I, I don't have an explanation for that, Commissioner, I'm sorry.

20

But do you agree that it must have come from you?---Not necessarily. Like I - - -

Who else could it have come from?---Well, I can't give an explanation because what I was trying to say before he, I got the invoice emailed to me, Mr Uy knows the agency, he could get a copy of the invoice from the agency. Why would I need to show him that? He knows how much I paid for my ticket and I asked for the receipt. So why do I need to show him that?

30

Well, one reason, as Counsel has pointed out to you, it's because you might have been seeking reimbursement.---And I said no, so there's no need.

Yeah.

MS HEGER: Well, can I just, I'll take that down and I'll show you volume 2.24, page 4. I'll go straight to page 4. You see message number 13 there, if we just make that a bit bigger?---Yep.

40

It looks like you've forwarded an email to someone, but the original email was from Golden Miles Travel to your [REDACTED] address. Do you see that? With the subject "Final itinerary". If you look at the text within the large box on the page.---Yes, I can see that, yeah.

Yeah, it says, "Hi, Mireille. Please find enclosed itinerary and attached invoice."---Ah hmm.

And it's referring to the trip from Sydney to Hong Kong.---Yeah.

10

So that's consistent with what you said earlier, that you received this invoice from Golden Miles Travel directly.---Yes, correct.

All right. I presume that doesn't assist you with coming up with an explanation for why the invoice is on Mr Uy's phone?---Yeah.

Okay. We'll just take that down, please. That's already marked. All right. Just going back to the flight from Shenzhen to Beijing. So that was the one on 10 April - - -?---Yep.

20

- - - en route to Tangshan.---On the way back, yeah.

On the way there. On the way to - - -?---No.

So you flew to Hong Kong.---Yeah.

You went to Shenzhen. Then you flew from Shenzhen to Beijing.---Yes.

30

And then you went from Beijing to Tangshan. So I'm now talking about the start of the trip.---Okay, yeah.

You flew from Shenzhen to Beijing, correct?---Yes.

And your evidence was that you gave cash to someone at the airport. It could have been a travel agent, it could have been Mr Uy. That was your evidence, wasn't it?---Yeah.

40

Okay. And Mr Uy has now given evidence that he paid by credit card to the travel agency. I take it you don't dispute that?---No.

And if that's right, it must follow that the person you gave cash to was Philip Uy, not the travel agent, correct?---So after listening to that, yeah, I was a bit confused and I knew I paid the money but I wasn't sure to who.

Okay. Can I show you volume 10.2, which is Exhibit 205. This is an article from The Sydney Morning Herald, 2 April, 2019, heading "Councillors referred to watchdog". Have you read this article before?---Yeah, I believe I read it, yeah.

10 So this is obviously an article about Mr Hindi and Mr Badalati travelling to China, and there was some discussion in the article about who paid for their expenses.---Yep.

Did you read this article around this time, April 2019?---I can't recall if I read it at that time or afterwards, but I, I have seen it.

Okay. You're aware that after this article was published, Mr Badalati commenced defamation proceedings, are you aware of that, against The Sydney Morning Herald?---Yes, I was aware of that, yeah.

20

Okay. Did Mr Hindi also write to The Sydney Morning Herald about this article?---Sorry, what do you mean?

Well, did Mr Hindi write to The Sydney Morning Herald, either himself or through his lawyers, complaining about this article, do you know?---I think so, yes, he did.

Did he actually commence defamation proceedings himself?---I think so.

30 Okay. And you don't need to tell me the details, but there was then some negotiation with The Sydney Morning Herald, is that right?---I, I'm not sure what happened there, so that's - - -

Okay. Was a settlement reached between Mr Hindi and The Sydney Morning Herald? And you don't need to tell me the amounts or anything, but was a settlement reached?---I can't comment on that. Maybe ask Con about this.

You don't know?---(NO AUDIBLE REPLY)

40

Okay. But you were aware around this time that Mr Hindi had written to The Sydney Morning Herald at least?---Yeah, I was aware.

Okay. Did you then ask Philip Uy to help you get some receipts for the April 2016 trip?---No, no, I don't, I wouldn't have had that discussion with him. It's nothing to do with me.

Well, obviously Mr Hindi was concerned after reading this article to prove that he paid for his expenses, wasn't he?---Yes, he would be, yeah.

10

Okay. He didn't ask you to get in touch with Philip Uy about getting some receipts for this trip?---No, he didn't. I don't know if he did it himself. I didn't do it.

Okay. Well, Philip Uy did, in fact, get in touch with an agent in China asking for some receipts for that flight from Shenzhen to Beijing. You didn't know anything about that?---No, I don't, I don't recall being involved in that, so I don't, I don't know.

20 Was Mr Hindi involved in that?---I don't, I don't think so. I don't know. I can't answer. I'm not sure.

Did Philip Uy ever provide you with receipts - - -?---No.

- - - for those flights from Shenzhen to Beijing?---Nuh.

All right. And what about the stay at the Beijing International Hotel? Did you ask Philip Uy to arrange some receipts for that?---No.

30 Did Mr Hindi?---Not to my knowledge.

Did Philip Uy ever give you receipts in respect of the Beijing International Hotel?---Nuh. I don't recall him being, 'cause I haven't asked him for it.

All right. Can I show you volume 2.18, page 3, which I think I tendered earlier, Exhibit 245? This photograph is dated, if we just scroll down and show the date, please, 7 June, 2019. It's a photograph of a piece of paper. Have you seen that piece of paper before?---I don't recall seeing it. Where was that found, sorry?

40

It was found on Mr Uy's phone.---Yeah. Nuh, I don't recall seeing that note at all.

Well, are you aware that Mr Uy arranged for his brother, Tommy Wong or Wong Ching Ho, to provide a statutory declaration regarding the accommodation expenses in Tangshan?---Aware at, at the time?

Well, you're aware now, aren't you?---Now, I'm aware now, yeah. I'm aware now. Yeah.

10

Okay. Were you aware in 2019 that that was happening?---I don't think so, no. I, I don't recall being aware of that, no.

Okay. Well, you can see that this document refers to Mr and Mrs Hindi in the first paragraph and then the second paragraph talks about Mrs Hindi paying 4,000 RMB to the staff of Mr Liu. Do you see that?---Yeah. Yeah, I can see that.

20 You didn't have any involvement in preparing this document in the photograph?---No. No, definitely not. I had no involvement in that.

You didn't talk to Mr Badalati about the contents of this document?---I don't recall being involved in, in that. I don't have a recollection of, this document I haven't seen, so I, I can't recall.

Okay. Do you remember being consulted at all about the statutory declaration that Tommy Wong prepared?---No, I don't recall that at all.

30 Were you shown a copy of the statutory declaration in 2019?---I don't remember.

Right. So possible. You just can't remember one way or the other?---I, I have, yeah, I have no recollection of that.

All right. Can I ask you about the council vote on 20 April, 2016, so this is after the first trip to China. You're aware, of course, that council voted in favour of the Landmark Square planning proposal on 20 April, 2016?---Yes, I am.

And were you aware at the time that a few days before that vote, the council staff prepared an assessment report on the planning proposal?---No, I wasn't aware of that.

You didn't become aware of that in the days leading up to the vote on 20 April, 2016?---I don't know, no I don't recall that.

Well, did you become aware in the few days leading up to 20 April, 2016 that the staff at council opposed some aspects of the planning proposal?
10 ---No. I, I don't, no, I don't recall that.

Well, if it helps, council staff were proposing a lower height than was sought by the applicant and a lower FSR. You don't remember becoming aware of that in the days leading up to the vote?---No. I don't, I don't have a recollection of that.

All right. So I take it you're not denying it, you just can't remember one way or the other?---I can't remember, yeah.

20 Okay. Did you have any discussions with Philip Uy about the Landmark Square planning proposal in the days leading up to that vote?---I don't remember the exact timing but I do, I have had meetings with Mr Uy, him expressing concerns and talking about the Landmark Square but I don't remember the timing of that, of those meetings.

Well, you've referred to some meetings that happened later when there were delays with the planning proposal.---Yeah.

That was around 2017/2018, correct?---Yes.
30

Yep. What I'm asking now, in the period sort of 15-20 April, 2016. Did you meet with Mr Uy?---I don't remember. I don't have a, a clear recollection. I don't have a, like a clear recollection of that happening.

Okay.---During that time, specifically.

Yeah.---Yeah.

40 Did you talk to him on the phone during that time?---He would have tried to call me because sometimes he would call and I can't answer, so I can't, I don't remember.

Okay.---I don't specifically remember chatting to him specifically about that at that time, during that time.

Okay. I'll just show you volume 19.2, which is MFI 40, and we'll go to row 125, please. Can I just ask the operator to highlight row 125, because I can't see the number on my screen. There we go. All right. You'll see in the highlighted row, Mrs Hindi, on 19 April, 2016 there's a call of 4 seconds duration from yourself to Ching Wah Uy, who of course you understand to be Philip Uy. Do you see that?---Yeah.

All right. And then there's another call about 17 minutes later on the same day, again of 4 seconds duration from yourself to Mr Uy.---Yeah. But it says for a Vodafone voicemail, so it would have gone to his voicemail.

Yeah. Okay. So you don't have a recollection of actually speaking to Mr Uy on this occasion?---No.

Can you recall why you were getting in touch with him?---Well, Mr Uy and I spoke about different things and I think I did mention that before. He could have simply just tried to call me before and I'm returning the call. I can't, I can't recall actually, because I didn't speak to him on that day. It's only a, it's a, it's a, sorry, Vodafone voicemail.

THE COMMISSIONER: But you were trying to.---Yeah. It could simple be that he had tried to call me, he, sorry, he would have tried call me previously and I'm returning the call.

This is the day before the vote.---I don't, I don't need to speak to him if it's with regards to the vote. It's none of my business.

MS HEGER: Well, you were interested in the Landmark Square development at least because at this time your buyers' agency agreement was still in place, wasn't it, with One Capital Group?---Yeah, at April, yeah. That's still valid at that time, yeah.

And by this time you'd also attended a meeting at a Japanese restaurant with Mr Dickson and Mr Hindi and Mr Uy about the Landmark Square planning proposal, correct? That was back in May 2015, correct?---Yes.

All right. Can you think of any other reason, other than Landmark Square, that caused you to try to get in touch with Philip Uy at this time?---We were talking, like, Philip would call me from time to time to even talk about other things as well, so it does not necessarily mean earlier this phone call would be in relation to the Landmark Square. That's the explanation that I have.

Yeah, but what other things were you talking to him about as at 19 April?
---Real estate. Real estate. Yeah, we were talking about his, I'd often go to him – sorry, not often, sometimes – and ask if he had, if he knew buyers or
10 investors. So could be one of these conversations.

Ah hmm. But you knew on 19 April that council was going to vote on the Landmark Square planning proposal the next day, didn't you?---Yeah.

All right. Can we go down to row 128 and just highlight that one for me, please. That's on the same day at 2.18pm.---Yep.

It's a call of one minute, 33 seconds duration from Philip Uy to yourself. Do you recall speaking to Mr Uy on that occasion?---I don't recall. But if
20 it's there, no, I would have made that – he would have called me. That's him calling me, isn't it? Yeah.

And he was calling you about the Landmark Square planning proposal, wasn't he?---I, I don't remember if it was, if the phone call was only for Landmark Square or if it was for that purpose.

All right. So you accept it's at least possible it was about Landmark Square, correct?---I don't recall, so - - -

30 All right. But again you can't name, you can't give a specific example of other matters that you were discussing with Philip Uy around this time, 19 April?---For 2016, I'm trying to recall. I was selling apartments in Peakhurst, so it could be 'cause, and I would ask him if he knew someone who's looking to buy an apartment. So we'd talk about a number of things.

Ah hmm. If we go down to row 142. Just highlight 142. Okay. 19 April, 2016. So this is the same day, 8.53pm. A call of one minute, 42 seconds, from Mr Uy to yourself. Do you recall speaking to Mr Uy on that
40 occasion?---It's the same day, isn't it? Yeah, yeah. So I don't – he could possibly, he called me and obviously we would have spoken briefly, but I don't remember specifically what the conversation was about, that's all.

THE COMMISSIONER: This is about 9 o'clock at night.---Sometimes he would call late. Sometimes I don't answer. There's a few, a few, if you would have had a look at my phone, there's a lot of missed calls from Mr Uy that I don't answer, but - - -

MS HEGER: Yeah, but this one connected. It was one minute, one minute and 42 seconds.---Yeah, I'm not saying I didn't have a chat, I didn't have a conversation. Obviously for one minute and 40 seconds we would have
10 spoke.

Well, it looks like you were, there was some urgency to whatever you were talking about on 19 April. There are multiple attempts to get in touch. Do you accept that?---I know, it's, it's normal for him to try and call a number of times in one day. You would have seen it on my phone that he, because a lot of missed calls from him. He's called a number of times if I don't pick up, and when I get the change, I call back.

Yeah, but on this day you'd spoken to each other for about a minute and a
20 half at one point and then - - -?---Yep.

- - - you spoke to each other again at 9 o'clock at night for another about minute and a half. It wouldn't have been general real estate matters that were so pressing. Do you accept that?---Then again, I can't remember what the exact conversation that took place on that day.

Okay. Well, I suggest to you that all the conversations that took place between Philip Uy and yourself on 19 April were about the Landmark Square planning proposal. What do you say to that?---I can't recall the
30 conversation.

Mmm. And specifically they were about the council vote the next day. I take it you can't recall?---I don't, I don't agree with that because he wouldn't have discussed the vote with me. Why, why would he discuss the vote with me?

THE COMMISSIONER: So you can't recall the call but you can say that it didn't involve discussing the vote, is that what you're saying?---Sorry, I said I don't recall the conversation that we, that took place.
40

Well, how can you then say that it didn't involve - - -?---Because he

wouldn't normally discuss that with me. Why would he talk about voting? That's not my job. I don't, I'm not a councillor, I don't vote. So that's why I said - - -

No, but your husband is.---Yeah.

Or your husband was.---Yeah, but my husband can do what he has to do, nothing to do with me.

10 Nothing to do with you?---No. He is his own person and I am my own person.

MS HEGER: Well, one possibility is that you were talking to Mr Hindi about the resolution that was to be put to council the next day and you were relaying that to Philip Uy. What do you say about that?---No, that's not true.

20 You're aware of course that Mr Hindi was involved in drafting a resolution to be put on 19 April, 2016?---No, I wasn't aware. Now I was aware of that, yeah.

Now you're aware.---Yeah. Now, now I'm aware. I didn't know at the time.

You deny being aware of that at the time, that is 19 April?---That he drafted a resolution?

That he was involved in drafting a resolution.---I had no idea.

30 He didn't talk to you about that?---No.

THE COMMISSIONER: Just remind me, was the agency agreement on foot at this time?

MS HEGER: Yes, that expired in July 2016.

40 THE COMMISSIONER: Well, you had a significant financial interest, didn't you, in the proposal proceeding?---So whether, whether the proposal proceeds or not I still get my commission if One Capital purchase the property. So it's not related to the vote, Commissioner, just to make that clear.

MS HEGER: Well, if the planning proposal didn't go ahead, One Capital might have decided not to exercise the options, isn't that right?---They might have, but then they might have still decided to purchase the land. Like it's, it's not subject to rezoning. That was the – the agreement that I had with them is if they purchase the land, I would get paid a flat fee. It's the opportunity that's provided to them to develop that site, nothing to do with what council does.

10 But you understood that if council voted against the planning proposal One Capital Group might decide we're not going to purchase this property after all. You understood that, didn't you?---They might. They might, but they might still buy it.

Mmm. Well, what I'm suggesting to you is if the Landmark Square planning proposal didn't go through, that put your \$500,000 commission at risk. What do you say about that?---If the planning proposal didn't go ahead?

20 If council had voted against the planning proposal on 20 April your \$500,000 commission was at risk, no?---Well, it would be like just any other agreement that I had, it wouldn't have gone into fruition, so - - -

THE COMMISSIONER: And you would have lost money.---Yeah. If that had happened, yeah. But it was never subject to council approval. My agreement was just a, a, getting a flat fee for them purchasing the site.

No, no. But as Counsel has pointed out to you, if it wasn't approved there was at least some chance that the options wouldn't have been exercised.

30 ---That would have been a possibility, yeah.

MS HEGER: Did you watch the livestream of Elaine Tang's evidence?
---Yes, I did.

Okay. And so she gave evidence that after that trip to China in April 2016 you and her were just acquaintances, not friends.---Yeah. That was her impression. I had a different impression of the relationship.

40 So your evidence is still that you became friends after that trip?---Like a business friend I would say, not obviously a close friend.

A business friend.---Yeah.

Okay.---Like, like friendly enough for her to ask me to attend meetings on her behalf.

Okay. Is it still your evidence that you would just catch up for purely social reasons from time to time?---Yeah.

10 Okay. Can I show you the transcript of Ms Tang's evidence at page 1103?
Sorry. We'll come back to that transcript. And I'll ask you something else.
All right. You have given evidence in this inquiry, and I'll just quote from
page 692, line 15, you said, "I always keep my commercial agreements
separate to Con. I don't tell him my business. It's my business so he
doesn't need to know about my business dealings." Do you recall that
evidence?---Yes, I do.

20 Okay. And so if you entered a buyers' agency agreement with respect to
land in Hurstville City Council, your practice was not to tell him?---That
was a practice if it's in his LGA.

Okay. And that's been your practice since you started Sydney Realty in
2011. Is that right?---Yeah but, but, sorry. That doesn't mean if, if we're
selling a, if the property being sold and my Sydney Realty signboard is on it
and that obviously became obvious to him that I'm selling that, yeah.

That's public. Yeah. Understand.---We've had discussions about things
that I'm selling but the, like, how much commission I get and what
agreement I have, that obviously he doesn't know. I don't tell him that.

30 So you'd only tell him once it became public - - -?---Yes. Yeah.

- - - once the property was sold?---Yeah.

Okay. And so it follows that if you were entitled to a commission on land
within Hurstville City Council, but it hadn't been sold yet, you wouldn't tell
him about that? That was your practice?---Yes, that was my practice, yeah.

40 Yeah. And that was your practice since 2011?---Yeah, it's, it's always been
my practice, yes, but, you know, sometimes obviously you'd have
discussions and conversations, general discussions, but not about, you
know, my commercial agreements.

Okay. And I take it if you were negotiating a commission with someone, obviously the property hasn't been sold yet, your practice wasn't to tell him that, either?---If the property does not involve him voting or would put him at sort of, in an awkward position being on council, if it doesn't have that implication on him, maybe we would discuss it, but generally my practice, most of the time is not to tell him.

10 THE COMMISSIONER: Well, I don't think you put that qualification on it last time you were here, so you now say, do you, that if it didn't put him in a compromising position, then you might discuss it with him?---I'm saying it's possible - - -

20 Well, you're telling us about what your practice was. You're saying that it was a practice but it was subject to an exception if you formed a view that it wasn't going to put him in a difficult position?---No, no. Let, sorry. Let me re-word that. My practice has been when I started the business to keep, not to disclose to Con my business, my business, especially about commercial agreements, something involving my commission. But if a property was to go on the market and I'm selling something and I, I'd bounce ideas off him, like, just in terms of marketing and stuff, but not to do, nothing to do with commission. So I kind of, I don't know, if a question was put to me "Do you ever discuss with Con Sydney Realty?" that generally, yeah, that would obviously come up in discussions, real estate, it's natural. It's normal at home to, you know, 'cause that's my business but not about my arrangements with, with my clients.

30 MS HEGER: Yeah. And so if you were negotiating a commission on land within Hurstville City Council, your practice was not to tell him about that? ---That, yeah, that was my practice, yeah.

Yeah, and that was your practice since 2011?---I believe so, yeah.

And it'd be especially important not to tell him if you thought there was a prospect of a DA being lodged over that land with Hurstville City Council. Correct? Well, that must follow from what you've just said?---Yeah, just trying, yeah.

40 You accept that?---Yes, I accept that, yeah.

Okay. Can I just show you an email? It's dated 12 September, 2013. All right, I'll just show you this email dated 12 September, 2013. This is an email from Sydney Realty Online.---Yep.

To the individual named there, BCC Con Hindi. Looks to be at his Ausgrid address.---Yep.

10 It's dated 12 September, 2013. And the subject is 3 Richards Avenue, Peakhurst. The person – well, first of all, do you recall having some dealings with 3 Richards Avenue, Peakhurst?---Number 5 and 7, yeah, I sold those two to a - - -

You sold 5 and 7?---Yeah. So 3 was next door.

Yep, okay.---Yep.

And the person that you're writing to was a director of the company that owned - - -?---5 and 7.

20 5 and 7.---Yep.

Okay. Numbers 5 and 7, Richards Avenue, Peakhurst.---Ah hmm.

Correct?---Yep.

Okay. Let's go to the next page.---Yep.

30 You say, "Writing this letter to inform you I have a" – I think that should be "genuine" – "buyer who's interested in buying your property. This buyer has purchased the properties adjacent to yours at 5 and 7 Richards Avenue. Willing to offer the same rate for your property." You can read the rest of that for yourself.---Yeah, that's fine.

And just read it to yourself and then I'll ask you a question. All right, so here you're proposing a commission fee of 1.5 per cent.---Yep.

And that's in respect of the sale of 3 Richards Avenue, correct?---Yeah, correct.

40 And you also have noted in this letter the purchaser is looking at developing those blocks to build a block of residential units.---Yes.

And so you understood that the purchaser was also looking at potentially building that block on 3 Richards Avenue as well, correct?---Yes.

Okay. And obviously you understood that if a block of residential units was going to be built, a DA would need to be lodged with Hurstville City Council, correct?---That's correct, yeah.

10 And you've copied Mr Hindi into this email, correct?---I don't remember doing that but it says here.

That's what it says.---Been copied, yeah.

So in fact contrary to what you said earlier, your practice was not to not tell Mr Hindi if you were negotiating a commission in respect of land within the Hurstville City Council area, correct?---Correct, yeah. But that's not an agreement. That's not an agreement. It's just a letter of offer.

20 Mmm.---It's not an agreement between me and the owners. There's nothing agreed there.

All right. So now your evidence is it's only once an agreement had been reached that you were concerned not to tell Mr Hindi?---This is just a letter of offer, so I would have just CC'd Con on it. Like I said, it's hard when you're in the same household. You bounce ideas off each other. But when it comes to actually having agreements between clients, this is, I kept separate from him.

30 THE COMMISSIONER: Why did you copy him in?---I don't remember copying him in, but - - -

No, but you did. It's clear.---Yeah.

Why?---This is just a letter of offer to a neighbour.

Yeah, I know that. I can tell that by reading it.---Yeah.

40 And you see what's solely problematic in relation to this is that if the offer was accepted and the property was going to be the subject of a DA, he'd vote on it, wouldn't he?---Then if he's aware of it, Commissioner, he'd

obviously have to make that call and declare an interest. That's his duty. So if he becomes aware of it, he has to disclose it.

And he'd have to disclose that you were, in those circumstances, earning a commission?---That's right. He would have to say – that, that's obviously up to him. He will make that call.

10 But I thought your evidence was, at least what I understood it to be, was that you didn't want to put him in a position where that had to happen and that that was the reason, well, one of the reasons why you didn't disclose your business to him, because you didn't want to put him in a position where he would be voting on in respect of the property or properties in which you had an interest. Is that right?---That's right.

Well, why did you do it, why did you copy him into this one?---If he becomes aware of it, of any agreement then he, that he thinks he has any interest in, he'll have to, he'll have to assess the situation and make a decision when it comes to voting.

20 Yeah, but you said your practice was not to tell him so that he wasn't in that position but – I accept that at this point there's no agreement as such but you're telling him, or you're giving him information in respect of a property which ultimately he may have to cast a vote on, and my question to you is why did you do it?---This is not, like, this is a letter of offer. If it happens to be - - -

No, but why did you send him the letter of offer?---I, as I said I don't recall CC'ing him on that email. Again, that's his Ausgrid email, that's not his council one. If, if - - -

30 What difference does that make?---It doesn't make a difference. I guess if he knows, he becomes aware of it, he had to make a decision when a DA comes to council.

Do you agree that your email copying him into this letter suggests that the practice you told us about that you had didn't exist?---No, it did exist, Commissioner. I'm sorry, the, the fact is I, I said it's hard sometimes being in the same household then you work sort of in the same area as your husband is a councillor on, sometimes he would become aware of things, not intentionally me telling him, and then he has to - - -

40

No, but just a moment. You intentionally told him, as you pointed out, on his work address. He wasn't at home. You sent him an email which is inconsistent with the practice that you say you had. What's that got to do with talking at home?---Like I said, Commissioner, I don't recall CC'ing him but it happened. I don't know why it happened on that occasion.

MS HEGER: You said sometimes it's difficult to keep things from Mr Hindi. It would have been very difficult to keep from him that you had signed an agreement with \$500,000, wouldn't it?---No. I, I sign a lot of
10 agreements. I don't tell him about my commercial agreements. This is not an agreement, so this is just a letter.

Okay. That email, I will tender that. That will be Exhibit 251.

THE COMMISSIONER: Thank you.

**#EXH-251 – SYDNEY REALTY EMAIL DATED 12 DECEMBER
2013 BCC CON HINDI**

20

MS HEGER: Can I show you another email, 23 April, 2014? So this is from your Sydney Realty Online address to Mr Hindi at his Ausgrid address, 23 April, 2014. This time it's in respect of 5 and 7 Richards Avenue, Peakhurst, which you said you were the agent for, is that right?
---Yes.

Okay. It says, "Hi Mireille" – well, what's happened is Sydney Realty Online has received an email from a person named there and you've then
30 forwarded that onto Mr Hindi. Do you accept that?---Yes, it looks like it's been forwarded, yeah.

Mmm. The email from the other person to Sydney Realty says, "Hi Mireille. Please find attached order on the agent for the above properties as requested." And if we go to the next page it's a letter addressed to you. It says, "This matter was settled today. We enclose the purchaser's solicitor's authority for you to account to the vendor for the deposit. Would you please account to the vendor at 5 Richards Avenue, Peakhurst or else the vendor may otherwise direct for the deposit less your commission, together with
40 any interest accrued on the invested deposit." So you accept, of course, by

this time the sale of 5 Richards Avenue had completed and you were entitled to your commission on that sale, correct?---Yes.

And you had no hesitation telling Mr Hindi about that, did you?---Did you say the email was forwarded to him?

Well, you accepted it was forwarded to him. We can go back to the first page.---Yeah, I can see that. Yes, okay.

10 Yep. This is another occasion on which you didn't keep your business separate from Mr Hindi, correct?---Okay.

And this time it's not just a possible commission. It's an actual commission you were entitled to receive. You accept that?---Yeah.

On a property within Hurstville City Council, correct?---Yes, correct.

On which you anticipated a DA would be lodged to build a block of residential apartments.---Yes.

20

Okay. So this practice you spoke of earlier certainly wasn't an unwavering practice, was it?---Well, I did the best that I could to keep my dealings separate from him.

Okay.

THE COMMISSIONER: Well, that can't be right, is it? Did the best you could to keep your business affairs away from him? You're sending this to him. It's not somebody else, it's you.---Yeah, I know.

30

MS HEGER: I'll tender that email. That'll be Exhibit 252.

THE COMMISSIONER: Thank you.

#EXH-252 – SYDNEY REALTY EMAIL DATED 23 APRIL 2014

40 MS HEGER: And a development application in respect of 5 and 7 Richards Avenue was ultimately lodged with Hurstville City Council, wasn't it? ---Yes.

Okay. Can I show you another email. It's 11 July, 2014. This is an email from Mr Hindi to your [REDACTED] address, 11 July, 2014.---Yes.

And it looks like Mr Hindi's forwarded an email to you, and the email he's forwarded was from Michael Watt at Hurstville City Council. Do you see that?---Yep, I can see that.

10 It says, "Dear Councillors, at the councillors' workshop last night, a question was raised about the current status of development applications in the Peakhurst R3 area. In response, the attached map was shown and discussed." And then if we go over the page, hopefully there's a map. You can see 5-7 Richards Avenue on the left-hand side. Do you see that?---Yes, I can see that, yeah.

Okay. Why was Mr Hindi forwarding this to you?---Sorry, what was the date of that email?

20 It was 11 July, 2014. Let's just go back.---Current status of development applications. I don't recall that email at all.

THE COMMISSIONER: No, you weren't asked that. It wasn't the question you were asked.---Sorry, what was the question?

MS HEGER: The question was why did you send it to – why did Mr Hindi send it to you, on your understanding?---No, out of interest. I could have got that information anyway. I don't know.

30 THE COMMISSIONER: That's not an answer to the question either. Can you ask it again, Counsel?

MS HEGER: On your understanding, why did Mr Hindi send this email to you?---I don't know. That's for maybe information. Keeping an eye on what's happening in the area.

THE COMMISSIONER: Keeping what, sorry?

40 MS HEGER: You've of course been a councillor at Kogarah City Council, correct?---Yep.

And this refers to a councillors' workshop. Now, those weren't done publicly, were they, in your experience, councillors' workshops?---I believe that area there was already out in the open that it's going to be rezoned. It's already happened.

10 Yeah, but this email is talking about what happened at a councillors' workshop the night before and a question being raised about the status of DAs. What happens at a councillors' workshop isn't generally made publicly available. You accept that?---I don't if the councillors were, they're not always confidential, councillors' workshops, then they get referred to a full council meeting afterwards.

Okay.---That's my understanding at the time.

All right. And so your best explanation for Mr Hindi sending this to you is just general interest?---Yeah, it's 'cause I wanted, we, well, we actually back then in 2013, we owned a property in, in that section there and then we sold that one. So out of just interest to know what's happening in the area.

20 All right.---That's the explanation that I have for him sending me that email.

THE COMMISSIONER: Which property did you own?---Peake Parade, in Peake Parade.

MS HEGER: All right. The DA for 5-7 Richards Avenue for the apartment block was ultimately approved. Are you aware of that?---Yeah.

And Sydney Realty actually sold some of the apartments in that block, didn't it?---That's right.

30

Was that why Mr Hindi was sending this to you because he knew that you had an arrangement to sell the apartments in that block once developed? ---Well, I didn't have an arrangement, 'cause the agreement came after the DA was approved. That's to my recollection. The agreement with, to sell the new apartments. The other one was selling just the land. 5-7 was just the land.

Okay. Your recollection is the DA was approved and then you entered an agreement to sell the apartments in that block?---That's my recollection.

40 That's my recollection of that.

You weren't discussing that - - -

THE COMMISSIONER: Did you have – sorry. You go on.

MS HEGER: You weren't negotiating that agreement in advance of it being concluded? You must have been?---There would have been a discussion but I, to the best of my recollection, the agreement was entered after.

10 Yeah. When did the discussions about you selling the apartments take place first, when did they start?---Normally, they start after the DA is approved.

Okay.

THE COMMISSIONER: After?---Yeah. Normally, like, obviously, negotiations on properties are, it depends.

MS HEGER: All right. I'll tender that email. That'll be Exhibit 253.

20 THE COMMISSIONER: Thank you.

#EXH-253 – EMAIL DATED 11 JULY 2014 C HINDI TO M HINDI

30 MS HEGER: Well, what this illustrates, Mrs Hindi, is that as at July 2014, you didn't have a practice of keeping your business dealings separate from Mr Hindi at all, did you?---No, I, I did, like, as a practice the, you know, you, you'll have a slip-up here and there, not intentionally but majority of the time, I'll do my best, to, to keep my commercial dealings separate to Con.

THE COMMISSIONER: How can this be a slip-up when you did it intentionally? You said - - -?---Sorry. Not a slip-up. I mean, it's, I thought nothing of it at the time when I sent it. And, like I said, if anything came before council, it was up to Con to assess the situation and find out what interest he had in it.

40 MS HEGER: You must have told Mr Hindi about this buyers' agency agreement around this time, July 2014?---I definitely did not tell him.

All right. Okay. Can I go back to volume 24.3, which was the table of cash deposits for Sydney Realty that I've shown you before. Okay. I'll just make that MFI 64 - 63.

#MFI-064 – VOLUME 24.3

MS HEGER: Okay. Now, in fairness to you, I asked you about this on the
10 last - - -

THE COMMISSIONER: It is 64, yeah.

MS HEGER: It is MFI 64, I'm sorry.

THE COMMISSIONER: Yeah.

MS HEGER: In fairness to you, on the last occasion, I asked you about this
20 and you said you needed some more time to go and get some documents,
didn't you?---Yes.

And you've now gone and found some documents that explain some of
these deposits. Correct?---Yeah.

And just for the record, you've provided some documents that establish the
2 April, 2014, deposit for 30 grand was a commission?---Yes.

And you've also provided some documents that the 17 July, 2014, deposit
was also a commission for \$6,000. Correct?---17 July? 17 July wasn't a
30 commission. It's the one 25 November, 2016, was the commission. Sorry.
Let me see? 22nd of, yeah, twenty - - -

I'm looking at the second entry.---So the second entry wasn't a commission.

Oh, okay. The entry for 1 April, 2016, the \$45,000 amount, you've
provided some documents indicating that was a commission, correct?
---Correct, yeah.

The \$10,000 amount on 12 August, 2016, can you remind me what that
40 was?---Sale of a car that we owned.

Okay. And obviously the 25 November, 2016 is a commission as well, as it records there.---Yes, yep.

Okay. Now, I will tender that.

THE COMMISSIONER: Thank you.

MS HEGER: That will be Exhibit 254.

10

#EXH-254 – VOLUME 24.3

MS HEGER: I'll just ask you this. Two of your children bought a property at 19 Culburra Road in Miranda, correct.---Correct, yep.

And that was in about December 2017?---Yes.

And then a duplex was built on that property?---Correct, yeah. Yep.

20

Which ended up being sold as 19a and 19b Culburra Road, correct?---Yep.

And Sydney Realty sold those two duplexes?---That's right, mmm.

Okay. And you engaged some contractors to build those duplexes, correct?
---Yeah, myself and the builder that was doing the job as well.

Okay. You had dealings with those contractors directly from time to time?
---Yeah.

30

And you paid them from time to time?---Yes, I did, yeah.

And did Mr Hindi also deal with those contractors from time to time?
---From time to time, yeah.

And did he pay them from time to time as well?---Yes. Mostly, I made the payments but he would do it too.

40 All right. And Malcolm also dealt with some of the contractors from time to time?---Yeah.

And also paid - - -?---Oh no, that's not like, on a rare occasions because he was, he had a full-time job at the time.

Yeah. And he also arranged for them to be paid from time to time as well?
---Yes. Under obviously our instructions, yeah.

Okay. Can I show you volume 24.8? I'll just note for the record that Sydney Realty cash table was in fact MFI 26 and that's now Exhibit 254, I've already tendered it.

10

THE COMMISSIONER: Thank you.

MS HEGER: I'll just show you 24.8. You recognise this document?
---When was that dated, sorry, that document? Is there a date on there? Oh, I can see, yeah, sorry.

Well, it's a spreadsheet and it has various entries with dates, as you can see in the left-hand column.---Yeah. That's around the time when we were building the duplex, yeah.

20

Yeah. This spreadsheet relates to the duplexes you were building at 19 Culburra Road, correct?---Yeah, yes, correct, yeah.

Okay. And who created this document?---I don't remember who created it. Could have been me, could have been Con. Malcolm was updating it from time to time.

Okay.---So we had access to it, the three of us.

30 The three of you - - -?---I believe, I believe so. That's - - -

You, Mr Hindi and Malcolm had access to this document?---Yeah.

Okay. And the purpose of this document was to keep track of payments that had been made in respect of the duplexes that were being built at 19 Culburra Road, correct?---Expenses generally, yeah.

40 Yep. And so when you paid a contractor your practice was go into this spreadsheet and record the amount that had been paid, correct?---I'm looking at that spreadsheet. They might not be accurate. Might be a draft because I'm looking at, some of them are missing the dates on them.

There's a few, oh, there's a few entries there. I'll have to, I'll have to check. I can't remember exactly.

Well, I'm just, I'm just asking for your, the practice that you adopted.
---Yeah.

You entered information onto this spreadsheet from time to time, correct?
---From time to time, yeah.

10 Yeah, and the practice you adopted is if you paid a contractor, you'd insert that amount in this spreadsheet. That was your practice?---Most of the time, yes, but sometimes we'd put an amount in there. I, I'd have to see if they're all true, accurate amounts that actually been paid or estimates.

THE COMMISSIONER: Well, why would they be estimates?
---Projections, sorry, of the cost. Like, I would say somebody quoted me, for example, \$12,000, and we'd, we'd make the payments in stages, depending when the job's finished. I'm trying to remember what happened on that, on some of the occasions where contractors might not be paid in full
20 because of something they did that's not, that we weren't happy with. That might be the case. I can't say they're all accurate. Majority of the figures entered there, they're payments, yes, I can say that.

MS HEGER: Payments that had actually been made, correct?---Yeah, yeah. Majority of them, but I'd have to check. Obviously I can't go through every transaction, every entry and double-check. The majority of them here were paid in, paid.

Okay. Well, if the purpose of this spreadsheet was to keep track of the costs
30 for Culburra, it's likely, well - - -?---Yeah.

- - - it's likely that the vast majority of them record things actually paid, rather than estimates, isn't it?---The vast majority, yes, yeah.

Okay. And when it says method of payment - - -?---Mmm.

- - - that's the method by which you paid the contractor, correct?---That's right, yep.

40 Yep. So your practice was if you paid a contractor in cash, you'd write "cash" in that column on the right, correct?---Yes.

And if you paid them using your ANZ card, you'd write "ANZ card" in that column, correct?---Correct, yeah.

Okay. And you said that, well, Malcolm sometimes inserted details in this spreadsheet, correct?---Yeah, I'd tell him we've paid this person this amount and he'd enter it in.

10 Yeah. And you understood he adopted the same practice as you inasmuch as if an amount had been paid to a contractor, he'd record the amount, and if it was paid by cash, he'd record cash.---I believe so.

You understood that was the practice he was adopting?---I, I believe so, yeah.

And you understood that was the practice Mr Hindi adopted?---I believe so.

20 Mr Hindi did insert details in here from time to time, is that right?---From time to time, yeah.

Okay. If we go to the next page, you'll see there's a total there about halfway down the page.---Yep.

Of \$166,828.---I can see that, yeah.

And that records the amounts in the spreadsheet up until that point?---Is this the total for the cash payments, is that what it says?

30 Well, let's, let's go back. It might be for all the payments. Do you know? ---I've got no idea. That's why -- I don't know. I haven't seen this in a while. But that's why I, I don't, I need time to go through the entries just to confirm there were actual payments being made.

All right. Well, even if we take away the, all the payments marked ANZ, ANZ card, ANZ payment - - -?---Yep.

- - - BPAY - - -?---Mmm.

40 - - - I'd probably need a calculator to do this.

THE COMMISSIONER: About 40-something thousand isn't it? Or it might be a bit more.

MS HEGER: Let's say it's 50-odd thousand.---Okay. That's, yeah, it sounds like a large number to be paid in cash, but I'm not, I'm not a hundred per cent sure so I have to see that total.

Mmm. All right. Well, let's assume for now that it records approximately \$100,000 in cash payments up to that point.---Okay.

10

And I can tell you that, of course, the Commission has looked at the bank accounts for Sydney Realty, Mr Hindi - - -?---Yep.

- - - yourself and Malcolm Hindi, and cannot match up withdrawals from those bank accounts with these cash payments. You understand that? ---Yep.

Which suggests that this cash came from physical cash that you had at home or somewhere else.---Yeah, that, that could be the case, yeah.

20

You accept that?---Well, there's no withdrawals being made. Yes, I accept that.

Okay. Well, that's your recollection, that you paid for the expenses of this development in cash that you took from your own home, is that right? ---Some of the expenses, yes.

Well, if there were no withdrawals it must be all the cash expenses, mustn't it?---I believe so, yeah.

30

Okay. And where did that cash come from?---Well, the, the payments are made at different dates. Obviously that cash wasn't sitting at home at one time.

Yeah. So they do span 2018 and 2019.---Probably a whole year, maybe a bit over that, I'm thinking. The project took a bit over a year. With construction, a lot of tradespeople demand or they prefer to get paid in cash and they do normally offer a discount when payments are made in cash.

40 Yeah, I understand why you might have paid in cash.---Yeah.

I'm just asking where the cash came from.---Yep. So, well, the, the cash payments, it was Con who organised the cash. I know he borrowed money from family members because they would ask him, every time – normally we would keep about 15 to 20,000 at home to make payments from, at, at that time anyway, because we, I knew the contractor's going to come and ask for cash and I would ask Con to organise money, I'll, I'll ask if, "So, do I pay them in cash? They'll give us a discount. Or do I make a normal like electronic transfer payments." And he would go and ask family members for cash and we will pay these people that way.

10

THE COMMISSIONER: Why would you be asking family members?

---Because a lot of our family members are into construction and they do get paid in cash sometimes. So interest free, so why pay interest - - -

So your evidence that is in respect of some of these cash payments, they were payments sourced from relatives?---Yes. That's what Con told me at the, when I asked him - - -

20 But why would you do that? I mean, these people, whoever they were, they had no interest in this property at all, did they?---No, but they're family members and they borrow, they obviously lend money if Con has asked them to lend him money. They, they've got the money sitting at home, just they borrow it, and give it to us whenever. That's the, Con is the organiser, so I'll have to ask Con that.

Was there a loan in respect of this property?---Yes, there was a loan. So we were using, the majority of it was paid by the loan.

30 Yeah. And who was that loan from?---Well, I believe that was Westpac. I have to double-check because we've had, we've refinanced after about – so I think at that time it would have been Westpac.

And was it drawn down to its full extent?---Sorry, Commissioner, what was that?

40 Well, was it drawn down to its full extent? Let's assume at the moment, just by way of example, if the loan was \$500,000, was it drawn down to that extent or was there - - -?---It may, it may have, it might have. I'd have to check obviously the loans but when I asked Con for the cash – because thought, okay, if we're saving some money, like and, and get money interest free, we could borrow it from his family members, why not?

And who were the family members it was borrowed from?---Oh, you would have to ask Con that question. I didn't get involved. He just said to me, "I can, I can borrow it from my family."

But you already had a line of credit with Westpac.---Yeah, but if I could save interest on that amount, why not use it, if there's cash sitting there and we're saving on the cost as well?

10 Well, the interest on let's say \$100,000, I think was the figure that was put to you, that's pretty insignificant in the scheme of things, isn't it?---Yeah, but still having something interest free rather than paying interest, why not?

Well, back then the interest rate would have been about 0.45 of a per cent, correct?---4.5, you mean?

0.45.---Sorry, 4.5 per cent.

20 Let's say 4.5 per cent. In the scheme of things, that's nothing, isn't it?---Oh, it's still, when you're building, it's roughly about 900,000 cost of that build, but obviously that's, that amount you're saying, roughly about \$100,000 in cash. But there's also one, something that I remember as well, in that period of time, I got money from my parents in Lebanon because we went on a trip around, we got back around October 2018 and my parents had sold a block of land in Lebanon a year or two prior to that date and they'd saved that money for me and I brought that with me, they gave it to me when I came here.

30 So not all of these cash payments were - - -?---No, no, not all of that, of course.

Just a moment. Not all these cash payments were arranged by your husband, you now say that some of them were arranged by you?---Yeah. That amount is by me. That's, I've, I've used that amount to pay contractors.

The source being from your parents who live in Lebanon?---Yes.

40 How much?---The, when we came back, that amount that, what my parents gave me, approximately around \$35,000.

And was that the money from which your son received some on his 21st birthday?---No, that was different. That was, for my son's 21st, they came here themselves, they brought the money themselves. This is, this is after, this is a few years later. When we went to Lebanon, we stayed there for about five weeks, and it was during that time when we were building the duplex in Miranda. So they, my parents gave me the money and I brought that back with me here.

10 And you didn't remember that when you commenced your evidence on this? You'd forgotten, had you?---But I was, I'm still talking, Commissioner. That's why I said I've got to mention that, 'cause I looked at the timing. You just put that table in front of me now and that's why I thought I'm obviously, I'm getting to it.

Is there any record at all of the money paid by your parents in Lebanon to you?---They've sold the land and they, they obviously saved the money. And when I went there, they gave it to me.

20 They gave you \$30,000?---About 35, roughly.

35, all right.---But the, at the time when we went there, there was myself, my husband and my two daughters. There was four of us. Otherwise if it was only two of us, I wouldn't have been able to bring, or had to declare that money when I'm coming back from Lebanon. So that's that portion and the rest was organised by Con.

So 35,000, take that off, but the rest was organised by Con?---Yep.

30 And you say it was organised by borrowing from relatives?---Yes.

To save interest.---That's correct, yeah.

Well, now, that's right, we're down to about \$70,000.---Yep.

The interest on that was just nothing, was it, really?---The, the main part, Commissioner, is it's not only the interest, it's the tradies give us, give you a big discount when you pay them in cash.

40 I understand that.---That's, and that's - - -

That's a given, but that doesn't explain - - -?---Yeah.

- - - why you would bother borrowing \$70,000 in cash from relatives.---It's not, it's, you know, if he can organise it, why not?

Well, one reason why not is you've already got access to funds from the bank.---Yeah, but that has interest and the other, that amount no interest, that's why.

10 But you're not seriously suggesting, are you, that the interest on, let's say, \$70,000 was significant?---See, it's mainly because it's Malcolm's project and they were trying to help him with it. So whatever savings he can make, we would try and, as parents, help him with it.

I understand that. I understand that. But we're interested in the source of the cash. Now, you've come up with an explanation for some of it.

MS HEGER: I should say that 166 grand total, I'm told, is just for the cash payments on that spreadsheet.---Has that been confirmed? Like, sorry, like
- - -

20

That's what I've been told from the people who've examined this more closely than I have.---Yeah, fair enough.

All right. So about 35,000 from your parents and the rest from family?
---Yes.

The family gave you - - -?---Sorry, not me, the, Con organised it through his family members, yeah, not me.

30 Con organised it, but you understand that the family gave him about \$130,000 in cash?---I believe so. You'd have to discuss that with Con, so I'm trying to remember where, at the time when I'm making the payments where the money's come from other than that.

Yep.---It's just you can take into account as well.

Ah hmm.---I did say previously that for occasions that we're having parties we get gifted in cash. So I'm not able to look at that table again just to look at the timing if that was right.

40

Sure. I'll put the spreadsheet up again.---Just to refresh my memory where the money's come from or some of the money has come from.

And just pausing on the family loan for a moment.---Yeah.

You understood they gave Con physical cash?---That's my understanding. Yeah, because that, I asked for it to pay the tradies and he give it to me.

10 Why would they do that rather than an EFT?---They've, they've got the cash sitting at home. Said we'll give it to you to use.

Ah hmm. And presumably Con repaid that money at some point?---I'm not sure, I'd have to ask Con whether he's repaid it or not.

Well, I'll ask him that, that's all right.---Yeah.

You don't need to. And you shouldn't.---Yeah, sorry, I meant you ask him, not me.

20 Yeah. Sorry, we're bringing the spreadsheet up again for you. 24.8.---Yes, sorry, just to look at the one with the payments. So the amount that I, I am you know, clearly remember is the one that I brought with me from Lebanon, and prior to that there was our anniversary, our 25th anniversary, we had a party. And then we've had friends or whoever was invited gifting, giving us gifts in cash as well.

30 When was that party for the 25th anniversary?---That would have been in - sorry, May 2018 was the graduation party for Malcolm. I'll have to try and remember exactly when was that, 20, so five years ago from this year, '22, probably 2017 - - -

You received cash for your 25th wedding anniversary?---Yeah. Yeah.

You haven't mentioned - - -?---Sorry, not 2017, most likely would be 2018, May 2018. I have to try and remember what date. It, it's, it's twenty - - -

40 You haven't mentioned a 25th anniversary party to the Commission before, have you, or that you got cash at such a party?---Yeah, no, I, I, I said for events and birthdays, mainly - - -

You referred to birthdays.

THE COMMISSIONER: You talked about your son's birthday.

MS HEGER: Sorry.

THE COMMISSIONER: You talked about your son's birthday.---Sorry, did I only just, yeah. There was a 25th and it was at, it was held at Point Piper, was that the, yeah.

10 MS HEGER: How much cash did you get for the 25th wedding anniversary?---Approximately about, probably about 12,000 to 15, 10 to 15, somewhere round there.

And you just kept all of that at home?---Yes. Yeah.

Okay.---I probably got a little bit more but we spent a bit more and then I think what, what I, had saved from that, would have been close to that amount.

20 And what year was that, sorry?---I think 2018.

Just bear with me a moment.---Twenty, '92, 2017, so, with, it was our 30th in May this year, so five years ago.

Five years ago?---Yeah.

And you just held onto it?---Sorry?

30 You just held onto it in 2018? You didn't spend it or - - -?---Yeah, yeah.

- - - deposit it?---No, I didn't deposit it, no.

Okay.

THE COMMISSIONER: Just remind me, was your husband at this time, that is when this payment's being made from '18 - - -?---Yeah.

40 - - - sorry, from August '18, and you can see here, through to December '18, was your husband then a councillor or is, can't recall?---On the, 2018, yes, he was.

And was that when he was mayor?---No, he wasn't.

Was he mayor?---He was mayor in 2015.

Okay.---Yeah. He was only a councillor.

And so he would have made a stipend as a councillor?---Sorry?

10 He would have received some amount of money as a councillor but not
much?---Yeah, an allowance or something, yeah.

An allowance, yeah. Did he have a job at that time?---Yeah. He was still
'18, 2018 was still with Ausgrid, yeah.

Thank you.---Yeah, I think it was afterwards, after that's completed, he left
Ausgrid in around November 2019.

20 MS HEGER: I note the time, Commissioner. Unfortunately, we will have
to continue with Mrs Hindi's evidence tomorrow.

THE COMMISSIONER: That's all right.

MS HEGER: I do have a little bit of housekeeping before we conclude.

THE COMMISSIONER: I've got some, too.

MS HEGER: All right. Shall we let Mrs Hindi stand down?

30 THE COMMISSIONER: Yes. Stand down. You can stand down.---Yeah.

MS HEGER: Thank you.

THE COMMISSIONER: Thank you.

THE WITNESS STOOD DOWN

[3.58pm]

40 MS HEGER: Sorry. Housekeeping I need to do before you now,
Commissioner.

THE COMMISSIONER: To do it now? Yeah.

MS HEGER: I'm sorry. But you can leave, Mrs Hindi.

THE COMMISSIONER: That's all right.

MS HEGER: Thank you.

10

THE COMMISSIONER: Thank you.

MS HEGER: Yesterday, Commissioner, you made a suppression order in respect of the private hearing - - -

THE COMMISSIONER: Yeah.

MS HEGER: - - - of Mr Uy's evidence. I'm proposing that that suppression order be lifted so that the transcript of that private hearing can be made public. I don't understand that there's any opposition to that. I note Mr Hood asked some questions about it.

20

MR HOOD: Yeah, I don't, there's no problem with that, Commissioner.

THE COMMISSIONER: Thank you, Mr Hood.

MR HOOD: Thank you.

THE COMMISSIONER: So we mark that as, what, Exhibit 255?

30

MS HEGER: Yes. I should say no opposition from those who were present at the private hearing. I don't expect there'd be any opposition from anybody else who wasn't present?

THE COMMISSIONER: No.

MS HEGER: Sorry. So you've varied that order? Yes. Thank you.

THE COMMISSIONER: Sorry, yes, to the extent that I need to.

40

MS HEGER: Yes.

THE COMMISSIONER: So the order I made under section 112 of the Independent Commission Against Corruption Act 1988 is varied so as to permit publication of the transcript of that evidence.

VARIATION OF SUPPRESSION ORDER: THE ORDER I MADE UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988 IS VARIED SO AS TO PERMIT PUBLICATION OF THE TRANSCRIPT OF THAT EVIDENCE.

MS HEGER: Two other things. A statement of Ms Wang has been made available on the restricted website. I understand that happened a day or two ago. And I just wish to confirm that I don't intend to call Ms Wang to ask her any questions, so if anybody else wishes to ask her questions, they should make that application - - -

THE COMMISSIONER: Sure.

MS HEGER: - - - and that'll be considered.

THE COMMISSIONER: But in the meantime, do we put that into evidence?

MS HEGER: It's just available on the restricted website - - -

THE COMMISSIONER: Okay.

MS HEGER: - - - for now. I won't tender it just yet.

THE COMMISSIONER: Okay.

MS HEGER: And a transcript of Mr Badalati's compulsory examination is going to be made available in the interests of assisting those who may wish to cross-examine him. It'll be a redacted version but I understand that'll be made available either tonight to tomorrow morning.

THE COMMISSIONER: Thank you.

MS HEGER: Of course, Mr Badalati's evidence won't be reached tomorrow now. That'll be early next week.

MR PARARAJASINGHAM: Can I just confirm, Commissioner, that Mr Badalati does not need to attend tomorrow?

MS HEGER: That's right.

MR PARARAJASINGHAM: Yes. Thank you.

10

MR SHARIFF: And may I just inquire, I know I've made several inquiries of Counsel Assisting, that my client will be reached tomorrow?

MS HEGER: Yes.

MR SHARIFF: Thank you.

MS HEGER: That's all my housekeeping, Commissioner.

20 THE COMMISSIONER: Thank you. I'll go and do a bit of mine.

AT 4.01PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.01pm]