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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GALLEY

Reference: Operation E19/0569

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 15 JULY, 2022

AT 10.00AM

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THE COMMISSIONER: Take a seat. The oath that you took yesterday continues to bind you.---Yes.

MS HEGER: Mrs Hindi, yesterday you gave some evidence that you were gifted about \$12,000 in cash for your 25th wedding anniversary, correct?
---Correct, yeah.

10

And I think you said that you didn't deposit that cash in any bank account, you just kept it at home, is that right?---That's right.

And then you applied that money towards the Culburra property?---Yes.

Okay. And you said you also received about \$35,000 in cash from your parents.---Approximately, yeah.

And that was in 2018?---Yeah.

20

And likewise you didn't deposit that in any bank accounts, you just kept that at home for use? Is that right?---That's correct, yeah.

Okay. And then you applied that money towards the - - -?---The payments for the project.

- - - Culburra property?---Yeah.

THE COMMISSIONER: All of it?---Towards the payments for the, the
30 cash payments for the project at Culburra Road.

But all of it, the 12,000 and the 35,000, all of it?---Yes. Whenever the tradies asked for payment, so it was used in stages basically. Whenever they needed payment it came out of that money.

MS HEGER: But the 12,000 and the 35,000, you spent all of that on that property?---Yeah.

You didn't apply it towards anything else?---No.

40

Okay. Can I just show you another spreadsheet. It's a table of cash withdrawals from the Sydney Realty account. It will come up on the screen in a moment. So this is a table of both withdrawals and deposits into your Sydney Realty account.---Yep.

And they're all cash.---Yep.

They start in 2014 but if we just go through to the 2017 period, please. When was your 25th wedding anniversary party? That was in 2017 I think
10 you said.---'17.

And what month was it?---May.

May. Okay. Do you know what date in May it was?---Oh, I don't know the exact date but it was sometime in May. Probably the earlier, in May 2017 but I don't remember the exact date, day.

Okay. Well, this table shows that from 10 May and continuing through June and August 2017 you were withdrawing relatively small amounts of money
20 from your Sydney Realty account. Can you see those entries?---Oh, sorry, are we looking at the entries in red?

Yes. So those are withdrawals.---Yep.

So you understand that from May 2017 onwards you were withdrawing some amounts from your Sydney Realty account from time to time?---Yes. Small amounts, yeah.

And then if we go to the next page I think there are some more entries for
30 2017. Do you see that?---Yeah.

And then some of those withdrawals continue throughout 2018 as well. So my question to you is, if you had \$12,000 of cash at home, why was it necessary for you to withdraw these amounts from time to time from your Sydney Realty account?---Sorry, can I go back to the previous page?

Yeah.---Okay, May 2016 are we looking at? Sorry, from May 2016, are you asking me the questions from May 2017?

40 2017.---Okay.

2017, yeah.---It's just, because this is withdrawals from the ATM so sometimes if I'm at the shops and I need to withdraw some money I will withdraw it. I, I wouldn't have cash, cash money on me so I would withdraw the small amount as I need to if I'm in the shops. I'm not going to drive back home and get money. So it's, yeah.

All right. If you were going shopping you wouldn't just take some cash from the \$12,000 you at had a home already?---Oh, sometimes I do, sometimes I don't. Sometimes, sometimes I forget but these are all small
10 amounts.

Yeah, they are.---Yeah.

They are. Okay. And then you said the \$35,000 from your parents was 2018. I think you said yesterday about October 2018. Is that right?---Yeah, it was the end of October.

Okay. And if we go to the 2018 entries, again you can see that, well, there was one on 11 October, 2018, but then some more continue in 2019 and
20 2020. So, again, my question is if you have \$35,000 at home, and accepting you wouldn't have paid all of that immediately on the Culburra Road property, why was it necessary for you to make these withdrawals from time to time?---I, I don't remember why I made those small transactions. Could just be if I'm, if I need the money, I'll just withdraw it as I needed it and the cash at home because we were building at the time and I thought I'll use that, I'll, I'll save that towards paying, making the big payments to the contractors out of that money instead of every time taking some from that pile and spend it in the, in the shops.

30 What about the \$3,000 payment on 26 August, 2019. Do you know what that was for?---I, no, I don't remember that.

So that's a withdrawal - - -?---That particular one I don't remember it. I must have needed that money to pay, to pay for maybe one of the tradies, as well. August 2019, I don't think that project was completed by then, that's my guess, 'cause it did take over the period of '18/'19. So that, possibly, I'm, I'm not 100 per cent sure, like, every time I get presented with tables and I'm expected to think of it on the spot, it's not easy.

40 Yeah, yeah. No, I know - - -?---So I'm doing my best for, yeah.

I know you're seeing this for the first time.---Yeah.

But your evidence earlier was that for the contractors on the Culburra Road property, that either came from cash loan from the family or the two sources of cash I mentioned earlier, the wedding anniversary and the parents. So you wouldn't have needed to withdraw this \$3,000 amount for the Culburra Road property, would you?---I, I can't give that answer 'cause I'm not sure. I can't remember what that was for. I was making - - -

10 THE COMMISSIONER: Did you and your husband - - -?---Sorry.

Did you and your husband keep your financial affairs separate?---There was things we keep separate, things we don't.

No, well, give me an example of some things that you don't keep separate? ---Like, payments for this project, he'd know obviously I mean, how much I need to make payments for - - -

20 Say again?---Payments towards this project, he would know how much I need to pay.

Yeah. But put the project to one side. I mean, generally speaking, did you and your keep your financial affairs separate? Did you have a joint bank account, for example?---We don't, no. We have separate bank accounts.

Okay.---I don't think, no, I don't think, initially, one of the accounts was, no, Con's account, one of the accounts that Con had, I was able to withdraw money from that account but it's not in joint name. Everything else is separate.

30 Okay. And things like the groceries and what have you. Were they met by you?---Mainly by me 'cause I, I used to do all the grocery, not him, but sometimes I'd pay from, well, it depends what I have on me, either by Visa card or a debit card or sometimes by credit card that, that's, that's linked to Con's account, so it just depends, yeah.

Okay. Thank you.---No worries.

40 MS HEGER: That table I went to will be MFI 65.

#MFI-065 – TABLE OF CASH WITHDRAWALS FROM SYDNEY REALTY ACCOUNT

MS HEGER: You also had a Westpac personal investment loan that you obtained in 2013. Correct?---Back in 2013, I think so.

That was paid off - - ?---Yeah, I think that was the loan account, yeah.

10 That was paid off in about 2020?---If the records show that, then it is, yeah.

Okay. Is that the loan that you referred to yesterday in answer to I think some of the Commissioner’s questions about the Culburra Road property? ---I believe that that is one source that we, one account that we used to make payments, and from the table you can see other methods of payment, as well, other than that one.

Sorry? When you say the loan you used to make payments, what payments are you talking about?---Payments towards the project. We used to make
20 payments out of that loan account and transfer money from that loan account to pay some of the expenses relating to the project.

Okay. And I can tell you that over the period 2013 to 2020 the balance of that account, i.e. the amount owing, never fell below \$500,000. Does that sound right to you? I take it you have no reason to doubt that?---I, sorry, do you mean like there was two 500,000 available in that account, is that what you’re saying?

30 \$500,000 owing. It never fell below that amount until you paid it off.---I, I don’t recall. I’d have to look back at myself statements. If that’s the statements, that’s what it shows, that’s what it shows.

Okay. Well, let’s just assume that’s right for the purposes of my next question. If you had that amount owing, at least that amount owing over the period 2013 to 2020, why didn’t you apply the cash that you received – that is the \$12,000, the \$35,000 – to that loan account to pay off some of it? ---The way I thought about it at the time is to make – ‘cause I don’t have, the only access to cash is obviously those amounts that I had to pay the contractors, and a lot of contractors demand to be paid in cash. They say,
40 “Well, I’m not coming back for that job if you, unless you pay me in cash. I need that money.” So this is the reason why. And sometimes they demand

on the day, they want to be paid, otherwise they're going to delay us or not come back the next day. So I don't know if that's answering your question.

So that's your explanation? You want a sort of ready source of cash to be able to pay contractors on demand?---Yes.

Rather than having to go somewhere and have to withdraw it?---To the bank and – that's right.

10 Okay. All right. Can I just go back to the topic of the April 2016 trip to China briefly? I just have a couple more questions on that. So this is the first trip.---Yep.

To Tangshan. Can I just show you volume 2.27, page 18, which is Exhibit 219. You recognise Elaine Tang on the right-hand side there?---Yep.

And the gentleman next to her, who's that?---Now I know that that's Tommy Wong after I, after, you know, during this inquiry his name was brought up. But at the time I didn't know who he was. I thought he was
20 just part of the group that was there.

All right. Was he introduced to you at some point on this trip?---I don't remember. I don't recall him being introduced to me at that trip.

Did anybody tell you on that trip this is Philip Uy's brother?---No.

Okay. We can take that photograph down, thank you. You gave evidence yesterday that when you were speaking to China Liu's staff in the lobby in Tangshan, where you had the conversation about the money, you were
30 speaking to the staff in English. That was your evidence, wasn't it?---Yeah.

Yep, all right. So there was no need for anybody to translate that conversation for you on that occasion? That must follow, mustn't it?
---Yeah, if I'm speaking to her, yeah.

Okay. Can I show you volume 3.12, MFI 53.

THE COMMISSIONER: Sorry, that was 63, was it?

40 MS HEGER: 53.

THE COMMISSIONER: 53, sorry.

MS HEGER: Volume 3.12. This statutory declaration concerns this payment by Mr Badalati and yourself as you were checking out of the hotel in Tangshan, of course. And you'll see in paragraph 1 – well, just read paragraph one to yourself for a moment, then I'll ask you a question. ---Okay, yeah, I can see that.

10 So in the last sentence it says, "I was the interpreter for Mr Badalati and Mr and Mrs Hindi as I am versed in both English and Mandarin and they were not." So to the extent that indicates that someone was interpreting this conversation for you with China Liu's staff, it's false on your understanding?---I can't say it's false. My recollection at the time I gave the evidence about me speaking to one of China Liu, China Liu's staff, that's the best that I, that's the best recollection that I had at the time so I, I don't know whether, I can't say it's false. It's not mine.

THE COMMISSIONER: Well, it's inconsistent with your recollection.---It seems like it is inconsistent with my recollection.

20

Yeah.---My recollection was what I gave evidence earlier, that I spoke to one of China Liu's staff members. That was the recollection that I had.

MS HEGER: Yep.---That doesn't mean what's his name, Mr Wong, wasn't in there. Like there was a lot of people, he could have been in there as well, like in that vicinity as well.

30 But he wasn't interpreting for you in that conversation with China Liu's staff about the money?---I don't recall. I don't recall. He might have been interpreting to Mr Badalati. I can't say but I don't have a clear recollection.

All right. You have no recollection of Tommy Wong – well, sorry. First of all, you understand this person Wong Ching Ho is the same person as Tommy Wong, you understand that now?---Now I know, yeah. Now I know.

40 All right. You don't have any recollection of Tommy Wong being there for this conversation with China Liu's staff, do you?---Well, to the best of my recollection, and I think I said that as well before, there were many people in the lobby so he could be standing there. I didn't pay too much attention.

I, that, my, the memory that I had is that I spoke to one of China Liu's staff members. So I can't say, you know, it's a clear recollection.

All right. And paragraph 3, just read that to yourself.---Okay.

Do you have a recollection of having that conversation with Tommy Wong this day?---I don't remember, I don't remember. Like, all I remember is there were many people in the lobby and there were a few standing next to us where the reception was. So he could have been there, so I can't, I can't
10 say yes or no, he could have been - - -

Sure.---Yeah.

He could have been there but you don't have any recollection of explaining what's set out in paragraph 3 to him, do you?---I don't have a clear recollection of that.

You don't have any recollection of that, do you?---No, not, I can't say any, I don't have a clear recollection. So my, my recollection wasn't clear.
20

THE COMMISSIONER: I don't understand that. Do you have any recollection at all?---To the best of my recollection I went to the counter and I asked about the cost for the accommodation and I do recall that one of China Liu's staff members came up and had a chat to the receptionist and they were explaining that we wanted to pay and that's what I could recall from that, from that event.

All right. Well, it must follow from that you've got no recollection of Tommy Wong being there and having a conversation with Tommy Wong.
30 ---I don't recall that.

No.---No.

MS HEGER: And you said earlier, I think, when I showed you the photograph of Tommy Wong that you didn't recall really meeting him on that trip at all?---No. I recall his, his face, the one you showed in the photo, he was there.

Yeah. He was there but you don't recall speaking to him.---I didn't know
40 who he was, no.

Okay. But you don't recall speaking to him at all on this trip in Tangshan, do you?---I can't remember. I can't remember. There's a few people, sometimes, you know, you talk to them. I don't, I don't remember specifically who I spoke with.

Well, it's unlikely you spoke to him in depth if you don't have a recollection of it now.---Not in depth, no. Yeah.

10 So if you hadn't had in-depth conversations with him in Tangshan, why would you approach him and explain what had just happened with China Liu's staff? That doesn't make sense, does it?---You know, there, there were, there was, sorry, there were two trips in, in a short period of time so I got confused between the two trips and the event that took place. So, I did not have a clear recollection of what happened and I said earlier, to the best of my recollection, that was my answer previously.

20 But what I'm suggesting to you is it's unlikely you would have approached Tommy Wong and explained what had happened as is set out in paragraph 3, isn't it?---See, my understanding of "I don't, I don't recall" is it's, it's likely and it's unlikely, so I can't say yes or no.

THE COMMISSIONER: I don't understand that. How can it be likely and unlikely?---It would be unlikely – 'cause I don't remember.

Well, if you don't remember, you don't remember.---I said I don't remember, yeah.

Thank you.

30 MS HEGER: All right. We can take that down, thank you. Could I show you some transcript of Elaine Tang's evidence? Remember I tried to show you this yesterday and I gave the wrong reference. It's page 1003. Do you want to just read that to yourself and then I'll ask you some questions about it?---The whole thing?

Yes, please.---Okay.

40 All right. So Ms Tang's evidence was that Philip Uy asked her to meet up with yourself from time to time over the period 2017-2018. And that was your understanding, wasn't it, that Philip Uy had asked Elaine Tang to meet

with you from time to time in that period?---Sometimes Elaine would phone me directly or message me to meet up as well.

But you also understood that sometimes Philip Uy - - -?---Yeah.

- - - was asking Elaine to meet with you?---Yeah.

10 All right. And Elaine Tang's evidence was that Philip Uy told her that you were a friend, that is of Philip Uy's, and that if Ms Tang had things to discuss, she could go and speak to yourself about it, and she said that was things relating to the Landmark Square planning proposal. And that's what you did discuss from time to time in this period 2017 and 2018, isn't it? That is issues with the Landmark Square planning proposal?---Yes.

And specifically it was issues that Elaine or Philip were having with council regarding the Landmark Square planning proposal?---From time to time, yeah.

20 And on your understanding, why was Elaine Tang raising those problems with council with you?---I don't know.

Well, you didn't have any particular power to address problems that Elaine Tang was having with council regarding the Landmark Square planning proposal, did you?---No, I didn't, yeah.

No. And you don't have any particular planning expertise.---That's right. I don't.

30 Right. So the reason she was raising these issues with you was so that you could then raise them with Mr Hindi, isn't it?---Yeah, no, that's not the case.

All right.

THE COMMISSIONER: Well, what is the explanation?---After the two China trips we became, I felt that we became closer, 'cause I didn't know her before that. And she'd come to me and asked for my opinion. It doesn't mean I'm going to give her an expert advice.

40 No, no, but you knew that she was being sent there by Philip Uy to discuss problems that they were having from time to time with the projects. Correct?---Correct.

That seems to suggest that she thought you could help in some way, and Counsel's already pointed out to you that you weren't, you had no power to do anything to help, you had no expertise but your husband did, didn't he?
---But she's - - -

10 He would be voting on this thing. He certainly had the expertise to give advice. I think what's being put to you is that you were really just the conduit through which information could pass between the developer and your husband?---If Elaine had an issue, Commissioner, she would, she had no problems. She could contact Con directly. She didn't then have to come through me to speak to Con.

But she did.---Well, the explanation that I have, my understanding is I was just trying to assist her as a friend, just give her my opinion of what I think she should do 'cause I was on council myself before. So I've given her, and I'm a real estate agent, so general, general advice, general opinion I was giving her.

20 What sort of advice and what sort of opinion?---Well, I can't remember specifically what, you know, the exact advice is. She'd say to me if, for example, she's, she's frustrated with council, I'd say, "You can go and speak to your councillors, speak to, you know, whatever concerns you have, you can express them," something along those lines.

But, surely, she would have known that anyway? I mean - - -?---Yeah, but you - - -

30 But Mr Uy is sending her to have meetings with you obviously to try and resolve what problems they were having at the time. You had no power to do anything. You had no expertise – sorry. One thing you did have was the power to tell your husband and see whether he could sort it out?---No, there's, I do not tell my husband which way to vote or which way, what to do with applications. His call. It's his decision.

40 So are you telling me on your oath that you didn't convey any information that, sorry, the subject of any discussions you had with Elaine Tang? You're telling me that you didn't convey the content of those discussions to your husband?---That's not what I said, Commissioner, I'm sorry.

No, no, well, I'm asking you. Did you convey any of that?---General information, if they ask me to let Con know, general information about dealings with council, I would. I, I made it clear that it's, I do not tell Con which way to vote and what to do on council. That's his responsibility, not mine.

But I think you just indicated there that you were asked to convey certain information to Con by Elaine Hindi, sorry, Elaine Tang.---Sometimes I, and I said before in my evidence - - -

10

No, just listen to my question. You've just said to me that sometimes if they asked you to, you would convey information to your husband. That's truthful evidence you've just given me, isn't it?---Yes, it is truthful evidence, yeah.

Yeah. What sort of information do they ask you to convey to your husband?---They would be, they were expressing frustration with dealing with council and the matter has taken too long and something along those lines. And I would just simply pass it on to Con 'cause they would try, on, on some occasions, they can't get hold of Con and they call me and this happens on a number of applications that come before council.

20

No, no, no. But these are face-to-face meetings where, from time to time, they asked you to convey certain things to your husband and surely that was on the basis, as you understood it, they thought your husband would be able to help them?---I don't know what they thought. Him being on council, people come to him for help and that's, that's known. He's a councillor. That's his role.

30 Very well.

MS HEGER: All right. Mrs Hindi, you're aware, of course, that Mr Badalati has given evidence in this inquiry that he was given a \$70,000 cash payment in respect of 1-5 Treacy Street?---Yes, I am.

And you're aware that he's given evidence that Mr Hindi told him that he'd been paid something similar. You're aware of that evidence?---Yes, I am.

40 All right. Did Mr Hindi say or do anything to suggest that he'd received a payment of approximately \$70,000?---No. Definitely not.

You had no belief that he'd received a - - -?---That's right. I had no belief.

- - - a large cash payment in respect of 1-5 Treacy Street?---That's correct. I had no belief of that.

All right. You're aware Mr Badalati has also given evidence that he received \$100,000 in respect of Landmark Square?---Yes, I am.

10 And he's also given evidence that he saw Mr Hindi receive a payment for Landmark Square as well.---Yep.

Which he believes was the \$100,000.---Yes, I'm aware of that.

All right. Did Mr Hindi say or do anything, as far as you know, to indicate that he received a payment of that kind?---Definitely not.

20 All right. Well, can I suggest to you, Mrs Hindi, the reason that you were so helpful to Elaine Tang and Philip Uy is because you knew that Mr Hindi had received some sort of payment in respect of Landmark Square. What do you say about that?---I strongly disagree with that.

Alternatively, the reason you were so helpful to Ms Tang and Mr Uy is because you expected Mr Hindi would receive a benefit in respect of Landmark Square. What do you say about that?---I strongly disagree with that.

30 All right. As far as you know, did Mr Hindi expect to receive any financial benefit from further steps in the planning process for Landmark Square? So let's start with Gateway.---Definitely not, no.

All right. What about the exhibition of the planning proposal?---No.

What about the gazettal of the planning proposal?---No.

And did he receive any financial or other benefits in respect of any of those steps?---No.

40 All right. An alternative explanation for you being so helpful to Ms Tang and Mr Uy is because you expected to receive a commission payment from the sale of Landmark Square. What do you say about that?---Well, my, like I said in my evidence yesterday, my commission was a flat fee for the sale

of Landmark Square. It never involved me assisting or giving any advice on the project but I would assist generally, like any property that I'm dealing with, I'll try the best that I could to assist them in that as an agent. They're paying me a fee so I'll do my best to assist them.

Well, let's be clear, by 2017/2018 of course the buyers' agency agreement had expired, correct?---Yep.

10 But at that point you still expected to receive a commission via Taylor Nicholas, didn't you?---No, I didn't expect that. I wasn't entitled to that commission. I just saw an opportunity and that's when I had to George about it, George Constantine.

Well, I think you've already accepted in your evidence that sometime prior to March 2018, which is when you approached Mr Constantine, you did have some expectation of being paid a commission?---I don't - - -

20 Is that not your evidence?---Can you refresh my memory, what did I say? What was the question put to me?

Well, you wouldn't have approached him for a commission regarding Landmark Square unless you had some expectation that you might get it, correct?---I did, I did not have an expectation to get that. I became aware that the property has settled and he's earning a big commission from this sale and I thought to myself, I'll go and approach him and ask him if he can pay me something. So it's an opportunity that I, that I saw, not an expectation.

30 All right. But you told Mr Hindi, didn't you, that you might receive a commission from Taylor Nicholas in respect of Landmark Square?---No, I didn't.

You deny ever telling him that, is that right?---That's correct. I didn't tell him.

40 Despite the correspondence regarding the Richards Avenue property that we saw yesterday where you were quite happy to tell him about your commission regarding those properties?---That was a, sorry, the one in, we spoke about yesterday?

Yes.---That was one incident that happened and I don't know the reason why I sent him that email. It's some time ago, you're talking about 2013, and I definitely didn't tell him about my, the commission that I got from Taylor Nicholas regarding Landmark Square.

You didn't tell him that you hoped to get it and you didn't tell him that you received it?---That's correct.

You didn't tell him either thing, is that right?---I didn't tell him, no.

10

Okay. Can I show you volume 2.12, page 41? You see message number 135 there, which is a message from yourself to Mr Hindi on 22 July, 2019?--Yep.

And I want you to assume that that day Georges River Council voted to send the amended planning proposal for Landmark Square for gazettal. And you say to Mr Hindi, "Was it unanimous?" And that was a question about the Georges River Council meeting that I just referred to, wasn't it?---I can't understand in that message, but if it is there - - -

20

Well, do you have any idea what it refers to other than the Georges River Council meeting that I mentioned which happened on the same day?---No, I think it was referring, I think it was referring to that meeting.

All right. And why were you interested to know whether that decision was unanimous?---Just of curiosity. It's something that I was dealing with previously, so it's just out of interest to know what happened with it.

All right. Well, is it because you or Mr Hindi expected to receive some benefit arising from that decision?---No. No, no. I've asked questions about other applications many times. Not, and I had no involvement, involvement with, sorry.

30

All right.---So that doesn't mean anything.

I'll mark that page as MFI 66.

THE COMMISSIONER: Thank you.

40

#MFI-066 – VOLUME 2.12, PAGE 41

MS HEGER: All right. I just have a few questions for you, Mrs Hindi, about some recent contact that you and Mr Hindi and Mr Badalati have had.---Yep.

Commissioner, I think I formally need to seek a variation to the 112 directions that were made regarding Mr Hindi's CE in December, Mr Badalati's CE in December and Mrs Hindi's CE in December, solely for the
10 purposes of publicising the dates on which they attended those compulsory examinations.

THE COMMISSIONER: All right. I vary the section 112 order made in relation to that evidence to the extent that Counsel draws attention to a particular date referred to in one or more of those compulsory examinations.

**VARIATION OF SUPPRESSION ORDER: I VARY THE SECTION
112 ORDER MADE IN RELATION TO THAT EVIDENCE TO THE
20 EXTENT THAT COUNSEL DRAWS ATTENTION TO A
PARTICULAR DATE REFERRED TO IN ONE OR MORE OF
THOSE COMPULSORY EXAMINATIONS.**

MS HEGER: All right. You're aware, Mrs Hindi, that Mr Hindi attended a compulsory examination at the Commission on 6 December last year?
---Yes, I was.

All right. And you're also aware that Mr Badalati attended a compulsory
30 examination at the Commission the next day, 7 December?---Yes.

Yeah, and the night of the 6th, that is after Mr Hindi's compulsory examination, you and Mr Hindi and Mr Badalati met up in Ramsgate, correct?---What date was that again? On the 6th?

The 6th. So the night of Mr Hindi's compulsory examination.---I, yes, I think so.

All right. And it was Mr Hindi who contacted Mr Badalati to arrange that
40 meeting, wasn't it?---I don't think so. I remember he had a lot of missed calls from Vince on that day, and he was just returning his call.

Okay. And then in response to those missed calls, Mr Hindi called Mr Badalati, correct?---I think that's what happened.

All right. And you then met up, you and Mr Hindi then met up with Mr Badalati. Whose suggestion was it to meet?---I don't, I don't recall who suggested.

10 All right. And then you met on the beach at Ramsgate, correct?---That's right.

What did you talk about?---I think from memory we spoke about council, it was council election around that time, election results, and I don't know if it's – sorry, is that December?

Yeah, this is the 6th, 6th of December that you met.---Yeah. Yeah, I think there would have been something to do with election results.

20 There was no discussion of the fact that Mr Hindi had attended a compulsory examination that day?---I don't think so. I don't think that took place.

No discussion of the fact that Mr Badalati was attending a compulsory examination the next day?---No. I don't, I don't think so.

THE COMMISSIONER: Was this in the evening, was it?---Yeah.

30 And roughly what time, do you know?---Oh, I don't, I don't remember. Probably around, I don't recall exactly the time. Probably around 7.00.

Was it light or dark?---I think it was dark.

All right. So you're meeting up on a beach at Ramsgate in the dark to discuss with Mr Badalati council elections?---No. I was, we were doing grocery shopping. We normally go and do grocery shopping there at Ramsgate all the time.

40 No, no. You may, but this was a meeting that had been arranged by either your husband or Mr Badalati. You're walking on the beach in the dark and talking about council elections, is that right?---That's my, that's my

recollection, yeah. Well, they used to speak often. They used to have coffees often and talk about council things.

Well, you didn't have to meet up to talk council elections, surely. You could have done that on the phone.---Oh, I don't know.

MS HEGER: Did you discuss the ICAC investigation at all?---I don't recall. I don't think we, I don't know, it was probably just mentioned but obviously not what was discussed.

10

And how was it mentioned and by whom?---I don't recall the exact conversation what was taking place, so what exactly was discussed at that time. I don't recall.

Did you meet on the beach so you couldn't be overheard?---No, we walked, we met in front of Coles and we walked, we went for a walk.

Okay. Mr Badalati then attended a compulsory examination on 7 December, the next day, and you and Mr Hindi met up with him again on 8 December, didn't you?---I'm trying to remember what day we met. I don't recall exactly what day. So you said on the 8th, is that you said?

Yep. The Wednesday.---And the compulsory examination was on the 7th?

Yep.---I don't, I don't obviously remember that but it's possible.

All right. Just bear with me a moment. Commissioner, I'm going to seek a variation of the 112 order in respect of Mrs Hindi's compulsory examination on 10 December and it's only in respect of lines 1 to 42 on page 694.

30

THE COMMISSIONER: I vary the section 112 order to the extent that it deals with the matters in Mrs Hindi's compulsory examination on 10 December, 2021, being lines 1 to 42 on page 694 of the transcript of that compulsory examination.

VARIATION OF SUPPRESSION ORDER: I VARY THE SECTION 112 ORDER TO THE EXTENT THAT IT DEALS WITH THE MATTERS IN MRS HINDI'S COMPULSORY EXAMINATION ON 10 DECEMBER, 2021, BEING LINES 1 TO 42 ON PAGE 694 OF THE TRANSCRIPT OF THAT COMPULSORY EXAMINATION.

40

MS HEGER: Okay. I won't show you this page but I'm just going to read you out an excerpt just to confirm the details of this meeting which occurred on the Wednesday. The Commissioner asked you, "What about before yesterday, when was the last time you saw him?" referring to Mr Badalati. You said, "Before yesterday we saw him, well, Mr Badalati has asked me to come and have a look at an apartment that his daughter owns in Ramsgate so we've set a date to come and have a look at the apartment. He told me
10 that his daughter's away and he's staying at the apartment at the, on Wednesday. I think it was Friday, yeah, Wednesday. And then I went and had a look at his apartment." Commissioner said, "On Wednesday?" And you said, "On Wednesday, yeah. Ramsgate. So I had a quick look at the apartment. He wanted my opinion, just to see how much it's worth, 'cause she's thinking of selling apparently. He said, 'If you're', well, we agreed. I said, 'On Wednesday, I'll come up and, and have a look,' 'cause we always do our grocery shopping in Ramsgate. So I said, 'I'll, I'll come past and have a look.' Do you recall giving that evidence?---I do, yep.

20 All right. So you did meet on Wednesday, 7 December, correct?---Yes, yeah.

And you say that was to go and see an apartment?---Yep.

Yeah. And when did you make that arrangement with Mr Badalati to see the apartment?---We spoke about it before. We'd obviously spoke about it before going there. And then I think he said his daughter's not there and he's going to be there on that date if I wanted to come past and have a look at it.

30 Did Mr Hindi come with you to see the apartment on the Wednesday?---I think he did, yeah. He was with me.

Why was – was he interested to see the apartment as well?---He just came in. We happened to be together and I went and had a look.

Okay. Did you discuss the Commission's investigation at all on that day?---No.

40 All right. Did you discuss the fact that you were due to attend a compulsory examination on the Friday?---I don't think I did. I think we were all aware

there's going to be a compulsory examination at some stage, but the details obviously weren't, weren't discussed.

All right. Can I ask - - -

THE COMMISSIONER: Were there any other occasions – sorry. Were there any other occasions, apart from 6 December, 2021, and 8 December, 2021, where you met up with Mr Badalati either in Ramsgate or anywhere else?---Oh, yes. You mean me personally and Con together?

10

Yeah.---Oh, yes, a number of occasions. We still have coffee in Hurstville as well.

As of today?---Oh, no, as of today? Sorry, what was – can you repeat that question, Commissioner?

Well, we've been dealing with the dates I think of 6 December, 2021 and 7 December, 2021 and 8 December, 2021.---Yep.

20 Have you met up with Mr Badalati since those dates?---After those dates, you mean?

Yeah.---Yeah.

MS HEGER: When was the last time you saw Mr Badalati?---Oh, trying to remember where. I used to, we used to bump into him in Hurstville, but this is like probably about five weeks ago, maybe a bit longer than that. I don't remember exactly. It's been a while.

30 Since Mr Badalati gave evidence on the first two days of this inquiry, so that was 14 and 15 June, have you spoken to Mr Badalati?---No, definitely not.

Have you attempted to speak to Mr Badalati?---No. No way.

Has Mr Hindi spoken to Mr Badalati?---Definitely not.

THE COMMISSIONER: How do you know that?---So, I'm assuming. Sorry, I can speak for myself. I'll say my – not that I'm aware of, yeah.

40 MS HEGER: Has he attempted to speak to Mr Badalati as far as you know?---Not that I'm aware of.

All right. What about Philip Uy? When's the last time you spoke to him?
---Philip Uy. We spoke to him about probably around three to four weeks ago, maybe four weeks ago. Maybe a bit longer than that. I don't remember exactly.

So after the public inquiry was announced on 24 May, 2022?---24 May, 2022. It would have been around that time but I'm not sure straight after or just before. I remember it's a few weeks ago.

10

Well, you said three - - -?---Could have been straight after.

- - - you said three or four weeks ago, and 24 May was obviously much longer than that. So surely it was after 24 May.---It's possible.

And what did you speak about?---We had a chat about a property that we have in Blakehurst on the water that we're trying to sell. So I did ask him if he knew of someone that's interested in buying, so we had a chat about that and - - -

20

Was that over the phone?---No, we met in person.

Where did you meet?---We met in Rhodes.

Where in Rhodes?---Actually, let me just have a look. There was a, there was a café upstairs, a big café, like, they sell bread, like, it's, like, a bread shop, but a big café, as well.

30

Did you meet with him after Mr Badalati gave evidence?---No. No, no, that was why, I'm talking either just before the, or maybe just a day or two after the inquiry's been announced, around that time.

Three or four weeks sounds more like mid-June, doesn't it?---No, sorry, I thought I said four to five weeks.

I thought you said three to four, but you're now saying four to five?---No, no. So initially I think I said four to five weeks, sorry, I'm not, yeah.

40

All right. Four to five weeks.---That's what I said, around, just as, as the, after the inquiry was announced.

Okay. Did you talk to Mr Uy about this investigation?---No, just, well, like, general investigations, yeah, like, it's in the public and we're going to have to appear in public and just general conversation.

Did you talk about the allegations that Mr Badalati had made regarding the payments for Treacy Street and Landmark Square?---No. The meeting happened before Mr Badalati gave evidence.

10 Okay.---I'm, I'm certain of that. That's why I said as soon as the investigation was announced or more around that time.

Was Mr Hindi at this meeting, as well?---Yeah, he was with me, yeah.

And that's the last time you've spoken to Philip Uy on the phone or in person?---I believe so. I think, yeah, that's the last time we spoke.

What about Mr Hindi? When's the last time that he spoke or saw Philip Uy?---That I'm aware of, it's at, is that time.

20 Okay.

THE COMMISSIONER: How was the meeting arranged?---Well, we would have called over the phone, I would have spoken to Philip over the phone.

30 Do you have a recollection of that?---Otherwise how, yeah. I'm thinking that's how it would have happened 'cause we are trying to sell that property there, and I need to know from Philip if he's got a buyer interested in that. And, sorry, there was something else that we discussed, as well, education, something to do with education that Philip is part of. We'd been, we had a few meetings about that prior. That was one of the topics that we, that, that we spoke about at that meeting.

MS HEGER: You didn't think now that this public inquiry has been announced and it's probably better that I don't talk to Philip Uy anymore? ---The reason, the main reason is I, we really want to sell that property in Blakehurst and this is why I felt like I should speak to him about it.

40 THE COMMISSIONER: You could have done that on the phone.---No, but I wanted to go and speak to him face-to-face and talk to him about the site properly. I don't need to see him over the phone.

Did you have to show him through it?---Sorry?

Did you have to show him through it?---I had to explain to him what it is exactly and, you know, give him more information about it.

But that could have been done on the phone.---It could have been done on the phone but we prefer to meet face-to-face, like, Mr Uy's English is not great so I thought it's better to meet face-to-face.

10

MS HEGER: When was the last time you saw Elaine Tang, well, saw or spoke to, I should say?---Some time ago, probably about, probably about nine months ago, roughly, eight to nine months ago. That's my recollection, yeah.

She's given some evidence that you got in touch with her in around about November last year. Is that what happened?---I think so, yeah, around that time, yeah.

20 She said you asked her for some receipts. Is that what happened?---Yes, I did.

What receipts were you asking for?---I was asking, I was asking about receipts for the flight that, on, that we paid for on the second trip.

These are the flights that were paid for by someone else but then you paid cash to Philip Uy. That was your evidence?---Yes.

30 All right. And why were you asking for a receipt for that payment? And, sorry, which payment were you asking for a receipt for, the cash that you gave to Philip Uy or the amount that someone had paid for the flights in the first instance?---No. I'm trying to remember what I was asking him about. It is to do with the flights, details for the receipt - - -

40 You understand the evidence in the inquiry so far is that there was a payment from a GR Capital Group account for those Air China flights, in the first instance?---Which I didn't, which I didn't know obviously GR made the payment at the time. I, it was Elaine who sent me a message saying "That's been confirmed. Send the text message with the" – like, it's been booked.

She sent you the itinerary for the Air China flight, is that right?---Yeah, yep.

Okay.---And that's when I contacted Philip and I said, "I need to reimburse whoever paid for the flights," and I, that's when I gave him the money.

Okay. So were you asking Elaine for a receipt for the cash you gave to Philip Uy, is that what you were asking for?---I think so.

And did she give you it?---No, I don't think she did.

10

Why not?---She goes, she goes, I don't know, "I don't have any records of that. I don't" – she didn't give it to me.

Okay. Did you then ask Philip Uy for a receipt for the cash?---No, I didn't ask Philip Uy for the, for the, for the receipt.

20

Why not?---No, sorry. I think, I can't remember because I got confused at the beginning if I made the payment directly to the airlines and this is why I came back and corrected that, that after, you know, recollection and what I was going through at the time, that I made, I reimbursed Philip for that. So this is, so this is why I got a bit confused to, as to where, how, who did I pay initially.

Okay.---This is why I'm trying to, this is why, the reason why I asked Elaine for the second trip because I said to her, I paid for that trip and I don't remember how, which agency it was and then she said I, I don't know, it wasn't, like I don't know anything about it.

30

All right.---And it was left at that. Then obviously I, on, on recollection and that, I remembered that I actually did not, it was actually the first trip that I paid for myself while the second one I reimbursed Philip for.

All right. So as at November last year, you didn't remember you'd paid cash to Philip Uy for those flights, that's what you're saying?---No, no, no. I'm just trying to remember. I can't remember exactly what happened.

40

Well, I thought your evidence was, "No, I wasn't asking her for a cash receipt from Philip because at that point I thought I might have paid it somewhere else." Wasn't that your evidence?---No, no. Sorry, I, I'm, just give me some time because I'm getting a bit confused. You're asking me

all these questions, I'm trying to gather my thoughts and remember what happened.

Sure, take your time.---Because it could have been – I'm just trying to see why I, what specific receipts I've asked her for. Because I realised then, shortly after the examination that I did actually pay Philip in cash so it wouldn't have been relating to that and I paid Philip so I wouldn't be asking Elaine for the receipt for the trip so I'm, it's, I, I can't remember exactly the, what receipts I was referring to with my meeting with Elaine.

10

Mmm. But if you thought you'd made a payment for those flights, why would you need to ask her for the receipt? You would have the receipt, wouldn't you?---No, that's why I'm saying that receipt that I'm asking, that I was asking her about could not be to the flights. It could be to payments I made for either accommodation, some reimbursements. I, I can't, I can't remember.

20

But if you made payments you would have the receipts, not Elaine, wouldn't you?---Because she was organising that. So with the first trip I remember I asked Elaine or Philip to send me the invoice because I didn't have the contact directly of the airline. So they've, then they would have, they have asked the airlines to email it directly to me, which they did. But on this occasion, I don't remember why, what was the receipt for. I can't give you an answer because I don't remember what receipts I was, she was referring to.

Okay. All right. I have no further questions, Commissioner.

30

THE COMMISSIONER: Thank you.

MS HEGER: I understand there are two applications to cross-examine Mrs Hindi.

THE COMMISSIONER: From?

MS HEGER: One by Wensheng Liu and one by Mr Hindi.

THE COMMISSIONER: Who would like to go first?

MR HOOD: I'll do it, I'm happy to do that. Thank you, Commissioner. Mrs Hindi, if there's a question I ask you which you do not understand, would you tell me straight away?---Yes, I will.

Thank you. Do I take it since the beginning of this hearing, when you've not been here in the hearing room, have you been watching the proceedings on the live stream?---Yes, I have.

10 And likewise has your husband been watching the proceedings on the live stream?---I believe so, yeah.

Well, when you've both been at home do I take it you've been watching it together?---No, we were not, we haven't been watching it from home. We've been watching it from our lawyer's office.

Okay. So do I take it, then, the two of you would have been together?---In the city, like - - -

20 No, no. The question was this, do I take it when you were watching it, the two of you were together?---No, not, not all the time. Sometimes we're together, sometimes we're watching it separately.

Okay. Well, for periods of time, let's get it straight if we can, for periods of time the two of you were watching the live stream together.---Yeah, some, some days, yes.

Okay. And no doubt you were discussing between the two of you relevant aspects of the hearing that touched upon your conduct, firstly, true?---Yes.

30

Yes. And upon your husband's conduct, true?---Yes.

Yes, okay. And do I take it you've examined the exhibits that have been made available on the public website?---Not all of them. There's a lot to go through but - - -

Yes.--- - - - majority of them.

40 But the ones that were relevant to your conduct, firstly?---Yes.

Yes. And the ones that were relevant to your husband's conduct, true?---He would have been checking that with his lawyers, I think.

Yeah, well, now I'm asking about if he has looked at them – sorry, let me withdraw that. To your knowledge, he has also looked at the exhibits tendered in these proceedings?

MR RIZK: Commissioner, I object to these questions. There's no, at the moment I can't see the basis on why they're relevant to Mr Hood's client
10 and why it's appropriate for the questions being directed to Mrs Hindi but then also the questions that relate to Mr Hindi. I can't see why there's a basis for those to be asked on behalf of Mr Liu. And, secondly - - -

THE COMMISSIONER: What's the relevance for your client?

MR HOOD: Well, there is certainly at least one document that's directly relevant to my client.

MR RIZK: Then in my submission she should be taken to that specific
20 document. But these open-ended questions about conduct more generally can't have any bearing on, or any relation to Mr Hood's client.

THE COMMISSIONER: Well, Mr Hood tells me that they are relevant and that there's a document he will go to, but let's just see how we go. Mr Hood, you will have to demonstrate this is relevant.

MR HOOD: Well, that's all right.

THE COMMISSIONER: If you can't, we should stop now.
30

MR HOOD: I'll just move on and I'll come to that document shortly.

THE COMMISSIONER: Sure.

MR HOOD: Thank you. Now, how long have you practised as a real estate agent?---Sorry, what do you mean? It's my own business.

Yes.---And I run it from home.

40 So you had contact with Mr Wensheng Liu - - -?---Yep.

- - - in your capacity as a real estate agent?---Through Philip, yes.

Yes, okay.---Yeah.

All I want to know is how long have you been practising as a real estate agent?---Since 2009.

Right. All right. And do I take it since you obtained your licence in that year you've always acted professionally?---Yes.

10

Thank you. All right. And have you always practised in the Hurstville area?---Majority of the time. I have sold properties outside the area, but majority of my work is in the St George area.

Right, okay. And one thing that you have been careful of over the years is not to use any deceptive practices on those people that you have dealt with, true?---That's correct, yeah.

20 Thank you. All right. I just want to go to the meeting that you had with Wensheng Liu and Philip that dealt with Landmark Square. Do you understand?---Yep.

Thank you. That meeting was arranged by Philip, true?---Correct, yeah.

Right, thank you. There were only three of you at the meeting?---That's true.

Philip, yourself and Wensheng Liu, is that right?---Correct, yeah.

30 And do I take it as simply a prospective sale at that time, you took or made no notes of what was said between the three of you?---During the meeting?

Yeah, during the meeting.---So you're asking about the discussion that we had, like the - - -

Well, the discussion, anything that was said there.---Yeah.

You had no reason - - -?---We obviously had a chat about the site, yeah.

Yes, okay. But you see at that stage, in that year, you had no reason to be making notes of what was discussed between the three of you, that's correct, isn't it?---That's correct, yeah.

Thank you, all right. Now, in fact the first time that you were asked to recount what had occurred during that meeting, was that last year?---Sorry, the meeting, you're referring to the meeting that I had, the first meeting that I had with Mr Liu and Mr Uy together?

10 Yes.---That was some time back in in 2014.

Well, there was only one meeting that involved those two that dealt with the prospective sale of Landmark Square, that's right, isn't it?---Yeah.

Okay. Well, just concentrating on that meeting, you had no reason to make any notes of what was said between the three of you at that time, that's - - - ?---That's correct, yeah.

20 Right, okay. Now, the – I just want to go back to the part that my learned friend objected to for a moment, as far as the live stream is concerned. Did you see Mr Gunning's evidence?---Yeah, I remember listening to that, yeah.

Right, thank you. And you heard him describe Philip, did you not?---Yes.

And you heard him describe Mr Wensheng Liu?---Yes.

Yes. And do you say that those descriptions given by him accurately reflected the opinion you held, firstly of Philip, true?---Yes.

30 And secondly of Mr Wensheng Liu?---Yes, I do, actually, yeah.

Thank you. All right. Now, at the time that meeting commenced, that's the meeting between you, Wensheng Liu and Philip, all that you knew about Wensheng Liu was he's a prospective buyer, true?---That's correct, yeah.

Right, okay. And one thing we know of at that point in time, there was no agency agreement written up, on your evidence, true?---On the first meeting?

40 Yes, at the first meeting.---Yeah. There was no agency agreement.

Yeah. It had not been written up at that point, true?---That's correct, yeah.

Yeah, thank you. Now, whilst you have no notes in general terms, what was said in this meeting by you was to explain the potential of this site to Mr Liu, who you hoped would buy this property, true?---That's true, yeah.

All right. And so I take it you expressed the extent of the site as far as its size was concerned?---Yep.

10 Using your knowledge as an agent in the area?---Correct, yeah.

And the huge potential for profit if he were to purchase the property?
---That's correct, yeah.

Okay. Right. Thank you. Now, what happened thereafter was this, that contact was made with you that in fact now Mr Wensheng Liu would in fact buy the property, is that the case?---Yes.

20 Yes. Did that come back to you – sorry, I withdraw that. That came back to you via Philip, is that right?---That Mr Liu is interested in buying the property?

Yeah. That he'll now perhaps purchase this property. Did that come back to you through Philip?---Yeah.

Yes. Okay. All right. And at that point then do I take it the agency agreement that we've seen exhibited here was drawn up?---Correct, yeah.

30 Right. Now, after it was drawn up, do I take it again you used Philip to convey it back to Wensheng Liu for signature?---To the best of my recollection, Mr Hood, I met with Mr Liu and Philip and we've, we both signed that agreement.

So you're saying there was a second meeting, do you?---I think so.

Well, could it be the case that it was only ever the one?---It's possible.

40 Yes - - ?---It's possible and I think I said that before to the Commission. The agreement either was signed in the office with Mr Liu and Philip or it could have been handed to Philip or filled out and he passed it on to Mr Liu

to sign. I don't have a clear recollection of that but either one way or the other, the agreement was signed.

Well, you see, the conduit to Mr Wensheng Liu was through Philip, wasn't it?---Yeah.

Yes. He'd facilitated the first meeting. True?---That's right. Yeah.

10 He facilitated the message back to you, that you now had a buyer. True?
---Yeah.

Yes?---Yes.

And at the time you received that message, do I take it you were either in the office or had ready access to the office where you could draft up the agency agreement?---Exactly, yeah.

20 Thank you. And let me suggest this – sorry, I withdraw that. As I understand your evidence previously you said that you drew upon the assistance of your son to draft that particular document, the agency agreement?---I was trying to the best of my recollection to give the Commission an explanation as to why my son's name appeared on that document - - -

Thank you. Was one of those explanations this, that he took a role in drafting it?---But then that was corrected afterwards, Mr Hood, that my son had nothing to do with it because it was my writing and it was simply an error on my end.

30 All right. So all the writing on it is yours?---Yes, it is.

Okay. Thank you. Now – sorry, I withdraw that. If Philip picked this agreement up from you, it having been drafted and signed, sorry, if Philip picked the agreement up, you having signed it, do I take it you directed him, Philip, to the commission that was set out on it?---Can you please repeat the question, Mr Hood?

40 Certainly. The main aspect in the agreement or on the agreement as far as you were concerned was the commission, true, half a million dollars?---And obviously after explaining the potential of the site to Mr Liu and, you know, that's, it's relevant, my commission is relevant to the potential of the site.

Yes. Okay. Well, we'll come back to the potential of the site in a minute but the most important endorsement on this particular agency agreement was the amount of the commission. True?---That's correct, yeah.

Yes. And did you point that out to Philip after it had been so endorsed?
---You mean have I discussed this commission with Philip?

10 I'm sorry? I beg your pardon?---Did you mean have I discussed the commission, the amount, with Philip?

You show it to Philip at the time he perhaps first received it?---Yeah, Philip would have seen obviously the amount, the commission that I will charge Mr Liu, yes. Whether it's, I've given him the agreement or we were, three of us in the office and we both signed it, yes, Philip would have been aware of that commission.

20 Let me suggest this to you, that at no time were you present when Mr Wensheng Liu placed his signature on that agreement. That's the fact, isn't it?---My recollection, Mr Hood, I'm sorry, is not very clear on that and I said could be one option or the other, like, it could have been either Philip took it and got Mr Liu's signature on it or I had that meeting in the office with the three of them and Mr Liu signed it. I don't, I can't say yes or no, 'cause I don't have a clear, either one way or the other. But it's possible that I've given it to Philip and he gave it, passed it on to Mr Liu.

THE COMMISSIONER: When you say "the office" you're talking about your home office. Is that right?---No, no. Mr Liu's office, sorry.

30 Mr Liu's office?---Yeah. Yeah.

Thank you.

MR HOOD: All right. Now, at a point in time after this agreement had been signed, you attended a number of meetings of which you've given evidence in this Commission hearing. True?---Number of meetings with Philip?

40 With various people, in fact.---Yeah, yeah. I did.

Yes. Thank you. Now, in those meetings, one component of this particular building or development was the hotel. Is that the case?---Correct, yeah.

Right. Now, one aspect that you're uncertain of in that regard is this, whether or not that was mentioned at the time when you first spoke to Wensheng Liu, true?---Yeah, that's correct.

Right. Now, having watched the live stream and been present here, do you have a recollection of seeing the whiteboard with various figures on it? You know the - - -?---Yes, I remember that, yeah.

Yes. And I take it you looked at that to see what it contained as far as the detail was concerned, true?---I briefly looked at it, just, yeah.

Yes. Well, did you not look to see the figures that were set out on it? In particular, those that related to profit?---I looked at it but I don't remember the exact details, exact detail that's, that were on that whiteboard.

Right, well, does your recollection serve you this way, that there was no reference on the – sorry, I apologise. I'll withdraw that and start again, Commissioner. Does your recollection serve you this way, that it only refers to apartments?---I think, yes.

Yes.---Yeah.

All right. And, all right, let me then go to the initial conversation that you had with Wensheng Liu, Philip in the office. The conversation that took place at that time, on your part and on the part of the others, only ever dealt with apartments, true?---The first conversation, yes.

30

Yes. Yes. And I suggest this. If there was a second conversation which you believe might have happened, there was no discussion on that occasion about a hotel either, true?---I don't recall at what stage the hotel component was brought in.

Right. Now, accepting that Mr Wensheng Liu could read the document and it was delivered to him, the person described on the agency agreement was your son, true?---That, yeah, that was his name, yeah.

Yes.---But Mr Liu knew that's me dealing. He's never met my son, so he knew he was dealing with me. And he knew Sydney Realty obviously is my company.

Yes, well, he knew you and he dealt with you on the occasion of the meeting, that's right, isn't it?---Yep.

Yes. The agency agreement that was delivered to him did not have your name printed on it. It had the name of Malcolm James. That's right, isn't it?---Yes, but it had - - -

Yeah, that's all right, thank you.---Yep.

And it also had the licence or the licence number that apparently referred to him, true?---No, the licence number is mine.

Yeah, well, that's right. It was yours.---Mmm.

But it was written in the same area as the agent's name, that's right, isn't it? ---Yes.

Yes. So that if this document was delivered to Mr Wensheng Liu for signature, he was not to know – or he did not know, in fact, who the agent was who's described on the face of the document, did he?---I'm sorry, Mr Hood, what are you trying to imply here?

Don't worry about what I'm trying to get to. That's the fact, isn't it?

MR RIZK: Well, I object to this question.

THE COMMISSIONER: Why?

MR RIZK: How can the witness be asked to comment on what someone else knows? She's being asked to give evidence of what's in someone else's mind.

THE WITNESS: Did not he sign the agreement – sorry. Mr Liu signed the agreement. If he wasn't happy with it, why didn't he bring it up with me? He's understanding. I don't know what point you're trying to make, Mr Hood, I do apologise.

THE COMMISSIONER: Sure, just listen to the questions. Just listen to the questions and answer them, please.

MR HOOD: The face of the documents set out that the agent was Malcolm James. Do you agree with that or not?---Well, his name was on it, yes.

Thank you. The face of the document had, close to where his name appeared, the licence number of the agent, yes?---Correct, yeah.

10 The licence number set out there in no way related to Malcolm James, did it?---That's correct, yeah.

Right. And do you agree with this, that that conduct is deceptive on your part?---No, no, Mr Hood, I disagree with you.

MR RIZK: I object to that question. I object.

THE WITNESS: I did say it's an error.

20 THE COMMISSIONER: What's the objection?

MR RIZK: What is the relevance of this to - - -

THE COMMISSIONER: I can see what the relevance is. I think I know where Mr Hood's going with this so, no, I'll allow it.

THE WITNESS: I'm sorry, can I just say something, Mr Hood?

MR HOOD: No.

30

THE COMMISSIONER: No, just answer the questions, please.---Okay.

MR HOOD: If you accept what I have put to you, that the document on its face, which you know to be the case, had Malcolm James' name together with the licence number, to any reader that would not paint the true picture of the agent itself, true?---Mr Hood, I'm a real estate agent - - -

THE COMMISSIONER: No, no, please answer the question.---I've answered that question many times before.

40

No. Listen to the question and answer it. Ask it again, Mr Hood.

MR HOOD: The face of the document had as the agent the name Malcolm James, true?---Yes.

The face of the document, proximate to where his name was, had the licence number, true?---Yes.

A reading of that document would indicate that the licence number was that of the person Malcolm James, true?---Yes.

10

That was not the true position, was it?---Mr Hood, I said previously it was a mistake.

THE COMMISSIONER: No, no. Please, please answer the questions. Just listen and answer the questions.

MR HOOD: That was not the true position, was it?---Okay, it wasn't the true position, yeah.

20 Yeah. So, if that's the case then, that practice was deceptive, true?---I, I disagree with that.

Thank you.

THE COMMISSIONER: Mr Hindi, is that correct? Mr Corsaro, are you there?

MR KUTASI: No. Can I be heard? This is Mr Kutasi. I'm not sure if Mr Corsaro is still on the line we don't have any questions in cross-
30 examination.

THE COMMISSIONER: Very well.

MR PARARAJASINGHAM: Commissioner, Pararajasingham for Mr Badalati. There's just a couple of matters I wish to raise arising from evidence that fell earlier. They are matters of general credit but they do impact on my client, at least indirectly as, Commissioner, you appreciate.

THE COMMISSIONER: That's okay. No, you go ahead.

MR PARARAJASINGHAM: Ma'am, my name is Pararajasingham, I appear for Mr Badalati. You agreed earlier that you were certainly aware that Mr Badalati has made admissions about receiving cash payments.
---Yep.

You're nodding, yes. And you're also aware that Mr Badalati has given evidence that incriminates your husband, you're aware of that?---Yes.

10 Can I ask this, would the receipt of cash payments by your husband, is that the type of matter that you would expect him to disclose to you?---I believe so.

Is that because, as at 2015 to 2018 your relationship was such that if such a thing had occurred you would expect him to - - -?---To tell me, yeah.

- - - tell you?---Yeah.

20 You did give some evidence yesterday and on an earlier occasion that in some respects certain matters did not pass between you and your husband, correct?---(NO AUDIBLE REPLY)

You're nodding, yes?---Yes.

And is it the position that when it came to your respective business dealings and your work, there are certain things that just were not shared between the two of you?---Certain things, yeah.

30 Yes. Now, from the date that Mr Badalati gave evidence in this public inquiry to now, have there been any discussions between yourself and your husband about the evidence that either of you will give in this inquiry?

MR RIZK: I object to that question.

THE COMMISSIONER: Why?

MR RIZK: Again, what is the relevance and why is this being brought on behalf of Mr Badalati, these type of questions?

40 THE COMMISSIONER: I think I'll allow it.

MR PARARAJASINGHAM: Thank you. Sorry, I'm not sure I got an answer to that. I'll ask it again, from the date that Mr Badalati gave evidence to the public inquiry, the first two days, to now, have you and your husband had any discussions about the evidence that either of you will give in this inquiry?---No.

Have you had any conversations about answers that would be given to specific questions or topics in this inquiry?---No. Evidence that we were about to give, of course not.

10

Have you had discussions where you'd reached a joint position in relation to questions about your knowledge and awareness about corrupt conduct? ---No. The only discussion we'll have is about what's been said in public, 'cause we're both watching it, of course.

Right. Well, that was my next question.---Yeah.

So it is the case that you and your husband have had discussions about the evidence that has fallen in this inquiry, correct?---Yes, we'd have general discussions, yeah.

20

You said a moment ago that – and correct me if I'm wrong – that you and your husband would sit together and watch the live stream, correct?---I said sometimes we sit together, sometimes we watch it separately.

Sure.---Yeah.

But the fact of the matter is both you and your husband have been following this inquiry closely, I would suggest.---That's right, yep.

30

And you have been discussing - - -?---Mmm.

- - - the evidence as it has fallen on a day-by-day basis, correct?---Yes.

And you've discussed your responses to evidence that has fallen on a day-by-day basis, correct?---Not before the responses were given. We don't discuss, we do not discuss evidence. We know that you cannot discuss the evidence that we're about to give.

40 Just listen to my question, right. You've agreed that you and your husband have discussed the evidence that has fallen in this inquiry as it has been

given, right? On a day-by-day basis we've heard people come in, give evidence, understood?---Yes.

And what I am suggesting to you, or what I'm asking rather, is that it must – is it the case that you and your husband have discussed your responses, right, your individual responses, to the evidence that has been given? For example, “So-and-so said that. That's nonsense.” Or “So-and-so said that and that's probably right.” Things of that nature.---It's possible.

10 Yes.

Now, ma'am, you're aware that this public inquiry was announced on around about 9 June? Do you accept that from me?---I think it was earlier.

THE COMMISSIONER: I think it might have been a bit earlier.

MR PARARAJASINGHAM: Earlier. I stand to be corrected.---End of May sometime.

20 MS HEGER: I thought it was 24 May, but I stand to be corrected as well.

MR PARARAJASINGHAM: I'll take that. Happy with that. So 24 May we're told that the public inquiry was announced.---Yep.

You're nodding. So here we are, approximately six, seven weeks on. I gather that you have resided with your husband during that period?---Yes. Yes.

30 Your son lives with you as well?---No, he doesn't. He lives on his own.

You must have understood from the outset of the announcement that your husband, like my client, was a target in this inquiry?---Yes. That's right.

You're nodding. And you of course received a summons to give evidence, correct?---Ah hmm.

Your son's name has been raised and mentioned in these proceedings. You're nodding. You're aware of that?---Yes.

40 So you face a situation where three of your immediate family members, including yourself, feature in this public inquiry, correct?---Yep.

So certainly this inquiry and the evidence that has fallen in it has been a hot topic in the Hindi household. Is that a fair comment?---Well, it is, yes.

Can I suggest there's little else to discuss, do you agree with that?---Well, we're that exhausted when we get back home that we really don't want to talk about it at home.

10 You might not want to, but you do, don't you?---No, not necessarily. We don't because we are exhausted by the time we get back home.

Sorry, you're now telling me that you don't discuss, you have not been discussing the evidence in this inquiry?

THE COMMISSIONER: Because she's too exhausted.

THE WITNESS: I have with my husband. We've been talking about what's been said in public.

20 MR PARARAJASINGHAM: Okay, thank you.---But at home, my kids mention every now and then, but it's not like the only thing that we talk about.

And you understand that what will eventually occur is that the Commissioner will prepare a report. You understand that?---Yes.

And in that report the Commissioner will make certain findings, you understand that?---Ah hmm.

30 You're nodding, yes.---Yes, yes.

You understand that the Commissioner may make recommendations that certain people, that the DPP consider whether to charge certain people for various conduct, you understand that?---Yes.

And clearly you and your husband have a deep interest in that.---Ah hmm. Yes.

40 And it's the case, isn't it, that when Mr Badalati gave that evidence on the first two days of this inquiry, you did not expect him to say that, did you? ---I didn't, yeah.

And you accept that what he said was highly damaging to yourself and your husband. You agree with that?---I agree.

So let me ask you one more time, ma'am, and take care here, because you are under oath. You understand that?---Yes.

And, as has been explained to you on at least a couple of occasions, the protection that you have does not protect you from a prosecution for lying to
10 ICAC. You understand that?---I do.

So I'm going to ask you, from the commencement, from the time that Mr Badalati gave his evidence in this inquiry to date, have you and your husband had any discussions about the evidence that either of you will give in this inquiry?---No, not the evidence that we will give to this inquiry. No.

Have you had discussions about the things that you would say in this inquiry?---No. Things that I've already said or something already been said in the public and we're watching, yes.
20

Okay. So you would have discussions with your husband about things that you have said previously that you think will be asked in this inquiry. Is that what you're saying?---All I'm saying is that I do know that I cannot discuss my evidence with anybody, including my husband and my kids.

That was not my question, ma'am, and you know that full well. I'll ask you one more time and then I'm going to sit down. From the date that Mr Badalati got in that witness box - - -?---Yeah.

30 - - - and he said things damaging to your husband and yourself - - -?---Yes.

- - - have you or your husband had a single conversation about touching upon, in relation to the evidence that either you or your husband will give in this inquiry?---No.

You hesitated there. Why did you hesitate?---No, 'cause you keep, you keep repeating the same question. I'm giving you the answer but you're not accepting it.

40 That's your position?---That's my position.

Nothing further, Commissioner.

THE COMMISSIONER: Thank you. Can I ask you this. I think a little while ago, you told me that you and sometimes you and your husband would watch the live stream and sometimes that was together?---Yes.

And I think you mentioned a solicitor's office. Were you both present at the solicitor's office to watch the live stream?---On the rare occasions, yes.

10 Yeah, well, whether it's rare or not, you did do it at some time?---Some time.

More than once?---Possible, yeah, probably - - -

Well, you'd know, I mean, it's in the last week or so. I'm asking you whether you watched the live stream in the solicitor's office with your husband on more than one occasion?---Yes.

20 Yes. And which solicitor's office was that?---Mr Corsaro's office.

Mr?---Mr Corsaro's office.

So both you and your husband were in Mr Corsaro's office watching the live stream?---Yes, sometimes.

And talking about it?---Watching it.

30 And talking about it, I think you've told me that, talking about the evidence that was unfolding?---We were watching but some bits, it's in the public so anyone can watch.

No, I'm not being critical. I'm just asking you.---Yeah.

You watched it and you talked about it?---Yeah, we, we're talking and discussing it, yeah.

Yeah. Thank you. Was Mr Corsaro in there, too?

40 MR KUTASI: This is Kutasi, Commissioner. Are you asking if Mr Corsaro is here?

THE COMMISSIONER: No, I'm asking whether he was there when this witness and her husband were discussing the evidence.

MR KUTASI: I've been with my client the entire time. I don't recall Mrs Hindi at any stage discussing any evidence.

THE COMMISSIONER: But was she watching the live stream in there with her husband?

10

MR KUTASI: She was here on one or two occasions, yes.

THE COMMISSIONER: With her husband?

MR KUTASI: Yes.

THE COMMISSIONER: Thank you.

MS HEGER: Sorry. Can I just clarify that, Mr Kutasi? When you say
20 "here" you're referring to Mr Corsaro's office, are you?

MR KUTASI: I'm sitting in his chambers right now, yes.

MS HEGER: Yeah. And I think, Commissioner, your question earlier was was Mr Corsaro there, as well?

THE COMMISSIONER: Yeah.

MS HEGER: I'm not sure there's been an answer to that.
30

THE COMMISSIONER: No. There hasn't been, I don't think.

MR KUTASI: Does the Commissioner require an answer?

MS HEGER: I'll ask that of Mrs Hindi. Yes.---Today?

When you and your husband have been watching the live stream in Mr Corsaro's chambers, was Mr Corsaro there?---It only happened once or
40 twice.

And was he there?---I don't think at the time Mr Corsaro was there but probably once. I, I'm not, it's possibility he was there once.

Well, it's pretty recent, Mrs Hindi, you must remember whether he was there or not.

MR KUTASI: In fairness, this is Mr Kutasi again, there's a difference between being here at the same time as Mr Corsaro and being here at the same time as evidence was being given with Mr Corsaro. So, I'm not Mrs
10 Hindi's lawyer but perhaps the question should be fairly put to her.

THE COMMISSIONER: I think it is being out fairly to her. You'll understand my concern, don't you?

MR KUTASI: No, Commissioner, I don't understand what the concern is.

THE COMMISSIONER: Well, do you want me to explain it in public?

MR KUTASI: No, Commissioner, I'm not really understanding what the
20 problem - - -

THE COMMISSIONER: It is this. You've got two witnesses as to fact together discussing the evidence in a barrister's chambers.

MR KUTASI: I've already said, Commissioner, that the time I've been here, and I've been with my client the entire time, I do not recall any evidence being discussed between Mr and Mrs Hindi.

THE COMMISSIONER: But your recollection is that they were both there
30 at the same time.

MR KUTASI: At times, correct.

THE COMMISSIONER: Thank you.

MS HEGER: And the times that you were watching the live stream with your husband in Mr Corsaro's chambers, Mr Kutasi was there, correct?
---Yes.

40 And was Mr Corsaro there?---He sometimes would be there. He would have been there on one occasion.

Well, it's his chambers. He wouldn't just let you in there and then leave, would he?

MR KUTASI: With fairness - - -

THE COMMISSIONER: No, no, no. If you've got an objection, you can put your objection but – what's your objection, if you've got one?

10 MR KUTASI: My objection is that Mr Corsaro's reputation is potentially being impugned. No-one knows this, Mr Corsaro's been at home for a week and a half with COVID.

THE COMMISSIONER: Right.

MR KUTASI: So yes, so yes, Mr Corsaro has not been here on occasions.

THE COMMISSIONER: Okay. But you have been?

20 MR KUTASI: Correct, and I have told you what I know about the situation, Commissioner, with respect.

MS HEGER: I have no further questions.

THE WITNESS: Commissioner, I did say the evidence was not discussed.

THE COMMISSIONER: No, you didn't say that. You said - - -?---I, I said that evidence - - -

30 No, just a moment. What you told me was - - -?---Okay. Please don't raise your voice, Commissioner, at me, please.

Will you just listen to me?---I am listening.

Okay. Listen. You told me that you did discuss the evidence as it was being given.---At some occasions.

Yes.---Okay?

40 Okay.---We would discuss it but I said we were watching it separately. Maybe in the car we were talking about it but I do know, I'm at a solicitor's

office and certainly the evidence was not discussed there. My husband and I, we were watching like any, like all the public do, we were watching it in public.

So you're telling me that you were watching it but there was no discussions between you as to what you were observing?---No, because we were watching it. There was no discussion of evidence whilst we were watching.

10 MR KUTASI: If I can add, Commissioner, it's Kutasi again, there was many times that we have found in the five weeks this has been continuing that the AVL automatically sometimes just simply turns on from the Commission. So we actually stay here pretty silent so that we can't be accidentally overheard.

THE COMMISSIONER: I don't understand what you're saying. I mean, that may be but what relevance has that got?

MR KUTASI: The relevance of that is that no-one's sitting here discussing things as they're going on.

20

MS HEGER: I have no further questions.

THE COMMISSIONER: Thank you. Does anyone else have any questions?

THE WITNESS: Commissioner, can I just say something?

30 THE COMMISSIONER: Sure.---I have been watching this inquiry closely since it started, okay, and the treatment that I was getting from you is different to any other witness.

Anything else you want to say?---Your tone of voice has always been loud and I'm only sitting three or four steps away from you, and I'm a female and I'm much younger than you. You constantly intimidate me with your tone of voice.

Anything else you want to say?---(NO AUDIBLE REPLY)

40 Mr Rizk, I'm not going to discharge your client from her summons. She is free to go but as you know she may have to come back. This is an investigation but she's quite free to go now.

MR RIZK: Yes. Thank you, Commissioner.

THE COMMISSIONER: You're free to go.

THE WITNESS STOOD DOWN

[11.50am]

10 MS HEGER: Should we take an adjournment? The next witness is Mr Sansom.

THE COMMISSIONER: Yes. We'll take 10 minutes.

MS HEGER: 10 minutes.

SHORT ADJOURNMENT

[11.51am]

20

THE COMMISSIONER: Take a seat.

MS HEGER: Commissioner, I call Philip Sansom.

MR SHARIFF: Commissioner, I of course appear with Mr O'Neill for Mr Sansom and we seek the direction - - -

THE COMMISSIONER: Mr Shariff, I take it your client wants a section 38 declaration?

30

MR SHARIFF: Yes, I do. Thank you.

THE COMMISSIONER: Right. And will he take an oath or an affirmation?

MR SANSOM: Oath.

THE COMMISSIONER: Oath. Thank you.

40

THE COMMISSIONER: Thank you. Take a seat. Mr Sansom, your barrister's asked me to make a section 38 declaration and I'm assuming he would have explained to you the effect of that order but I'm going to say a few words and if I repeat what your Counsel's already said, I apologise. As a witness before this Commission, you must answer all questions truthfully and you must produce any item that I require you to produce during the

10 course of your evidence. The effect of a section 38 declaration is this, that although you must still answer the questions put to you or produce any item I require you to produce, the answers you give and that item can't be used against you in any civil proceedings or, subject to one important exception, in any criminal proceedings. The exception is that the protection does not prevent your evidence from being used against you in a prosecution for an offence under the ICAC Act, most importantly, an offence of giving false or misleading evidence. I'm not suggesting for one moment that you're going to do anything other than give truthful evidence, but if you do not and you give false or misleading evidence, you will commit a very, very serious

20 criminal offence for which the penalty can be imprisonment for up to five years. Do you understand that?---Yes.

So it's very, very important that you give frank, full and truthful answers. ---Yes.

Do you understand that? Thank you. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having

30 been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE

40 **AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS**

**NO NEED FOR THE WITNESS TO MAKE OBJECTION IN
RESPECT OF ANY PARTICULAR ANSWER GIVEN OR
DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Thank you.

MS HEGER: Mr Sansom, could you please state your full name?--- Philip
Rolleston Sansom.

10

And what's your current occupation?---Retired.

All right. You were a councillor at Hurstville City Council from 1991 to
2016. Correct?---Correct.

About 25 years?---25 years, yes.

All right. And so you were a councillor until Hurstville City Council
dissolved on 12 May, 2016. Correct?---Correct.

20

And you ran for re-election to Georges River Council in September 2017.
Correct?---Correct.

But you weren't re-elected?---Correct. Best thing that happened to me.

You held the position of mayor from 1999 to 2000, is that right?---Yes.

And also from 2009 to 2011?---Yes.

30

And you now hold the title of emeritus mayor, correct?---Correct.

And do you get that title by serving as mayor for multiple terms, is that how
it works?---Yes, you have to serve for mayor as, for mayor more than three
times, and it's awarded by the Department of Local Government and the
Local Government Institute.

And it's a title that you hold for life now, is that right?---Yes.

And you use it your signature block, correct?---Yes, correct.

40

And you were of course on Hurstville City Council at the same time as Mr Badalati?---Yes.

And also Mr Hindi?---Yes.

And you were initially part of the Labor Party but then you later turned Independent, correct?---Yes.

10 That happened in 2012?---Roughly, yeah. I can't remember for sure, but yes.

And what precipitated that change?---I, when I was in the Labor Party, we didn't, often we didn't have a majority and I would talk to Liberals and Independents about any matters coming up to council. Some of my Labor colleagues criticised me and accused me of being a traitor or whatever else because I, I was dealing with other people. And I just said to them a few times, "I didn't get onto council to achieve nothing in my community. And we can't win because we don't have a majority. So I will continue talking to the Liberals and I will continue talking to Independents and anyone else.
20 If they agree with something I'm putting up, then we can get it through."

All right.---And I ended up – sorry, and I ended up, actually I was, I was expelled from the Labor Party because I stood as an Independent against Kevin Greene, with Kevin Greene's permission and acceptance, and I'd also notified the head office of the Labor Party. So when I was expelled I thought to myself, well, probably the best thing that happened to me.

30 All right. You of course were aware that Hurstville City Council had a code of conduct, correct?---Correct, yes.

And I'll just show you that code of conduct now. It's Exhibit 124, volume 1.1. Page 159. You'll see this was released 7 March, 2013.---Yes.

So you received a copy of this code of conduct around that time, correct?
---Yes.

And you read it around that time?---Yes.

40 Can I just take you to page 165.---Yes.

You'll see in the second paragraph it says, "Councillors and others must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It's the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind." You understood that as at March 2013, correct?---Yes.

10 And it also says that "Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act." You understood that in March 2013, correct?---Yes.

And it also says, "The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office." You understood that in March 2013, correct?---Yes.

That was yes?---Yes.

20 Yes, thank you.---Sorry, I sometimes speak too softly. If I am, please remind me.

I think you do need to speak up a little bit.---Okay.

All right. And just wait until I've finished asking the question and then answer it.---Okay.

30 Just so we don't have issues with the transcript. Thank you. Can we go through to clause 3.7. All right, just read 3.7 and 3.8 to yourself, and I'll ask you a question.---Yes.

As at March 2013 you understood that those were your obligations as set out in those two clauses?---Yes.

And of course you understood that the reason why the code imposes specific obligations regarding development decisions is because development decisions can result in large benefits to developers, correct?---Correct, yes.

40 And they can also result in significant impacts on the local community, correct?---Yes.

Clause 4.1, go through to that. Clause 4.1 says “A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest in carrying out your public duty.” You understood that as at March 2013, correct?---Correct, yes.

And clause 4.2 says “You must avoid to appropriately manage any conflict of interest. The onus is on you to identify conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.” You understood that as at March 2013, correct?---Yes, yes.

10

Namely that you either had to avoid the conflict, correct?---Yes.

Or if you couldn’t avoid it, you had to appropriately manage it, correct?---Declare it.

Yeah. You understood that as at March 2013, correct?---Yes.

And of course the onus was on you to identify conflicts of interest as clause 4.2 says. You understood that in March 2013, correct?---Yes.

20

Go to clause 4.5 and just read that to yourself.---Yes.

You understood a pecuniary interest is, as is set out there, as at March 2013, correct?---Correct, yes.

And just read clause 4.7 to yourself. If you need it to be made bigger, just let us know.---No. I was just trying to lift it up because I have to drop down like this to read it.

30

I don’t know if we can adjust that screen at all. Can we raise that screen?---My wife had said to me “Sit up when you”, yeah. So I now, but I – yeah.

We’ll see what we can do.---If it’s possible. Oh, yeah, that’s much better.

Thank you.---Thank you. Now I can read it without having to squat down.

Clause 4.7, just read it to yourself.---4.7?

Yes, please.---Yes.

40

As at March 2013 you understood those were your obligations?---Yes.

All right. Clause 4.10, please? Just read that to yourself, clause 4.10.
---Yes.

You understood what's set out there as at March 2013, correct?---Yes.

And read clause 4.12 to yourself.---Yes.

You understood the matters set out there as at March 2013, correct?---Yes.

10

Namely, even if the conflict wasn't significant, you still had to disclose it fully and in writing, correct?---In writing inasmuch as it's, it's written into the minutes. So you could actually, as, if anyone's looked through my records, you'll see that I did it lots of times, I'd declare a non-pecuniary, non-significant interest.

Yes. One occasion you did that was when, I think, you lived across the road from a proposed development on Dora Street. Is that right?---Yeah, yes.

20 So that's a rather cautious approach to declaring interests, correct?---Yes.

And that was your practice generally, to adopt a cautious approach when assessing conflicts of interest, correct?---Yes.

And in decided whether to declare them, correct?---Yes. Other things, the community groups, I was a member if, still am, Lugarno Lions, and some other community groups so I'd declare those as non-pecuniary and non-significant if something came up to do with them.

30 Yes. Read clause 4.16 to yourself.---Yes. Yes.

As at March 2013, you understood your obligations were as set out in that clause?---Yes.

Namely, you had to either remove the source of the conflict if you could, or if you couldn't, have no involvement in the relevant matter. You understood that?---If you couldn't, you'd declare an interest and absent from voting.

40 Yes.---And leave the chamber.

Just read clause 4.17 to yourself as well.---Yes.

You understood as at March 2013 that was your obligation, correct?---Yes.

Move to clause 5.1. Just read clause 5.1 to yourself.---Yes.

And you understand, or you understood as at March 2013 that when that clause says “gifts, benefits or hospitality”, that would include someone paying for your airfares, for example, you understood that?---Yes.

10

That would include someone paying for your accommodation, you understood that?---Yes.

All right. And clause 5.5, just read that to yourself. Let me know when you need us to turn the page.---Yes, thanks. Yes.

As at March 2013, you understood that your obligations were as set out in clause 5.5, correct?---Correct.

20 If we go back to the previous page, paragraph (c) of that clause has two elements. First, you can't accept a gift or benefit that may create a sense of obligation on your part, correct?---Correct.

And secondly, you can't accept any gift or benefit – if we go over the next page. Just bring that 5.5(d) up, please. Sorry, go back to the previous page. I misled you. And secondly, you can't accept any gift or benefit that may be perceived to be intended or likely to influence you in carrying out your public functions.---Yes.

30 You understood that as at March 2013, correct?---Yes.

All right. So let's – you can take that down, thank you. By 2013, you'd obviously been on council for about 12 years, correct?---Yes.

And you'd had a lot of experience on council considering and determining development applications, correct?---Yes.

You interacted with applicants for development applications a number of times, whether that be at council meetings or otherwise, correct?---Yes.

40

And you're aware that an applicant for a DA might own the land or someone else might own it?---Yes.

Yep. And you understood that as at 2013, correct?---Correct.

And you also understood that the applicant might instruct expert planners to prepare a development application, correct?---Yes.

10 You also understood that there could be another party investing in the proposed development, correct?---Yes.

And you understood there might be another party contracted to build the development if it goes ahead, correct?---Yes.

All right. And you've already accepted that you took a cautious approach to assessing and declaring conflicts of interest, correct?---Yes.

All right. Can I just ask you about Philip Uy?---Yes.

20 You know Philip Uy, of course?---Yes.

Did you know him as Faye or not?---No.

No. You knew him as Philip?---Yes.

All right. You've known him - - ?---Only found, only heard Faye when this started.

30 All right. Can you say when you first met Philip Uy?---No, I can't recall.

Can you say the circumstances in which you first met him?---I can't recall but I can remember reading something saying that Clifton Wong introduced me to him.

I'm not sure about that but, in any event - - ?---Well, I'm not sure, I'm not sure about that, either. That, that's - - -

40 I'm not sure if that was the evidence, I should say, but leaving that to one side, you've known Philip Uy since at least 2007. Correct?---Probably. I, I, I honestly can't remember the exact time.

All right. But that sounds roughly accurate?---Roughly, could be right.
Yes.

Okay. And at that time, you knew he had a real estate agency in Hurstville.
Correct?---I knew that or I thought he worked for a real estate agent, at
least. I didn't know that he actually owned a real estate agency.

Okay. You knew that was Hurstville Real Estate?---I can't remember the,
the name but, yes, I think that's the one that I would have known at the time.

10

All right. And from 2007, you travelled to China fairly regularly. Correct?
---Correct. Yes.

Sometimes as much as three to six times a year?---Yes.

And some travel records show you flying into Hong Kong but did you
generally travel on to China or did you stay in Hong Kong?---It depends. I,
I was actually invited to a number of conferences over the years. I, I, and
that would be all over the place. So I had one conference which was up in
one of the north-eastern, not Beijing but near there, so, yeah, I went to
different, different places.

20

Sometimes China, sometimes Hong Kong. Correct?---Depending again on,
on the airfare. Sometimes it was cheaper to go to Hong Kong and then get
an internal flight from Hong Kong. If I was going to the southern part of
Hong Kong, of China, you'd just catch a train from Hong Kong.

Okay.---Guangzhou.

30 And Philip Uy had apartments in China and Hong Kong. Correct?---I don't
know that I was aware of the Hong Kong at the time, but, yes, I knew he
had an apartment in China.

And, in fact, you bought an apartment in the same block as one of his
apartments in China. Correct?---That's correct. Yes.

You bought that in 2009?---Yes.

And Philip Uy introduced you to the real estate agent. Correct?---Yes.

40

And when you travelled over to China, you would often call Philip Uy up and see if he was in town. Correct?---Yes.

Would you do that most times you travelled to China?---Not always. Sometimes I knew that he wasn't, he was in Australia or whatever else, so I wouldn't bother then.

But most times, you gave him a ring to see if he was around?---If I wasn't sure, I'd give him a ring, yes.

10

And, of course, you had his phone number, his Chinese phone number?---I would have then, yes. I can't remember it now, but, yes.

Okay. Can I ask, how did this relationship with Philip Uy evolve such that you'd get in touch with him from time to time? I mean, did you have something in common?---I guess we like eating and wine and things like that, yes.

Okay. That's all you had in common?---Yes.

20

Right. And so when you met up with him in China, you'd go out to lunch or dinner. Correct? Sometimes nightclubs. Correct?---Yes.

A bit of karaoke?---Yes. He liked that, as well.

And from time to time, you hired escorts in China. Correct?---Yes.

30

Okay. And I think you've described these to the Commission before as boys' weekends. Would you still call them that?---That was something one, at one of the interviews at home and I was trying to think of what it was, my answer didn't seem to be understood exactly or that's the feeling I got at the time, so I thought probably the best way of saying it would be, like, a boys' night out, yes.

Okay. And, of course, Philip Uy was aware that you hired escorts from time to time. Correct?---Correct. Yes.

40

And you hired different escorts from time to time?---I tended just to stick with a couple of people who I knew after I'd got them as an escort in the first place and then just contact them.

All right. Well, let's say around about 2013 were you seeing different escorts from time to time?---I honestly can't remember exactly when I was seeing different escorts. I can say that most of the time I would choose a couple of, one or, one or other of ones that I had been out with before.

All right. At a certain point you formed a relationship with someone called Wang Hui, correct?---Wang Hui, yes, from, in Australia.

Yeah. She was based in Australia, is that right?---Yes.

10

Yeah. And when did that relationship – well, when did you become partners?---I can't remember specifically. At the time we, I met her through another friend of mine in Australia who had a, a massage place in, in the city near where I worked.

All right. Yeah, at the moment you don't need to tell me the circumstances in which you met her, I'm just asking when did you become partners, what point in time?---Again, I can't remember exactly. A couple of years later, probably but I'm not really sure.

20

Well, was it around about 2014?---Yeah, that sounds probably about right because prior to that, yes, I was seeing her but my wife, past wife was still alive.

Your wife passed away in February 2014, is that right?---Yes, that's why when you said 2014 it suddenly dawned on me that it would have been after that. Yes.

Yeah. Your wife had been very ill for many years before that?---13 years.

30

Yeah.---Or more, about 20 years, breast cancer, but the last seven years were with terminal breast cancer, mmm.

All right. So I take it around the time you formed that relationship with Wang Hui, you stopped seeing escorts in China?---Yes.

Okay. And I take it that when you hired escorts in China, that's not something you discussed openly with your family and friends back in Sydney, correct?---Yes, correct.

40

All right. But you were obviously comfortable sharing that information with Philip Uy, correct?---Yes.

And in fact sometimes you went out to dinner with escorts with Philip Uy there, correct?---Yes, yes.

Okay. On your trips to China where you met up with Philip Uy, sometimes Vince Badalati was there as well, correct?---Oh, sometimes, yes.

10 And the two of you would spend time with Philip Uy together, correct?
---Yeah.

And that practice you had of meeting up with Philip Uy from time to time in China, that continued until about 2016, correct?---I think so. I, I, I'll take your word for it. I can't remember.

Can I ask, did Philip Uy, did he provide you any assistance in booking the escorts?---When we'd go to a place where they had escorts, it wasn't a matter of booking an escort, you picked somebody out of a group of girls.
20

All right. And did he tell you the places you should go to do that?
---Occasionally I went with him, I think, from memory.

All right.---And when I, when I had a couple of people that I liked I would just send him a message on WeChat saying I'm coming to China.

Okay. You said you didn't discuss with your family and friends back in Sydney openly that you were hiring escorts in China. I take it if that information had gotten back to them say around 2013 you would have been embarrassed about that?---Yes.
30

Okay.---That's also why I ended up going towards just keeping a couple of ladies. I didn't really like that aspect of just going and finding someone then, just short one night stand type things. That wasn't part of what I did.

All right, all right. From at least 2013 you considered Philip Uy a friend, would you agree?---A, a friend, yes. Acquaintance friend, yes.

You say acquaintance friend. Was it an acquaintance or a friend?---He was a friend. In retrospect I think he was using me as well, but yes.
40

Why do you say he was using you?---Oh, just with the things that have happened since. I would openly talk with him, him about things that I could openly talk about and - - -

You mean council matters?---Yeah. But not, not if it was something that I couldn't, but certainly about the way council worked and things like that. I saw that as just being informative. I, I was trained as a teacher, so it's sort of like another aspect of teaching. But I think some of that information was used later to his advantage.

10

Okay. I'll ask you a bit more about the detail of those discussions later.
---Yep.

You've also told the Commission before that you sometimes acted as a "walking reference" in China. What did you mean by that?---I was trying to explain the title of emeritus mayor, which, as you pointed out, I am entitled to use for the rest of my life. A mayor in China has more power than a Premier of a state in Australia. It's a very powerful position. And in fact a mayor's, a mayor in China can be more powerful than some of the people who are actually on the – I forget what that's called, but the national parliament type thing. So, yes. If someone, a Chinese person knows a mayor from Australia, well, then that raises them up in the, in the system, so to speak.

20

All right. And did you ever perform that role for Philip Uy, that is a walking reference for him?---Well, when I went over with, when I met him over there, he obviously was able to say that Philip Sansom is emeritus mayor.

30 And you saw him do that from time to time?---Yes.

And what sort of context was he doing that, introducing you to business contacts that he had in China? Is that what you understood?---I guess so. It was usually just at a dinner, yes.

But you understood that he had business contacts at that dinner, is that right?---Not always, because sometimes I thought they were just his friends.

Okay.---But that's what I meant by the walking reference.

40

I understand.---Yeah.

Okay. When you caught up with Mr Uy in China, I take it he paid for your meals from time to time when you went out to lunch or dinner?---The Chinese culture, if you've invited someone to dinner, you would pay. So I'd invite him to dinner at another time and I'd pay.

All right. So sometimes he paid for you in China, sometimes you paid for him?---Yeah.

10 And did the same happen when you caught up in Sydney?---Yes. We didn't actually go out very often in Sydney to restaurants, from memory.

It was more catch-ups over coffee, is that right?---Yes.

Okay. Okay. You obviously have Mr Uy's Australian mobile phone number in your phone?---I'm not sure that I do anymore now.

You did as at 2013?---I would have then. Yes, I would have then, yes.

20 And he obviously had your mobile phone number as at 2013?---Yes.

Okay. Can I ask you about Wensheng Liu? When did you first meet him? ---I honestly can't remember. I think it was him who apparently I was on the same flight back to China on one occasion.

You're talking about the flight in March 2014?---Yeah, that's what I meant.

30 Yeah, I'll ask you about that later.---But I, I really didn't know him very well at all. He didn't speak English and he was, I knew that he was an acquaintance of Philip. But other than that - - -

Was that how you met Wensheng Liu through Philip Uy?---Yes.

And you say you didn't speak English. Wensheng Liu speaks some English, just not particularly well, is that right? You were able to converse with him in English to some extent?---Some extent but I very seldom conversed with him.

40 And when did you first meet Wensheng Liu?---I cannot remember.

All right. But it must have been either around or before the time that you flew to China together in March 2014, correct?---Yes, I think it would have, it was, but I think it was only not very long before that.

Okay. And can you, did Philip Uy explain why he was introducing you to Wensheng Liu?---No.

Did you have an understanding as to why he was introducing you to Wensheng Liu?---He was a friend of Philip.

10

Is that what, is that what Philip Uy said?---No, that's what I thought.

Okay. Are you familiar with a property known as the Gloucester Road car park in Hurstville?---Yes.

That's bounded by Gloucester Road, Carrington Avenue and Garthons Lane in Hurstville, correct?---Correct, yes.

20 Can I show you volume 7.22, which is Exhibit 184? You can see this is dated 20 October, 2011. It's addressed to the General Manager of Hurstville City Council and you'll see the subject line there is "Expression of interest to purchase or joint venture redevelop council owned land", namely the council car park and it says there "We act on behalf of GR Capital Pty Ltd".---Yes.

Have you seen this letter before?---Quite possibly because it went to the general manager and sometimes he forwarded these on.

30 But you don't have a recollection of reading this letter around October 2011, is that right?---To my knowledge, yes.

Okay. But did you become aware around October 2011 that an expression of interest had been lodged for the Gloucester Road car park?---I can't recall. Not specifically in that - - -

Okay. Were you aware around this time, October 2011, that Wensheng Liu was associated with GR Capital Pty Ltd as is referred to in this letter?---I don't recall. I don't think so but I don't recall. I don't want to say I definitely didn't if - - -

40

All right. Were you aware as at October 2011 that Philip Uy had some involvement in the Gloucester Road car park?---No, I was not, not aware.

Okay. I'll show you volume 7.23. This is a letter in response from Hurstville City Council dated 25 October, 2011. You'll see it acknowledged the EOI that I just showed you and the cheque received in the amount of \$800,000. Do you see that in first paragraph?---Yes.

10 But then it goes on to say, "Council has very strict probity guidelines" and the cheque is returned. Do you see that?---I, I hadn't got down to the cheque being - - -

Oh, okay.---- - -attached. Yes.

Did you see this letter around this time?---I don't recall.

20 Do you have any recollection of being aware that the cheque had been returned?---Again, I, I, I'm not sure. I got on well with Jeff Tripp, the director of administration, and also with the general manager. So - - -

All right. Possible you had a conversation about it but you can't remember?---Yes.

Okay. I'll show you volume 7.24, Exhibit 186. Can you make that a little bit bigger, please?---That's better.

You'll see it starts under the heading Executive Summary "An unsolicited offer was received from a developer." Do you see that?---Yes.

30 And under Report Details it says, "An unsolicited proposal was received from SPD Planning on behalf of GR Capital Pty Ltd to purchase council's Gloucester Road car park." Do you see that?---Yes.

And then "A resolution is proposed that the site be taken to market via an expression of interest, selected tender process." Do you see that at the bottom?---Yes.

And you see that you moved that motion?---Yes.

40 So you were obviously aware at this time that an EOI had been lodged by GR Capital Pty Ltd, correct?---Yes, correct. Yes.

Okay. But you still don't recall having any –well, do you recall having any discussions around this time with Philip Uy about the Gloucester Road car park?---I do not, not recall.

Recall having any discussions with Wensheng Liu around this time?
---Definitely not.

10 Sorry, you're saying you just don't remember or are you denying that you had?---No, with Wensheng Liu I don't remember having any discussions with him.

Okay. Is it possible and you've just forgotten?---It is possible.

Okay. All right. Can you remember why you proposed that it be taken to an expression of interest selective tender process?---'Cause that's the process that you use if you think it's something worth looking into.

20 You obviously thought that some benefit to council could potentially be derived from selling the land?---Yes.

All right.---And the person who seconded it wasn't one of my supporters particularly, so it must have - - -

Okay. Can I show you volume 7.5. 7.5.---Ah hmm.

That was the wrong document. I'm bringing up the right document for you now.---It has just disappeared.

30 All right. This is a list of tender submissions. It says the tender box is open in view of the public and it relates to the Gloucester Road car park.---Yes.

And it lists the tenderers, and you'll see that includes GR Capital Pty Ltd.
---Yes.

Do you have a recollection of seeing this document around this time, March 2012?---I don't but I would imagine that this would have been tabled at a council meeting or even to councillors.

40 So was that the practice at the time, that once tenders were received the council would be informed in some way as to who had submitted a tender?

---Yes. But not necessarily at an open meeting. It might be at a closed meeting.

Okay. So you think it's likely you became aware around this time that GR Capital Pty Ltd had lodged a tender?---Yes.

Do you have an actual recollection of becoming aware of that around this time?---No, no.

- 10 Okay. But you think it's likely, based on council practices, that you did?
---Based on council practices and the date of this, yes.

Okay. And again, do you remember having any discussions with Philip Uy or Wensheng Liu about the fact that they'd lodged a tender or that GR Capital had lodged a tender?---No.

Okay.---As I said, at this time I'm not even sure that I realised that GR Capital was them.

- 20 Okay.---But again, trying to jog my memory, so to speak.

All right. I will tender volume 7.5. That's Exhibit 255.

THE COMMISSIONER: Thank you.

#EXH-255 – VOLUME 7.5

- 30 MS HEGER: Can I show you volume 7.25, which you'll see under the heading Resolution there's a proposal there. Can we scroll down? I might have shown you the wrong one. Sorry. Bear with me a moment. I'll show you 7.26. I apologise. Which is Exhibit 189. It says a rescission motion has been received from Councillor Sansom and others.---Yes.

Seeking to rescind a previous motion, a previous resolution, no, previous motion it says and then in italics, it quotes the previous resolution. You see that?---Yes.

- 40 And the previous resolution was that council accept the tender of Deicorp Pty Ltd. Do you see that?---Yes.

Which obviously means GR Capital wasn't successful in this tender process. You understand that?---Yes.

Okay. If we scroll down, go down to the bottom, please. Is there another page? You'll see the motion was moved by Councillor Wong and seconded by you?---Yes.

10 If you scroll back up, please? Did you have any discussions with Philip Uy or Wensheng Liu about this rescission motion around this time?---Don't recall.

It's possible. You just can't remember. Is that right?---It's, it's possible
- - -

Okay. Can you remember why you moved to rescind that previous motion?---No.

20 All right. Are you aware some evidence has been given in this inquiry that Philip Uy paid \$10,000 to Councillor Hindi in respect of the Gloucester Road car park?---No. I mean, I, I've read it, but - - -

You're aware of that evidence?---Now.

Yeah.---No, I wasn't at the time.

Did you know anything about that - - -?---No.

- - - prior to it being addressed in evidence in this inquiry?---No.

30 So you don't know anything about Philip Uy giving money to Mr Hindi in respect of the Gloucester Road car park. Is that right?---That's correct. Yes.

Okay. Take that down, please. Can I show you volume 10.1 which is Exhibit 139? You've seen this article before. Correct?---Long time ago.

You read this article around about September 2012. Correct? If you need a moment to read it - - -?--- More than likely.

40 - - - please do so.--- Yeah, I, if that's all right? Thanks.

Yes.---Yes.

You read this article around about September 2012, didn't you?---I would imagine I would have, yes.

Well, do you have a recollection of reading it?---Not now.

Not now, but you think it's likely you did?---Yes.

10 Okay. You see it refers to a development at 260 Belmore Road - - -?---Yes.

- - - in the third paragraph there? And it says council voted on that in 2009. Do you see that? In the third paragraph, council voted seven to four.---Yes.

You were of course on council at the time and so you voted in, did you vote in favour of this development?---I believe so.

20 Okay. And it notes in a couple of paragraphs down that the applicant was Tiy Loy. Do you see that?---Which paragraph, sorry?---It, it starts "Council development assessment officer wrote in the Tiy Loy development application." Do you see that?---Yes.

And it then goes on to say, it refers to a company Shun Li in the second-last paragraph. Do you see that?---Yes.

It says that that company donated to Mr Badalati's election campaign. Do you see that?---Yes.

30 And then it says that that company is held 70 per cent by Tiy Loy. Do you see that?---Yes.

And it goes on to say somewhere that Ching Wah Uy is the director of Shun Li. Maybe on the next page. Yes. The fourth-last paragraph, it says "The current director of Shun Li is Ching Wah Uy". Do you see that?---Ah hmm, yes.

And so it's likely around this time you learned that Philip Uy was associated with 260 Belmore Road, correct?---Yes.

40 Can I just show you transcript – we'll just take that down for a moment and I'll show you transcript page 38, public inquiry transcript. I'll just ask this

question and we might adjourn. So this is a transcript of Mr Badalati's evidence given in this public inquiry. You understand that?---I do now, yes.

Yes. So at line 20, I asked Mr Badalati, "So you said you did understand, though, that Mr Uy was associated with the development in some way." And I'm referring to 260 Belmore Road. And I went on to say, "What did you understand as at 2009 to be the nature of his involvement with that development?" Mr Badalati says, "I think I was told by Mr Sansom." I say, "Philip Sansom?" And he said, "Yep. At the time, that Philip Uy had
10 something to do with the development." And I said, "Did he elaborate on what exactly Mr Uy's involvement was with that development?" Mr Badalati said, "I think he told me that it was his company that was putting in the application for the extra half a storey." And so he's describing what he thinks you said to him. Now, did you tell Mr Badalati that Philip Uy was involved at 260 Belmore Road around this time, 2009?---I don't recall. I don't recall now.

You don't recall one way or the other?---Yeah.

20 Okay.---I do remember the development 'cause I actually thought it was a good development.

Yeah. And did you know as at 2009 that Philip Uy was involved in that development in some way?---To the best of my ability, no.

Okay. But you said you weren't sure whether you told Mr Badalati that, so you're not really sure one way or the other whether you knew about Philip Uy's involvement. Correct?---I don't recall, I don't recall knowing that he was and so therefore I don't recall telling Vince Badalati that I, that he was
30 involved.

All right. Is that an appropriate time, Commissioner?

MR SHARIFF: Commissioner, sorry.

THE COMMISSIONER: Yes.

MR SHARIFF: I'm unable to be here on Monday, which I've conveyed to Counsel Assisting. I mean, no disrespect either to - - -
40

THE COMMISSIONER: Can you just move the microphone a bit closer?
Thanks.

MR SHARIFF: I mean no disrespect to you, Commissioner, that I couldn't
be here on Monday whilst my client's - - -

THE COMMISSIONER: Yeah.

10 MR SHARIFF: - - - completing his evidence but if he does slip over to
Tuesday, I might return for any re-examination if any arises, but I didn't
intend to just leave without letting you know, Commissioner.

THE COMMISSIONER: Thanks so much. No, that's understood. Now,
this afternoon?

MS HEGER: Yes. There's a private session this afternoon, Commissioner.

20 THE COMMISSIONER: So we'll adjourn the public hearing till Monday
morning?

MS HEGER: Yes.

THE COMMISSIONER: Or that aspect of it, the public - - -

MS HEGER: Yes.

THE COMMISSIONER: All right.

30 **THE WITNESS STOOD DOWN** **[1.04pm]**

LUNCHEON ADJOURNMENT **[1.04pm]**