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INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GALLEY

Reference: Operation E19/0569

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 19 JULY, 2022

AT 2.00PM

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

THE COMMISSIONER: Take a seat.

MS HEGER: Mr Badalati, after you attended the signing ceremony in Tangshan you stayed another night in Tangshan, correct?---Correct.

And then you checked out of the Tangshan hotel, correct?---Correct.

10

And Mr Hindi and Mrs Hindi checked out around the same time, did they?
---Yes.

All right. And when you went to the reception of the hotel you found out that the accommodation had already been paid for, is that right?---Correct.

And who had it been paid for by on your understanding?---I believe it was China Liu.

20 All right. And what happened then?---Nothing. I just went outside.

All right. Well, there's been a suggestion that you then had a conversation with China Liu's staff about the question of payment. Did that happen?
---No, it didn't.

Did you give China Liu's staff any cash at the hotel in Tangshan?---No.

Did you see Mr or Mrs Hindi give any cash to China Liu's staff in the Tangshan hotel that morning?---I, I didn't see anything.

30

All right. I'll come back to that topic in a moment. Just following the sequence of events, you then travelled back to Beijing, correct?---Correct.

You stayed again at the Beijing International Hotel, correct?---Correct.

Philip Uy paid for your hotel on that occasion again?---Yes.

And you didn't reimburse him for that, did you?---No.

40 Do you know whether Mr and Mrs Hindi did?---I don't know.

All right. In April 2019 The Sydney Morning Herald published an article about this trip to China, didn't they?---Correct.

And on one view there was a suggestion in that article that China Liu had paid for your travel expenses on this trip to China, correct?---Correct.

And you then commenced defamation proceedings against The Sydney Morning Herald about that article, correct?---Correct.

10 You served a statement of claim?---Correct.

And in that statement of claim it was alleged that you had paid for your own flights and accommodation on this trip to Tangshan in April 2016, correct? ---Sorry, could you repeat that because - - -

In that statement of claim it was alleged that you had paid for your own flights and accommodation on this trip to Tangshan, correct?---Correct.

20 And you don't have to tell me the nature of the settlement reached but you ultimately reached a settlement with The Sydney Morning Herald. Correct?---Correct

And The Sydney Morning Herald then published an apology about that article. Correct?---Correct.

Mr Hindi also commenced proceedings against The Sydney Morning Herald about that article, didn't he?---After I had settled, yes.

30 All right. And do you understand that he also reached a settlement with The Sydney Morning Herald?---I do.

Right. Can I show you volume 3.11 which is MFI 52? All right. You've seen this document before, haven't you?---I have.

So this is a statutory declaration by Wong Ching Ho in which it's said that you paid 4,000 RMB to China Liu's staff. Correct?---Correct.

But that didn't happen, did it?---No.

40 All right. You asked Philip Uy to arrange this statutory declaration, didn't you?---I did.

And you understand that Wong Ching Ho is the same person as Tommy Wong?---Yes.

And you know that person is Philip Uy's brother. Correct?---I do now. I, I didn't - - -

You didn't know that at the time?---At the time, I, I thought he was just a friend.

10

Okay. So you didn't know that at the time of this statutory declaration, that is, May 2019?---No.

All right. And at this point, did you have a conversation with Tommy Wong about the contents of this statutory declaration?---No.

Did you have a conversation with him at some later point?---No.

20 Well, Philip Uy has given some evidence that he was present when you spoke to Tommy Wong on the phone about this statutory declaration. Do you deny that?---I do.

You deny that you had a conversation on the phone with Tommy Wong about the statutory declaration. Correct?---Correct.

Okay. So who told Wong Ching Ho to put in this statutory declaration that you had paid China Liu's staff an amount of money, do you know?---I said it to Philip Uy.

30 You told Philip Uy that you had paid China Liu's staff 4,000 RMB?---Yes.

Okay. And then your understanding is Philip Uy passed that on to Tommy Wong?---Correct.

Were you actually present when Philip Uy passed that on to Tommy Wong?---No.

Did he tell you that he'd passed that information on to Tommy Wong?---I think he did.

40

Okay. So then this statutory declaration is prepared. Was it sent directly to you or did it come to you via Philip Uy?---It came via Philip Uy.

Right. And did Philip Uy hand you a hard copy or did he send it to you in some way?---He handed me a hard copy.

All right. I'll tender that.

THE COMMISSIONER: Thank you.

10

MS HEGER: That will be Exhibit 281.

THE COMMISSIONER: Thank you.

#EXH-281 – VOLUME 3.11

MS HEGER: Can I show you volume 2.18, page 3, which is Exhibit 245?
20 So this is a photograph that was found on Philip Uy's phone and the date of it, as you'll see in the bottom, is 7 June, 2019.---Yeah.

You see it's a photograph of a piece of paper with some typed words on it?
---Yes.

And you see that it has some similarities to the statutory declaration that you just saw - - -?---Yes.

- - - but also some differences?---Yes.

30

And the difference being it now says Mr Badalati paid 2,000 RMB. You see that?---Yes.

And it also now mentions Mrs Hindi paying 4,000 RMB. Do you see that?
---Yes.

Now, have you seen these typed notes before?---I don't believe so.

Well, do you know who prepared them?---I'm trying to remember if it was
40 me.

Sure. And if it helps, the date of this photograph predates the second version of the statutory declaration which I will come to in a moment.---The second version had the 2,000 instead of the 4,000.

Yes, yes.---Look, it could have been me.

You mean it could have been you who showed the document to Philip Uy?
---Who, yeah, or gave it to him or - - -

10 All right. But did you draft this document?---I honestly can't remember.
As I say it could have been me.

The document now refers to Mrs Hindi making a payment, and you recall the statutory declaration didn't include that detail before. Did you have a conversation with Mrs Hindi or Mr Hindi around this time about what should be going into the statutory declaration?---He, I think from memory he asked me - - -

20 "He" being?---Mr Hindi, what was in the statutory declaration and I showed, I think I gave him a copy of my one.

You mean the first version that refers to you paying 4,000 RMB?---No, no. The second version, I think.

Okay.---And I'm pretty sure I gave him a copy of it and then he may have used some of it for his defamation claim.

30 Okay. But did Mr or Mrs Hindi ever suggest to you that there should be a reference to them and them making a payment in the statutory declaration?
---No.

All right. So you're not sure who drafted this document, it could have been you?---Well, I don't think it was me because, just reading it again, in the one that I asked Philip Uy to get for me, there was no mention of the Hindis.

Yes. So do you have any idea how this document came about? Did you come up with the idea yourself that there should be a reference to Mr and Mrs Hindi in the second version?---No.

40 So where did that suggestion come from?---Well, I can only assume that they did it.

That they made that suggestion, you mean Mr and Mrs Hindi?---Yes.

All right. But you don't have a recollection of having such a conversation with them?---No. I do recall that I gave him a copy of my one, of the one I have got.

And you still think that was the second one which I will show you in a moment. Is it possible it was the first one?---It could have been, possibly.

10

All right. And do you have a belief sitting here now as to who actually drafted these notes that you see in the photograph?---I don't. At first I thought it may have been me, but with the Hindis mentioned there, I now believe that it wasn't me.

All right. And it wasn't Philip Uy who drafted this document, was it?---I don't think so.

20 Well, on your understanding he doesn't have the level of English necessary to draft a document of this kind, is that your understanding?---It is.

All right. Well there's only, as far as you're aware, there's only really one other possibility as to who could have drafted this document, isn't there, and that's Mr or Mrs Hindi, correct? I did say I assumed it was them.

Yeah, yeah, but you can't think of anybody else - - -?---No.

- - - who might have drafted it, can you?---No.

30 Okay. Can I show you then the second version of the statutory declaration, which is volume 3.12, which is MFI 53. All right. So the date of this second statutory declaration, if we go to the second page, is 19 June, 2019. So that's after the date of the notes I just showed you.---Yep.

And if we go back to the top, you'll see that it now refers to yourself and Mr and Mrs Hindi in the first paragraph.---Yes.

And then in the second paragraph it refers to you paying 2,000 RMB and Mrs Hindi paying 4,000 RMB.---Yes.

40

All right. And now just to be clear, you didn't pay China Liu staff any cash at the hotel this day, correct?---Correct.

And so this statutory declaration is false to the extent it says that you paid 2,000 RMB to China Liu's staff, correct?---Correct.

And you obviously knew that at the time that you received this statutory declaration?---I did.

10 And it refers to Mrs Hindi paying 4,000 RMB, and I think you've already said you didn't witness Mrs Hindi paying any money - - -?---No.

- - - at the accommodation that morning, correct?---Correct.

Can you tell me how this second statutory declaration came about? Who asked for it to be generated?---The second one?

Yeah.---I did because the first one was, in my mind back then, it was incorrect because I've had 4,000 from me.

20

Right. And you worked out that 4,000 RMB wasn't a plausible amount for you to have spent on accommodation in Tangshan, is that right?---Correct.

And that's why you asked for it to be changed to 2,000?---Yes.

All right. And you asked Philip Uy to arrange that change, did you? Or did you speak to Tommy Wong directly?---No, I spoke with Philip Uy.

30 All right. And you said to him the 4,000 RMB amount in the first statutory declaration needs to be changed to 2,000 RMB or something to that effect, correct?---Correct, yes.

And did you also tell him there needs to be a mention of Mr and Mrs Hindi in the - - -?---No.

Well, do you know who did tell him that?---No.

Can you think of anybody who might have told him that other than Mr or Mrs Hindi?---Again, that would be an assumption on my part. But - - -

40

You can't think of anybody else who might have done so?---No. No.

Okay. And then obviously Mr Wong went ahead and prepared this statutory declaration. Was it sent to you directly or via Philip Uy?---Via Philip Uy.

All right. Did he give you a hard copy or - - -?---Yeah, yes.

Okay. When you were making these arrangements with Philip Uy, did he know that you hadn't actually paid any money to China Liu's staff in Tangshan?---I think so.

10

Did you actually say that to him?---No.

So why do you think he knew that you hadn't paid any money?---Oh, 'cause I think, well, China Liu picked up all the costs in Tangshan.

All right. But – well, tell me how the conversation with Philip Uy went. You said it needs to say 2,000 RMB in the second statutory declaration, correct?---Correct.

20

But did you ever tell him "I didn't actually pay any money to the staff in Tangshan"?---I don't recall if I told him or not. The way it came about, my lawyers have asked if I had any receipts, and I asked Philip Uy if he could get receipts for the flight from Shenzhen to Beijing and also the accommodation in Beijing.

Okay. And you also asked him to arrange the statutory declaration?
---Correct.

30

There's been evidence from, well, Philip Uy I think gave evidence that he saw you give something to China Liu's staff in the lobby that morning. Did you give anything to China Liu's staff in the lobby that morning?---No.

Did you see Mr and Mrs Hindi give anything, money or otherwise, to China Liu's staff in the lobby that morning?---No.

I'll tender volume 3.12. That'll be Exhibit 282.

THE COMMISSIONER: Thank you.

40

#EXH-282 – VOLUME 3.12

MS HEGER: So what did you do with this second statutory declaration once you received it?---I took a copy to the lawyers.

The lawyers who were acting for you in the defamation proceedings?
---Correct.

You gave it to them?---Yes.

10

Right. And is it your understanding they provided it to The Sydney Morning Herald?---I don't know if they did or if they didn't.

Okay. Now, you said earlier that you gave a copy of the statutory declaration to Mr Hindi. Correct?---Correct.

Now that we've been through both versions, can you say whether it was the first version or the second version or both?---It, I definitely gave him one copy. I don't recall if it was the first or the second version. I would have
20 thought it'd be the second version but - - -

Another possibility is you gave him the first version and he said, "Well, this doesn't make any reference to me. Could it be changed, so that it does make a reference to me and Mrs Hindi?"---No.

That's not what happened?---I, I, I don't recall that at all.

Okay. All right. Do you know what Mr Hindi did with the statutory declaration? Did he tell you whether he gave it to anyone?---No. I assume
30 he would have given it to lawyers but it's only an assumption.

But you don't know one way or the other. All right. You said that you asked Philip Uy to help you get receipts for the flight from Shenzhen to Beijing. Correct?---Correct.

Did he ever actually give you such receipts?---Yes.

And what did they say? Did they record that you'd given some cash to a travel agency or some sort of money?---No.

40

No. So what did he actually give you?---It was a copy of my ticket.

Right. The ticket. I might just show you the ticket to confirm we're talking about the same thing. Is that the ticket you're referring to?---Yes.

So Philip Uy provided you with a copy of this?---Yes.

Okay. I'll tender that. That'll be Exhibit 283 and that was volume 3.4.

THE COMMISSIONER: Thank you.

10

#EXH-283 – VOLUME 3.4

MS HEGER: Okay. And you also asked him to get some receipts for the Beijing International Hotel. Correct?---Correct.

20 I might just show you those, volume 3.12, page 3 and 4, I think it is? Can we just make that a little bit bigger, please? Can you see this has your name on it and it records an arrival date of – oh, we'll go back to the previous page, please. Yep. That page records an arrival time of 11 April, 2016. ---Right, yes.

So that was your first stay at the Beijing International Hotel on this trip, correct?---Correct, yes.

And is this the receipt that Philip Uy obtained for you?---He only obtained one. I think it was the one on the way up to Tangshan.

30 On the way up to Tangshan?---Yeah. In Beijing but, yeah.

Yep. Well, you see above the word "reference" it has 19 June, 2019. Do you see that?---Yes.

Yeah. Is that about the time that you asked Philip Uy to obtain receipts for the Beijing International Hotel?---Yes.

Okay.---Or just before then.

40 All right. And if we go to the next page, this is a different receipt. You see the arrival time is 13 April in the top right-hand corner?---Top – yes.

So, is this the receipt for your second stay at the Beijing International Hotel? That is on the way out from Tangshan.---Yes, it looks like it.

All right. And you see the date of that above the word “reference” is also 19 June, 2019?---Sorry, where’s that?

Just at about the middle of the page, do you see the little hand next to it?
---Oh, yes, yes.

10

So did Philip Uy obtain this receipt for you as well?---Well, as I said, he only obtained one that he gave to me.

All right. Do you know whether it was the first one or the second one?
---From memory I think it was the first one that you showed.

All right. And how did you get this second one?---He handed it to me.

Philip Uy did?---Yep.

20

What, back in Sydney or - - -?---Yeah, in Sydney.

Okay. All right. And the first one, how did that come to you?---He gave it to me.

We might be at cross-purposes. He gave you the one for 11 April, 2016?
---Oh, I’m sorry. This is the return one, is it?

So 11 April is on the way into Tangshan.---Yeah.

30

And that’s this one.---I think that’s the one he gave me.

Okay. He handed it to you in Sydney?---Yes.

And then the second one, 13 April, that came into your possession somehow?---I, I don’t think it did. I know I only got one.

Okay. Well - - -?---As I said earlier, I think it was on the way up.

40 All right. Just bear with me.---I could be wrong but - - -

Okay. I'll circle back to that receipt in a moment.

THE COMMISSIONER: Can I just ask you this, do we know what "Balance transfer 1828 to 1819" means?

MS HEGER: Well, you might be able to answer that question.---Sorry, you were asking?

10 THE COMMISSIONER: Yeah, yeah.---I believe that was the cost of it to be paid by room 1819.

Okay.

MS HEGER: As in the cost of your room was being transferred to another room so that somebody else could pay for it, is that your understanding? ---Correct, yes.

That somebody else being Philip Uy?---Correct.

20 For both the first and second stay on your understanding, correct?---(NO AUDIBLE REPLY)

Well, so this is the second stay and you can see it says "balance transfer" to another room?---Yeah.

Your understanding is that was a transfer to Philip Uy's room?---Yes.

And if we go back to the first one, 11 April, that also talks about a balance transfer to another room. Do you see that?---Yes.

30

And you understood that to be Philip Uy's room, is that right?---Correct.

Okay. Now, I'm told that in fact both receipts were found at your home. --- Right, okay.

So is it possible that you've just forgotten you got the second receipt?---It appears so, yes.

40 Okay.---I thought I only had one but obviously I had both.

Okay. And if you did have the second receipt, presumably you got that from Philip Uy as well?---Yes.

All right. I've already tendered those as part of 3.12. Now, I showed you that handwritten note of your expenses for the flight - - -?---Yes.

- - - and the InterContinental. You recall that?---Yes.

10 There was a deposit, a cash deposit into your personal bank account on 19 August, 2016, for \$9,000. So that was 19 August, 2016.---I take you at your word, yep.

Yes, well, let's assume that that's what happened.---Yep.

And you understand, of course, that the total on the handwritten note was about \$8,000?---Yes.

Was that \$9,000 payment connected to your expenses for this trip to China? ---No.

20

Do you know what it was for? Well, sorry, it was a cash deposit into your bank account. Do you know where the cash came from?---It could have been from my safe.

Okay. Well, the deposit was made on 19 August, 2016. As at that time, did you still have some cash in your safe from the 170,000-odd payments that you say Philip Uy made to you?---Yeah, I think I did, and I was paying for the lawyers at the time. Sorry, sorry - - -

30 Hang on. This is 2016.---2016. Sorry. Yeah, I would have had some cash.

Okay. So is it possible that that was just a deposit of the moneys that you'd been, you say you'd been paid by Philip Uy?---Correct.

Which you'd been progressively depositing over time in your bank account, correct?---Yes. I don't think the deposits started to, until a bit later. But I may have had one deposit then, one or two deposits then, to pay bills.

40 All right. Can I show you volume 2.24, page 8. MFI 63. Now, I can tell you this is a note that was found on an iPad that Mrs Hindi said she used. ---Right.

And I think she also said it was possible that Mr Hindi used it from time to time. Just have a read of the first few sentences to yourself, and then I'll ask you a question about it.---Yeah.

That rather reads like your account of your meeting with China Liu in your office at Hurstville City Council and then your - - -?---Correct.

- - - trip to China, doesn't it?---Correct.

10

Can you explain how this note came to be on an iPad that Mrs Hindi used and possibly Mr Hindi from time to time?---I had drafted a document which Mr Hindi asked for a copy of and I gave it to him. I'm just looking at when it was created here.

It says "created 13 May, 2019" and, well, I want you to assume this is not an email from you or a text message, rather this is a note that the user of this iPad has generated - - -?---Right. Yeah.

20

- - - on the iPad.---Yeah. Well, he may have copied it from what I gave him.

Can you think of why they'd be copying out your own account of your trip to China on their iPad, whether that be Mr Hindi or Mrs Hindi?---I don't know.

Well, another possible explanation is that Mr or Mrs Hindi drafted this first and then gave you a copy of it so that you could use it for your own purposes?---No, that's incorrect.

30

Okay. Well, you and Mr Hindi must have, well, around the time of that Sydney Morning Herald article, you and Mr Hindi must have had a discussion about that trip to China and the expenses for it. Correct?---We had a few, yes.

And was Mrs Hindi ever involved in those discussions?---I don't recall.

Okay. And as part of those discussions, did you reach an agreement with Mr Hindi as to what you should both say about the flight and
40 accommodation expenses for this trip to China?---Yes.

And so what did you agree upon?---That we paid our, all our own expenses, which is partly true 'cause, as I've explained earlier, but Philip Uy paid for the flights from Shenzhen to Beijing.

And was it your understanding from the conversation with Mr Hindi that Philip Uy paid for his flight from Shenzhen to Beijing and Mr Hindi never reimbursed him for that?---That I can't say because I wasn't with the two of them 24 hours a day.

10 Neither Mr or Mrs Hindi ever told you that they didn't pay any cash to Philip Uy for that flight?---No.

Did they actually tell you they did pay cash to Philip Uy for that flight?
---No.

And you didn't see them pay cash at the airport on that occasion, did you?
---No.

To anyone?---No.

20

All right. And what about the accommodation expenses at the Beijing International Hotel? Did you reach an agreement with Mr Hindi about that?---Yes.

And what was that agreement?---That we reimbursed Philip Uy.

All right. And do you know whether or not Mr or Mrs Hindi actually reimbursed Philip Uy for that stay at Beijing International Hotel?---I never, excuse me. I never saw them.

30

You didn't see them do it?---Do it.

Okay. But did either of them tell you that they never reimbursed Philip Uy for that stay?---No. No.

All right. Okay. And you reached an agreement about the expenses for the Tangshan accommodation?---Correct.

40

Being that you both paid for your accommodation?---Correct.

All right. But you knew – well, at that point you knew that Mr and Mrs Hindi hadn't paid any money to China Liu's staff in the lobby that morning, correct?---Correct.

Okay.

THE COMMISSIONER: Is that in evidence, that particular note?

MS HEGER: That's MFI - - -

10

THE COMMISSIONER: 63?

MS HEGER: 63. I will tender that page. That will be Exhibit 284.

THE COMMISSIONER: Thank you.

#EXH-284 – VOLUME 2.24 PAGE 8

20

THE COMMISSIONER: I don't want to know the exact amount of money but in those defamation proceedings you had to pay legal costs?---Yes.

Yeah. Were you paid a sum of money over and above what you had to pay in legal costs?---Yes.

Thank you.

30

MS HEGER: Can I show you volume 2.15, page 26? Moving onto a different topic now. All right. I'm just going to show you another document, volume 3.13. Earlier you referred to some notes that you had prepared of your trip to China. Is this what you were referring to?---I was, yes.

And you say you gave that to Mr Hindi at some point?---Yes.

When did that happen?---I think it was in 2019.

40

Around the time that you were commencing defamation proceedings?
---Yes.

Okay. So after the article in The Sydney Morning Herald had been published?---Yes.

Okay. I'll tender 3.13.

THE COMMISSIONER: Thank you.

MS HEGER: Sorry. Okay, all right. I'll just show you the last page of that volume. Is that your handwriting?---Yes.

10

Okay. And so it looks like these are annotations to the notes that I just showed you. So for example if you look at point 1 and then if you go back to the previous page I think you've put a number 1 next to a portion of the notes.---Yep, yes.

If we just scroll back - - -?---Sorry?

I'll just show you another page.---Oh. Okay, yep.

20 So you can – yeah.---Yep.

So you've put some numbering on this version of the notes.---Yeah, that's my handwriting.

Yep. And so what you've done is you've annotated this set of notes with the handwriting that we see at the end?---Yes.

30 We'll just flick back to that handwriting, please. And what were the circumstances in which you made these annotations? Why did it become necessary for you to do this?---Oh, quite often I write things down to remember.

But you've obviously prepared the initial set of typed notes for this trip to China.---Yes.

And something has prompted you to make these handwritten annotations. What prompted you to do that?---It may have been the defamation case coming up. I, I don't know when this was done but it is my handwriting.

40 Was it prompted by a discussion you had with someone?---Look, I, I don't recall that.

All right. That was Exhibit – yeah, 3.13 will be Exhibit 285.

THE COMMISSIONER: Thank you.

#EXH-285 – VOLUME 3.13

10 MS HEGER: Okay. Can I show you volume 2.15, page 26, which is MFI 56. All right. The date of this photograph was 7 June, 2016, and this photograph was found on Philip Uy's phone.---Right.

Is this a photograph of you at some hotel in China or Hong Kong, do you know?---It's the, in Shenzhen, the InterContinental.

All right. I'll tender that photograph. It's Exhibit 286.

20 **#EXH-286 – PHOTO AT VOLUME 2.15 PAGE 26**

MS HEGER: Can I show you the next page in that volume, page 27. So you obviously met up with Philip Uy on that occasion?---Yes.

This photograph was also found on Philip Uy's phone. It's dated 10 June, 2016. Is that your handwriting?---No.

Do you know whose handwriting it is?---No.

30

This isn't a record of your expenses for some trip to China or Hong Kong? ---I don't know.

All right. I'll tender that photograph. That'll be Exhibit 287.

THE COMMISSIONER: Thank you.

#EXH-287 – PHOTO AT VOLUME 2.15 PAGE 27

40

MS HEGER: Can I just ask you about some evidence that Adrian Liaw has given in this public inquiry?---Yep.

I'll just show you transcript page 249, line 15. All right. So here Mr Liaw is referring to a meeting that he says took place at the offices of The One Capital Group. You'll see there I said, "Is that on Forest Road, Hurstville?" He said, "It's Forest Road." And then he goes on to say that you were there and Mr Hindi was there. Do you have a – and he also says it was between late 2016 and late 2017. And if you want to read the, sort of the first half of the page – how about you just read the first half of the page to yourself?
10 ---Yep. Yep.

Did you attend that meeting?---I did, but my recollection is that it was just Mr Liaw, Philip Uy, Con Hindi and myself.

Okay. And Mr Liaw says, "I think that meeting, it was, from memory, it was a general intro of who they were and what that had done as councillors in supporting the, the rezone at the time when they were in council. And from my perspective it was a general intro, introduction meeting organised
20 by The One Capital Group." Is that your recollection of the discussion at this meeting?---Basically yes. I was asked to go by Philip Uy to meet the new owner.

Being Adrian Liaw?---Yes.

All right. And is it your recollection it was between late-2016 and late-2017? ---It could have been. I, I don't remember when it was but it, it could have been then.

30 Can you recall whether council was in administration when this meeting happened?---It could have been, yes.

All right, but you're not sure?---I'm not sure.

All right. Can you tell us anything else that discussed at that meeting?---No. It was just an introduction-type meeting.

All right. You made it clear that you supported the Landmark Square planning proposal, correct?---I, I made it clear I supported the hotel and
40 therefore the Landmark Square.

All right. And what did Mr Hindi say?---Oh, I, I don't recall. I'm sorry.

All right. Did he convey support for the hotel as well?---I know that he was in support of the hotel. Whether he mentioned it there or not, I don't recall.

All right. At this point what was your understanding of Philip Uy's involvement in the Landmark Square planning proposal?---I was very confused about his role.

10 But you believed by this point that he had some sort of commercial interest in the Landmark Square planning proposal, correct?---My memory is that I thought he had some involvement but I didn't know what it was.

Okay. But if he's arranging meetings between yourself and the new owner and Wensheng Liu, you must have suspected that he had some sort of commercial interest in the Landmark Square planning proposal, correct?
---Well, as I said, I, my memory is that Wensheng Liu was not there.

20 Oh, I'm sorry. Yes. It was just you and Adrian Liaw.---The mere fact that Philip Uy organised a meeting could have meant that he had involvement.

And you understood by this point that Philip Uy had a role in instructing the planners, Nigel Dickson, on the Landmark Square planning proposal, didn't you?---Yes.

All right. And again, that rather suggested that he had some sort of commercial interest in this development, didn't it?---Could have, yes.

30 Yeah. In other words he wasn't just some ordinary member of the public helping out a friend, was he? That was obviously by this point.---Exactly.

All right. Did Mr Hindi appreciate that at this time as well, as far as you know?---I think so.

And why do you say that?---He appreciated that Philip Uy had a role in - - -

Yeah. Well, specifically, did he - - -?---That was my impression.

40 It was your impression that Mr Hindi believed Philip Uy had some sort of commercial interest in the development?---Yes.

All right. And as we've already established both you and Mr Hindi met with Philip Uy from time to time about Landmark Square, correct?
---Correct, yes.

And you've also heard some evidence that Mr Hindi met with Nigel Dickson on at least one occasion, and Philip Uy regarding the Landmark Square planning proposal, correct?---I've heard the evidence, yes.

10 Yes. All right. Can I ask you – I'll just show you volume 14.4, again on a different topic, which is Exhibit 220. Right. This is an email from yourself
- - -?---Yes.

- - - to Bill Kritharas at Sparke Helmore?---Yes.

You arranged the introduction between Elaine Tang and Bill Kritharas. Correct?---No. What happened, Philip Uy asked me if I knew any planning lawyers and I referred him to Bill Kritharas.

20 Right. And then you've obviously emailed Bill to say Elaine Tang will be in touch with him. Correct?---Yeah. Correct.

And they then had a meeting, that is, Elaine Tang and representatives from Sparke Helmore. Correct?---I believe so, yes.

Did you attend that meeting?---No.

Elaine Tang's recollection was that you did.---I know.

30 You dispute that?---I dispute that.

Okay. Can I show you volume 1.6, page 148? And you see this is an email from Elaine Gencorp, which I want to assume is Elaine Tang, to a - - -?
---Yeah.

- - - new GR Capital address, and it has some handwritten annotations?
---Yes.

Is that your handwriting?---No.

40 Do you know whose handwriting it is?---I, I really don't.

All right. An email was ultimately sent to council that started with the words “I’m writing this to express our disappointment with the rezoning process” et cetera. I want you to assume that that’s what happened.---Right.

Did you have a role in advising Elaine Tang or Philip Uy about the contents of this email?---No.

Do you know if Mr or Mrs Hindi did?---I believe Mr Hindi did.

10 In relation to this particular email?---What I was told was that he assisted in doing a response to council or sending the email to council.

And who told you that?---Mr Hindi did.

All right. I might just show you the email as sent. That’s at page 158. And I should just ask, have you seen Mr Hindi’s handwriting before?---I have.

But you don’t recognise that as his handwriting?---Well, I’m not 100 per cent sure. That’s why.

20

All right. Well, based on your viewing of his handwriting in the past, could it be his handwriting?---It could be, I, I don’t know.

All right. So this is the email as was sent to council and you were CC-ed as well as Mr Hindi. You see that?---Yes.

And you see the first paragraph is similar to the handwritten annotation we saw in the previous draft “we’re writing to express our disappointment with the rezoning process”. You see that?---Correct. Yes.

30

All right. So just to be clear, Mr Hindi told you that he advised Philip Uy on the contents of this email. Is that right?---He didn’t say who he advised.

All right.---But he did say to me that he assisted with the drafting.

Of this email?---Whether it was this email or another email, I don’t know but it could have been this one.

Okay.

40

THE COMMISSIONER: But it was an email to, as you understood it, an email to council that expressed some concern in relation to how matters were progressing?---Correct.

Thank you.

MS HEGER: With the Landmark Square planning proposal?---Correct.

10 Okay. Can I show you volume 2.32, page 3. Exhibit 241. Okay, these are messages that were found on Philip Uy's phone.---Right.

And the first one is from the individual named there to Philip Uy, and it says, "If you can contact Vince, please tell him to help." And the second message says, "Message sent to me by Ah Mui last night." Do you know what that person's referring to when he says, "If you can contact Vince, please tell him to help"? Let's assume that's a reference to you.---No, I haven't seen that before at all.

20 Okay. Philip Uy in message number 3 then sends that person a picture of an ironing board with some cash on it.---Yes.

We'll just flick to that image now, which I think is at the end of this volume. Had you seen that image prior to this inquiry?---No.

Okay. Let's go back to the messages. All right. Message number 4. This person says, "To be given to me." And message number 5, Philip Uy says, "Fat and Middle East." I want you to assume that's a reference to yourself and Mr Hindi.---Yep.

30 And you see the date of these messages is July 2018.---Right.

And then message number 8, Philip Uy says to this person, "Middle East suddenly two weeks ago stop requested ... because the last meeting all things had been completed. However, the female arranged a group of people to turn it over. Big fighting last week. Middle East/Fat-Fat fought for their life ... yesterday's newspaper had a large paragraph." And again I want you to assume Middle East and Fat-Fat is a reference to Mr Hindi and yourself.---Yes.

Did Philip Uy pay you some money around this time, July/August 2018?
---The other day when this came up in evidence, well, before I answered it was 2016 that I got the - - -

Payment for Landmark Square.---Payment for Landmark Square. But it got me thinking, and it could have been 2018.

Could have been 2018 that you met at that park in Rhodes - - -?---Yeah.

10 - - - and you say Philip Uy gave you two bags of money?---Yes. I thought it was 2016 but I could have been completely wrong on that.

All right. Well, another possibility is that you were paid an amount in 2016 and another amount in 2018.---No. That did not occur.

All right. Still your evidence that you were only given one payment for Landmark Square, is that right?---Correct.

Of \$100,000, correct?---Correct.

20

All right.---I'm sorry, my timeline gets confused at times.

Yep. Well, there were a series of decisions made about Landmark Square. There was the council vote in April 2016 but then there were further decisions that you made when you went back onto Georges River Council, correct?---Went back, yes, yes.

30 And I want you to assume that in that message number 8, when it talks about the last meeting, that's a reference to a council meeting that took place on 23 July, 2018, when it was resolved to send an amended version of the planning proposal for Landmark Square for Gateway Determination.
---Right.

Does that assist you to remember the timing of the payment for Landmark Square?---It, it doesn't but just going on the previous message where he said the money was for me and for Con Hindi, it leads me to think that it was 2018.

40 Okay. Well, it also refers in message number 8 to the amount being, the money being requested. Do you understand that Mr Hindi requested an amount of money at any point?---I've got no idea, sorry.

Did you request an amount of money of Philip Uy?---No, no.

All right. Can I just ask you a couple more questions about that meeting in Rhodes where you say Mr Uy gave you the \$100,000?---Yes.

Now, you said you met at a coffee shop in Rhodes shopping centre first, correct?---Correct.

10 Can you remember which coffee shop that was?---I think from memory it was Oliver Browns.

Okay. And when you arrived for the coffee, did you park your car in the shopping centre car park or somewhere else?---In the shopping centre car park.

Did Mr Hindi park his car in the shopping centre car park?---Yes.

20 Did Philip Uy park his car in the shopping centre car park?---Yes.

All right. Then you had coffee together, possibly at Oliver Brown, correct? ---Yes.

Now, the other day in your evidence you said something like “We walked to the park, we moved cars” and I’m just a little bit unclear on what your evidence was in that respect. Do you say you walked over to the park or did you drive over to the park?---No. We, yeah, we drove. We were all on the one level of the big car park there and - - -

30 In the shopping centre?---In the shopping centre.

All right. Did you go to your cars in the shopping centre together after the coffee?---Yes, yes.

All right. And then you each got into three separate cars?---Correct.

And then you drove somewhere?---We drove to Foreshore Park.

40 Okay. I’m just going to show you a map and I would like you to identify where you parked. And just to be clear, you drove to Foreshore Park and all three of you parked your cars somewhere?---Beside each other.

Was it immediately beside each other or is it possible there were some cars in between you?---No, immediately beside each other.

And was that nose to nose or side by side?---Side by side.

Okay. I'm going to show you a map. Actually, I'll show you two maps. One is a Google Maps version and the other one is a satellite image.---Right.

10 It may be easier for you to identify where you went on one or the other but how about you have a look at both and I'm going to ask you to mark with an X on both images where you parked your cars and I will – sorry. Bear with me a moment. You said Rhodes Foreshore Park.---Yep. It's not on there.

Is that on this map?---No.

Okay. What we might do is generate another version of the map.---Yeah. It's just outside of this.

20 All right. I understand. You can hand those back.---You can see, it's in Shoreline Drive or Shoreline Avenue or - - -

Okay. So it's off the top of the page of this map that I've just showed you, is that right?---Oh - - -

What I might do is I'll just print another map for you to look at. I think that'll be the easiest thing.

30 THE COMMISSIONER: Approximately how far would it be away from the shopping centre car park?---Oh, it would be about two to 300 metres.

Right, thank you.---That's just a rough estimate.

Yeah. Sure.

MS HEGER: Now, I know you've said first that it might have been 2016 in which this meeting occurred. Now you've said it's possible it was 2018. Is it possible that it was late 2015?---No, I think the payment for 1-5 Treacy Street was in 2015 but not this one.

40

All right. Okay. Can I just show you volume 30? All right. So this is a record of calls between Philip Uy, yourself and Mr Hindi and I just want to ask you in particular you see the second, well, the entries starting from 6 November, let's start with that.---Yeah.

You see there's a couple of calls round about, between 9.30 and 9.50. Well, let's start with the first one at 9.30. There's a call from Con Hindi to yourself?---Yes.

10 For 17 minutes?---Yeah.

And then let's jump down to the blue row, 6 November, 2015. There's a call from Philip Uy to yourself for 52 seconds. That's at about midday? ---Yes.

Right. Then on the same day in the next row at 12.27, there's a call of only four seconds duration. It's at the, well, the start location, which you'll see in the fourth column there is Rhodes Waterside shopping centre?---Yes.

20 And the end location is Rhodes Waterside shopping centre. And that's from yourself to Con Hindi?---Yes.

And then three minutes later, there's another call from Con Hindi to yourself?---Yes.

Start location says Homebush Bay, Parkview Drive, which I want you to assume is very close to Rhodes Rider Boulevard.---Yeah.

And the end location is Rhodes Rider Boulevard?---Yes.

30

And then on the next page, you see there's another call from Con Hindi, this time to Mireille Hindi. It records Mr Hindi's location as Rhodes Rider Boulevard?---Right.

So my question is is it possible that 6 November, 2015, was the occasion you met Philip Uy and Con Hindi at the park in Rhodes?---No. We did meet there. We, we met about four or five times at Rhodes 'cause Mr Hindi was working at the time and it was more convenient for him to go there.

40 All right.

THE COMMISSIONER: And you met with Mr Uy there, did you?---Yes.

Thank you.

MS HEGER: All right. That'll be, I'll mark that for identification - - -

THE COMMISSIONER: 67?

MS HEGER: MFI 67. Thank you, Commissioner.

10

#MFI-067 – VOLUME 30

MS HEGER: Those are all the questions I have for Mr Badalati, subject to coming back to that map, which I'll generate for you and ask you to mark in a moment.

20 THE COMMISSIONER: I just wonder whether - - -?---I can get it up on the phone?

That's okay. We'll get you one in a moment. Did you want to ask him some questions about meetings at Ramsgate?

MS HEGER: Yes.

THE COMMISSIONER: Yes.

30 MS HEGER: Mr Badalati – bear with me a moment.

THE COMMISSIONER: I think it was 6 December and 8 December, 2021.

MS HEGER: Yes. You attended a compulsory examination at the Commission in December 2021, correct?---Correct.

Just got to pull up my note of the dates, sorry. That was on 7 December, 2021?---Correct.

40 And Mr Hindi had had his compulsory examination at the Commission the previous day, on 6 December. I want you to assume that for a moment. ---Yes.

You met up with Mr Hindi and Mrs Hindi in Ramsgate on the night of 6 December, correct?---Correct.

And that meeting was arranged by phone, correct?---Yes.

And who called who first?---I think I tried calling him.

10 Did you get through?---No, from memory. But then he rang me back later.

All right. And who suggested that you meet in Ramsgate?---He said he was at Ramsgate with his wife. They'd been doing some shopping. So I went over there.

And you met them on the beach at Ramsgate?---We walked across to the beach, yes.

20 Okay. Now, this is the night before you were due to attend for your compulsory examination, correct?---Correct.

Did you talk about this – and, sorry, Mrs Hindi came along to this meeting as well, correct?---Correct.

Did you talk about this investigation at that meeting?---Yes, we did.

All right. Who brought up the subject?---Well, I think Mr Hindi did. It was the reason why we were meeting.

30 Did he say that to you on the phone?---No, but - - -

But you understood that was the reason?---Exactly.

And why did you understand it was the reason?---Because he had just been to the Commission.

And had he already told you that before you had this phone call?---Yes.

40 Did he tell you before he went to the Commission that he was going to the Commission?---Yes.

All right. And did he just volunteer that or did you ask him?---I don't recall how, who brought it up.

Okay.---But we definitely spoke about it.

All right. So you had a conversation before Mr Hindi attended his compulsory examination, and you discussed this investigation on that occasion as well?---Correct.

10 And what did you say and what did he say?---I asked, "What did they ask you about?" and he went through - - -

You're talking about the second discussion after he had attended?---Yes.

All right. You asked him, "What did they ask you about?"---Yes.

And he told you the evidence that he'd given or a summary of it?---Yes.

20 So he told you first generally the sorts of questions he'd been asked, correct?---Correct.

And then he told you generally the sorts of answers that he'd given? ---Correct.

And that included things like the first trip to Tangshan in April 2016 and who paid for the expenses?---Not sure if it was either that night or two nights later that we met on the Wednesday night.

30 All right. We'll come to that.---Where it came up. It may have been on the Monday night or on a Wednesday night. I can't recall.

Okay. So sticking with this meeting on the 6th, that is after his CE and before your CE, did he suggest to you what evidence you should give the next day?---I don't recall if he suggested it or whether I just, going on what he had said, what I would say.

All right. But you gave a summary of what you intended to say at your compulsory examination?---Following what he said, I knew what I was going to say, if you know what I mean.

40

Well, what exactly did you tell him about what was going to happen at your compulsory examination?---Well, I didn't know what was going to happen at mine because it was the next day.

All right, yeah, yeah. But did you give him any indication of the evidence you intended to give?---Basically along the same lines as his.

All right.

10 THE COMMISSIONER: Have you heard the expression "scrum down"?
---Sorry.

Have you ever heard of the expression "scrum down"?---No.

It's an expression that used to be used by certain members of the NSW Police Force but what it means is getting your story straight.---Oh, yeah, yeah.

20 That's what happened?---Yes.

Yeah.---Yep.

And can I ask you this, you said you moved across to a beach at Ramsgate.
---Yes.

As you understood it, was that so you would not be seen together?---It was about 9 o'clock at night.

30 Yeah, I know.---Look, I, I really don't know why we went there but we just walked along and then we sat down at one of the seats there and spoke there.

Thank you.

MS HEGER: I think you also spoke to Mr Hindi before he attended his CE on the Monday. Is that right?---I, I don't recall whether I did.

40 I thought you said that he knew that - - ?---Oh, he told me, he told me he was coming in.

That he was coming in.---Yeah.

So you did speak to him before he went to the Commission?---Yeah. Sorry, yep.

All right. And what did he say during that discussion?---Oh, he told me he had been summonsed.

Did he tell you what sort of evidence he intended to give?---He may have. I'm just trying to remember. Because I had received a summons, he had
10 received a summons and his wife had as well. I'm finding it hard to recall.

You can't remember the detail of the discussions?---Yeah.

All right. Mrs Hindi was part of that discussion as well?---Yes.

Did you talk on the phone or did you have a meeting that first time, this is before Mr Hindi's CE?---Before?

Before Mr Hindi's compulsory examination did you actually meet with
20 them in person?---I think I may have.

Can you remember where that was?---Oh, no. It's - - -

All right. You then met with Mr Hindi and Mrs Hindi again on the Wednesday, the 8th, correct?---Correct.

Which was after you had attended your compulsory examination at the Commission?---Correct.

30 Who arranged that meeting?---I think he rang me.

You think Mr Hindi rang you?---Yep, if we could meet up.

Was your daughter looking to sell an apartment in Ramsgate around that time?---No.

Did you meet in Ramsgate that night?---Yes, we met at her apartment.

You met at your daughter's apartment in Ramsgate?---Yes. She was
40 overseas.

Just bear with me a moment.

THE COMMISSIONER: Was there a reason that you met at the apartment rather than down on the beach?---Well, no-one would see us in the apartment, yeah.

MS HEGER: Mrs Hindi I think has given some evidence that you had arranged to meet this night because your daughter was interested in selling the apartment. Is that true or not, on your understanding?---No. It was just
10 a reason to meet there.

You didn't say anything to Mrs Hindi about your daughter being interested in selling that apartment?---Oh, I may have asked for a valuation of the apartment.

From Mrs Hindi?---Yeah.

Okay. And did Mrs Hindi give you a valuation of that apartment?---A
20 rough estimate, yes.

Okay. All right. So you met at that apartment in Ramsgate. By this time you had been to the Commission?---Yes.

And you knew that Mrs Hindi was going to the Commission on the Friday, correct?---Yes, correct.

And you talked about this investigation?---Correct, yes.

And it was you, Mr Hindi and Mrs Hindi?---Yes.
30

THE COMMISSIONER: All trying to get your stories straight?---Correct, Commissioner.

MS HEGER: All right. When was the last time you spoke to Mr Hindi?---I think it was three days before the start of this public examination.

All right. And has he attempted to contact you since you gave your evidence on the first two days of this inquiry?---No.

40 Has Mrs Hindi attempted to contact you?---No.

And you haven't spoken to her either since the public inquiry started?---No.

What about Philip Uy? Has he attempted to contact you?---No.

Since the inquiry started, I mean.---No. I don't think I'm on their Christmas card list anymore.

I understand. All right. I now have those maps to show you.---Yep.

10 THE COMMISSIONER: Just before we go there. At any time during the two Ramsgate meetings or the meeting before 6 December, or indeed approximately three days before the start of the public inquiry, was there any discussion at all about the fact that you and he had received money from Philip Uy?---There wasn't discussion but – I don't recall discussing the money.

Yep.---We may have after receiving the 100,000. Whether it was 2018 or 2016, that my memory says.

20 Right. But not in these discussions where you're trying to get your stories together?---Sorry?

Not during these discussions where you're trying to get your stories straight?---No, no.

Okay, thank you.

MS HEGER: I'll just show you a map.---Yep.

30 And can I ask you to mark on this map where you parked your cars on the day you say you received the \$100,000. Can you see it on this map?---No. Sorry, sorry. I'm looking for, for Shoreline Drive. It's got Foreshore Park.

You're referring to the bit that says Rhodes Foreshore Park?---Yes.

Okay. All right. So you've put three lines and a circle around it.---Yep.

What do the three lines represent?---The cars.

40 All right. So were you actually parking on the street or was there a car park there?---It's on the street but it's like angled parking but straight.

Okay. All right. I'll tender that. That'll be Exhibit 288.

**#EXH-288 – MAP OF RHODES MARKED BY VINCENZO
BADALATI**

10 THE COMMISSIONER: Do you have any recollection of where in the
park the money was handed to you or the bags were handed to you?---It was
at the cars.

Oh, at the cars, right. Thank you. Yep, thank you.

MS HEGER: Right. I have no further questions. Sorry, you mentioned
earlier that you, you think you showed that handwritten note to Philip Uy
because you were asking to be reimbursed by China Liu. That was your
evidence, wasn't it?---Yeah, I asked him if he could contact China Liu to
see if he would reimburse, but I never heard anything.

20

Do you know whether Mr or Mrs Hindi ever made a similar request?---I
don't know.

Okay. Could I just get you to write down the address of your daughter's
apartment that you met at on that night with Mr and Mrs Hindi, on a piece
of paper?---Yeah.

THE COMMISSIONER: This won't be published.---My daughter's - - -

30 No, no, this won't be published. Don't worry about that.---Yeah. What's
the name of the street? It goes with Sans Souci, it's only about 300 metres
from Ramsgate Road.

MS HEGER: I understand. That'll be, I'll just mark that Post-it MFI 68.

#MFI-068 – POST-IT NOTE WITH APARTMENT ADDRESS

40 MS HEGER: All right. Now, unless someone tells me otherwise, I have no
further questions for Mr Badalati at the moment.

THE COMMISSIONER: Is Mr Hindi's representatives online?

MR KUTASI: We are, Commissioner. Yes.

THE COMMISSIONER: All right. I'd ask you to proceed then with your questions.

10 MR KUTASI: We're not in a position to proceed at this moment, Commissioner. For example, there was just a map that was just provided. We haven't seen that map at all.

THE COMMISSIONER: We've got 20 minutes. Surely you can proceed in relation to other matters?

MR KUTASI: I'm not, Commissioner. I'm not in any position to proceed until I see that map, for example.

20 THE COMMISSIONER: I don't understand that.

MR KUTASI: It's entirely germane to our client's case that the evidence given about the location is false, and until we see that map, we're not in a position to cross-examine it.

THE COMMISSIONER: I take it then that's the only issue you're going to cross-examine on, is it?

MR KUTASI: No, it's not the only matter but (not transcribable)

30 THE COMMISSIONER: Well, if it's not the only matter, you can proceed. Otherwise you're going to have your cross-examination limited to the map.

MR KUTASI: Commissioner, it's entirely unfair to put us in a position where we have to start our cross-examination under circumstances where we don't have all the evidence.

40 THE COMMISSIONER: Well, I'm sorry. I think I indicated the other day that once the witness finished his evidence that people would have to cross-examine straightaway. You've had access to his private transcript, you've had access to his evidence, both, you know, weeks ago and now. I just

don't understand why an experienced counsel can't start their cross-examination until they get a piece of paper with a map on it.

MR KUTASI: Because it's completely germane to the case, Commissioner. This is not some periphery issue. This completely goes to the heart of the entirety of the evidence as given here about the money, which my client says never happened - - -

10 THE COMMISSIONER: All right. Well, are you telling me, and I'm not going to ask you again, is this the only subject you want to cross-examine this man on?

MR KUTASI: No, it's not but, Commissioner, it's not possible to begin that until we have that, to be able to formulate the questions and the line, we have to build the foundation that goes to it. And I also note, Commissioner, that there's other people who wish to cross-examine, as well. I don't understand why we're put in a position we have to go first in circumstances (not transcribable)

20 THE COMMISSIONER: Because I'm asking you to.

MR KUTASI: Well, Commissioner, I'm not in a position to commence.

THE COMMISSIONER: Very well. And you do that at your own risk. Is your client present there, by the way?

MR KUTASI: Yes, he is.

30 THE COMMISSIONER: What about Mrs Hindi?

MR KUTASI: Mrs Hindi's not here.

THE COMMISSIONER: Thank you.

MR FAHD: For the record, this is Mr Fahd, solicitor for Mrs Hindi.

THE COMMISSIONER: Yeah.

40 MR FAHD: She's literally half a metre from me. We're in my office on Elizabeth Street, Sydney, 82, Level 9.

THE COMMISSIONER: That's good news. Mr Patterson, can I call on you?

MR PATTERSON: Commissioner, I must say, I didn't anticipate that, pardon me, Mr Badalati would be finished this afternoon, so unfortunately I didn't bring my notes. I can make a start but I wouldn't be able to finish, in fairness to my client.

10 THE COMMISSIONER: No, I understand that. I can understand that. But you're prepared to make a start?

MR PATTERSON: Very well, Commissioner. Mr Badalati, you've given evidence today about proceedings which you commenced for defamation in which your statement of claim said that you had paid for your expenses, is that correct, on the China trip?---Correct.

And were you asked to verify that the contents of that statement of claim on affidavit?---No.

20

But you gave instructions to your lawyers that the allegations made in the statement of claim were true and correct, is that so?---I gave the stat dec to the lawyers. I don't know whether they used it in the claim or not.

But the basis of the claim was that The Sydney Morning Herald had alleged that your expenses had been paid for you by developers on your China trip, is that not correct?---True.

30 And in the statement of claim you were alleging that you had been defamed by that allegation?---Correct.

And so it must follow you were saying that that allegation was false. ---Correct.

And you now come to the Commission and say that the opposite is true. ---Correct.

I didn't hear quite your answer.---Correct.

40 And so if you admit that the basis of your claim in proceedings in the Supreme Court was false and you agree with that - - -?---Yes.

- - - I put it to you why should you be believed in your oath now?---Because what I have said here is the truth.

That's what you said on the last occasion, isn't it?---Yes.

And I think you've given evidence today that the note found on Mrs Hindi's iPad was drafted by you, is that correct?---Correct.

10 That is, let me be clear, the note regarding, or the draft version of the statutory declaration.---The actual statutory declaration, you're talking about?

You were being asked about Exhibit 284 and my brief note of your evidence was "I drafted it and gave it to Con Hindi."

MS HEGER: We might just show Mr Badalati a copy of Exhibit 284 so he knows what you're asking about.

20 MR PATTERSON: Yes, thank you. Thank you.

THE WITNESS: Is that the typed up - - -

MS HEGER: Is this the one you were referring to, Mr Patterson?

MR PATTERSON: I think it's Exhibit 284.

MS HEGER: Well, that is Exhibit 284. Is that what you intended to go to?

30 MR PATTERSON: Yeah. And I think that was a note found on the iPad used by Mrs Hindi and to which Mr Hindi also had access. Just to clarify, Mr Badalati, is it your evidence that you drafted or assisted in drafting that note?---It's very similar to a note that I drafted.

And in the second paragraph of that lengthy note, you refer to your paying 2,000 RMB.---Correct.

And you now say that's not correct.---Correct.

40 So that was a lie?---Correct.

Thank you. And in answer, I think, to a question by the Commissioner in relation to marketing material and a sign on a building – sorry, I withdraw that. You gave evidence today, Mr Badalati, that it is not correct that Philip Uy told you the day after the Chinatown dinner that signing, that the signing ceremony involved Landmark Square, that’s correct?---Correct.

And that evidence is true, isn’t it?---Yes.

10 Mr Uy didn’t tell you anything about the Landmark Square signing the day after the meeting, the dinner in Chinatown, did he?---No.

Thank you. Now, you said in response to some questions from the Commissioner about the \$200, and the Commissioner said to you it doesn’t make much sense - - -

MR PARARAJASINGHAM: Sorry, \$200 or - - -

20 MR PATTERSON: \$200, yes. And the Commissioner said, “It doesn’t make much sense, is it true?” And your response was, “It’s unlikely I paid him.” You remember that?---Yes.

And then you said, “I didn’t reimburse Philip Uy for the Beijing hotel expenses. I don’t know if the Hindis did.” You remember that?---Yes.

I put it to you that Mr Uy did in fact reimburse you. Sorry, Mr – I put it to you that you did in fact pay or reimburse Philip Uy for those expenses.---I don’t think I did.

30 And I put it to you that you reimbursed him in cash.---No.

Thank you. Now, in relation to the signing ceremony in China, you were shown a banner on the wall. Perhaps could Counsel Assisting assist me with the exhibit number and could it be shown to the witness.

MS HEGER: I’m sorry, Mr Patterson, were you referring to a banner shown in Tangshan?

MR PATTERSON: Sorry, yes, in China. Tangshan, I think.

40 MS HEGER: The one that has “Welcome Mayor Badalati”?

MR PATTERSON: Yes.

MS HEGER: Right.

MR PATTERSON: Counsel Assisting put to you, “Philip Uy says you didn’t want to go to the signing ceremony when told about it.” And your evidence was, “No, I was happy to go. But when I went in and saw the sign, the penny dropped.”

10 THE COMMISSIONER: I think he was referring to - - -

THE WITNESS: I don’t think I said I was happy to go. I said when I walked in the penny dropped when I saw the signing ceremony.

MR PATTERSON: Thank you. Could you have a look at the banner on the wall that was just up on the screen?

MS HEGER: Sorry, did you mean the red banner or are you referring to the purple one?

20

MR PATTERSON: Yes, the red banner.

MS HEGER: You’re referring to the red one. All right, we’ll go back.

THE COMMISSIONER: I think this – there’s a bit of confusion here. I think the evidence from this witness was a penny dropped when he saw the photo that just came up.

MS HEGER: The purple banner.

30

THE COMMISSIONER: The purple one.

MR PATTERSON: Could he be shown the one that came up just prior to that, Commissioner?

THE COMMISSIONER: Yeah, sure.

MR PATTERSON: I’m sorry.

40 THE COMMISSIONER: That’s okay.

MR PATTERSON: Yes, that's the one I was referring to. No, I'm sorry, Commissioner. That's not the one. The one I was wanting the witness to see had reference to the Tangshan Xinfeng - - -

THE COMMISSIONER: Yeah, I think that's the next photo.

MR PATTERSON: Yes, if we could have a look at that.

THE COMMISSIONER: Yep.

10

MR PATTERSON: Now, if you – again, Commissioner, that's not the one. The one I'm referring to is inscribed Tangshan Xinfeng Thermolectric and First Australian Capital Group, not The One Australian Capital Group, Australian First, F-i-r-s-t, Capital Group.

THE COMMISSIONER: Okay.

MS HEGER: That's Exhibit 280, for the record.

20 MR PATTERSON: Yes. That's the one. Thank you, Commissioner. Now, is that the sign or banner you were referring to, Mr Badalati, when you said the penny dropped?---I believe so, yes.

Thank you. Now, you will see that under the Chinese script appear the words "Tangshan Xinfeng Thermolectric Group." Now, that is an entity that you associated with the waste-to-energy transfer project, is it not?
---Correct.

30 And then underneath that you'll see "Australian First Capital Group". Do you see that?---Yes.

Now, that wasn't the name of the applicant with the planning proposal for Landmark Square, was it?---I don't recall which of their companies - - -

I put it to you that it was One, O-n-e, Capital Group. Is that not correct?
---It, it was One Capital Group?

That's what I'm putting to you.---Yes.

40 The word "One", O-n-e.---Exactly but it all depends who did this translation.

So I'm putting to you, Mr Badalati, that the words "Australian First Capital Group" could have referred to any company, couldn't they, not necessarily the company associate with Wensheng Liu?---Oh, I find that hard to believe.

I'm putting to you, Mr Badalati, that when you say "the penny dropped", that's just not right, is it?---It is.

10 I put it to you that there is nothing on that banner to indicate to you that it had anything to do with anything but the waste-to-transfer project?

MR PARARAJASINGHAM: Just in fairness to my learned friend, if we just look at the top – I mean, I don't want to say it in front of the witness but if you just look closely at that image - - -

THE COMMISSIONER: Yeah, I know, I've seen that too.

MR PARARAJASINGHAM: Okay.

20 MR PATTERSON: Do you want me to repeat the question?---Yes, please.

I put it to you that there's nothing in that banner that would indicate to you that it concerned anything other than the waste-to-energy transfer project or proposal. What do you say to that?---That, that it did or didn't, sorry? I couldn't hear you.

30 I'll put it in another way. That sign would convey to you, would it not, that it related to the waste-to-energy transfer project with which you associated the Tangshan Xinfeng Thermoelectric Group?---Well, if you look at the top of the sign on the right it's got "The One".

Thank you. And were you assisted in that answer by your counsel's intervention?---Oh, I may have been but I just noticed it now.

Thank you. Now, you said in relation to your stay at the – and forgive me if I've already asked you this question – you said in relation to your stay at the Beijing International Hotel that Philip Uy paid but you didn't reimburse him. Was that your evidence?---Correct.

40 Yeah, I put it to you that he did in fact reimburse you.---He did not.

Thank you. Sorry, I withdraw that. That you in fact reimbursed him after he paid.---I don't believe so.

And without checking the transcript, my recollection of Mr Uy's evidence is that you were adamant about wishing to repay him because you wanted to be clear about it. Wasn't that the position?---Whose position? Mr Uy's?

10 Mr Uy's evidence was that you insisted on reimbursing him because you wanted to be clear about it. You didn't want to be put in a compromising position. Isn't that so?---No.

I mean, you were a former mayor. You wouldn't want to have been put in a compromising position.---Exactly.

And that's why you did in fact reimburse him the expenses, isn't it?---No.

THE COMMISSIONER: You pick a time, Mr Patterson, when you think you'll need your notes.

20 MR PATTERSON: I'm obliged, Commissioner. I'm doing my best.

THE COMMISSIONER: I know, I know.

MR PATTERSON: Now, in relation to the telephone, or the SIM card I should say. You remember your evidence about that?---Yes, I think so.

30 Yep. And you say that that was a phone that Mr Uy may have used when he was in China. Is that – or I should say that was a SIM card that Mr Uy may have used on the phone when he was in China, is that right?---He may have.

Yeah. There's no doubt that it was Mr Uy's phone, isn't that correct?
---Yes, but the - - -

It wasn't bought for you, was it?---Sorry?

The phone wasn't purchased for you.---I think it was.

Was it not registered in Mr Uy's name?---Yes.

40 Yeah. And he had access to it when he was in China, as did you, is that not so?---I think he may have had access to it for a while.

I think your evidence this morning was “The phone was in China. He may have used it when he was there. He would have let me use it when I was there.” Is that not, was that not your evidence?---But the SIM card was purchased for me.

All right. But the phone was used by both of you?---Yes, it may have been.

10 And I put it to you that that is something that Mr Uy may have done as a courtesy to you.---Yes.

Thank you. And, Commissioner, I note the time.

THE COMMISSIONER: Thanks, Mr Patterson. We’ll - - -

MS HEGER: Commissioner, can I just ask the parties who intend to cross-examine Mr Badalati to give some indication of the anticipated timing, just so that we can plan the establish of the week?

20 THE COMMISSIONER: Well, why don’t we ask Mr Hindi’s representative first.

MR KUTASI: Commissioner, can you hear me?

THE COMMISSIONER: Yes, I can.

MR KUTASI: I think we’ll probably be about an hour.

30 THE COMMISSIONER: Okay, thank you. Mr Patterson?

MR PATTERSON: I’ve not finished, Commissioner.

THE COMMISSIONER: Oh, no, of course.

MR PATTERSON: If I could resume tomorrow.

THE COMMISSIONER: Have you got any sense of how long you’ll take?

40 MR PATTERSON: I wouldn’t have thought much more than 20 minutes, Commissioner.

THE COMMISSIONER: Okay.

MR PATTERSON: I have to look carefully at the transcript this evening.

THE COMMISSIONER: Of course.

MR PATTERSON: And I'm not sure if, I mean, this witness was asked questions about messages on Mr Uy's telephone.

10 THE COMMISSIONER: Yeah.

MR PATTERSON: I'm not sure if that document is yet in evidence as an exhibit?

MS HEGER: Are you referring to a particular message, Mr Patterson?

MR PATTERSON: Well, there were messages number 5, number 8, that series of questions.

20 MS HEGER: About the ironing board of cash? Is it that one?

MR PATTERSON: I believe so, yes.

THE WITNESS: Well, that wasn't to me.

MS HEGER: Yeah. That has been tendered. It's online.

THE COMMISSIONER: It's online now, is it?

30 MS HEGER: I understand so.

THE COMMISSIONER: Yeah.

MR PATTERSON: Just that I want to have access to it overnight, Commissioner.

THE COMMISSIONER: Sure.

MS HEGER: We'll give you the exhibit reference, Mr Patterson.

40

MR PATTERSON: Thank you. I'm obliged.

MS HEGER: Exhibit 241.

MR PATTERSON: 241. Thank you.

THE COMMISSIONER: Mr Hood, do you propose asking questions or
- - -

10 MR HOOD: Yes. I'd like to do it within 20 minutes, Commissioner, but I
hope that's not transcribed.

THE COMMISSIONER: And then there's counsel for council?

MS ALDERSON: Yes. Less than 15 minutes, Commissioner.

THE COMMISSIONER: Okay. Thank you.

20 MR PARARAJASINGHAM: Commissioner, just on behalf of Mr Badalati,
I expect that I may do some brief re-examination - - -

THE COMMISSIONER: Yeah, of course. Of course.

MR PARARAJASINGHAM: - - - perhaps 20 minutes, thereabouts?

THE COMMISSIONER: All right. And what about Mrs Hindi?

MR FAHD: Mr Commissioner, this is Mr Fahd, solicitor for Mrs Hindi. I
would say at this stage 10 to 15 minutes.

30 THE COMMISSIONER: Okay. Terrific. Thank you all for that.

MS HEGER: Not everyone has provided a list of proposed topic areas, so
could I ask that that be done as soon as possible?

THE COMMISSIONER: Yeah.

40 MR KUTASI: Commissioner, Mr Kutasi here again for Mr Hindi. I was
wondering if the transcript of today can be made available, whether, in a
speedy way? Sometimes they don't show up until the following afternoon.

MS HEGER: Yeah. We'll try to get it up as soon as possible, Mr Kutasi. You understand there's a process to go through.

MR KUTASI: Thank you.

MS HEGER: Could I ask that the proposed topic areas be provided this afternoon?

10 THE COMMISSIONER: Yeah. They should have been provided earlier, of course, but - - -

MS HEGER: Thank you.

THE COMMISSIONER: I won't require Mr Patterson to do that because he's halfway through and - - -

MR PATTERSON: Thank you.

20 THE COMMISSIONER: - - - so you don't have to worry about that.

MR PATTERSON: Thank you, Commissioner. I'm obliged.

THE COMMISSIONER: All right. We'll adjourn.

THE WITNESS STOOD DOWN [4.02pm]

30 **AT 4.02PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.02pm]**