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PUBLIC
HEARING

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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 WEDNESDAY 20 JULY, 2022

AT 10.00AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Unfortunately Counsel Assisting has tested positive to COVID so she will be joining us online today. I should say that when we finish with Mr Badalati, which I assume is going to be today, we will adjourn until next week. As I understand it, subject to Counsel Assisting's health, she would be okay to come back next Wednesday. Mr Hindi won't be called this afternoon because Counsel Assisting wishes to cross-examine him, and understandably so and so that's what's going to happen. We'll finish with Mr Badalati this morning and then we'll adjourn until Wednesday of next week and if there's a change in that, like if Counsel
10 Assisting becomes particularly unwell and we have to extend it, we'll let you know as soon as we can. All right. So I'll just check, Counsel Assisting is online?

MS HEGER: I am. Thank you, Commissioner.

THE COMMISSIONER: Thank you. All right. I think Mr Patterson, we were in the middle of your questioning.

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

10 THE COMMISSIONER: Mr Badalati, the oath you took yesterday continues to bind you.---Thank you.

And so does the section 38 order, it's continued as well.

MR PATTERSON: Mr Badalati, at the council meeting on 19 November, 2014 you voted to accept the proposed VPA for Treacy Street, didn't you? ---I believe so.

20 And before the alleged meeting at Kingsgrove in 2015 when you say Mr Uy gave you \$70,000 he already knew how you were going to vote, didn't he? ---Yes.

Now, your original evidence was that the alleged meeting at Rhodes occurred in 2016 when you say Mr Uy gave you \$100,000 for the Landmark Square development. That was correct, wasn't it?---Correct.

And that occurred after the council meeting on 20 April, 2016 when you voted in favour of the proposal, correct?---Correct.

30 I put it to you that there was no need for Mr Uy to make any such payments to you as he already knew that he had your vote, didn't he?---I don't know why he gave the money.

Well, the fact that you supported the proposal was on the public record, wasn't it?---Correct.

Now, council wasn't the ultimate decision maker for the Treacy Street proposal, was it?---Sorry, could you repeat that question?

40 Well, I'll put it to you this way. The Department of Planning was the ultimate decision maker for both the Treacy Street proposal and the Landmark Square proposal, wasn't it?---Correct.

Now, the alleged payments that you say you - - -?---Sorry. I assume you're talking about the Gateway Decisions?

Yes, correct. Now, the alleged payments you say you received could have been in appreciation for you having voted in favour of the proposals, couldn't they?---Yes.

And Mr Uy said as much, didn't he, on your evidence?---Yes.

10

Now, if Mr Uy gave you \$70,000 in 2015 as you allege you'd want to keep quiet about it, wouldn't you?---Yes.

Why would you tell Mr Hindi that you accepted a bribe from Mr Uy?---
Because we worked together.

You weren't concerned that Mr - don't you think that Mr Uy would be concerned that you might report his attempted bribe?---No.

20 Isn't it strange that Mr Uy would just hand over \$170,000 in two separate tranches, no questions asked?---No.

He didn't make any demands before making or after making either payment, did he, on your evidence?---It depends what you mean by "he didn't make any demands."

Well, in relation to Treacy Street, on your evidence, he just said "Take it", isn't that right?---Yes.

30 Now, your evidence was that some of the alleged bribe money was deposited into your bank account. That's correct, isn't it?---Over the next three or four years, yes.

Yeah. Would you agree with me that it would be a very silly thing to do, to pay bribe money into your bank account?---Sorry, I don't understand what you're - - -

Well, if you received a large amount of money in cash by way of a bribe, you would hardly put it into your bank account, would you?---Well, I
40 thought after a period of time I could do that.

Very well. Now, I think it's your evidence that Mr Uy paid for some of your meals, drinks, accommodation and airfares in China, is that correct?---
On different trips, yes.

All right. Now, those payments were made in China and/or in Hong Kong, is that correct?---Correct.

Not in Australia?---Correct.

10 Now, at least in 2008 there was nothing wrong with a property developer, builder or real estate agent contributing to your election costs, was there?---
No.

And there's nothing wrong with property developers lobbying councillors to approve their projects, is there?---No.

Now, the Landmark Square proposal was approved by council at its meeting in 20 April 2016, wasn't it?---I think it was the VPA that was approved.

20 I'll put it to you that there were two separate things approved, one for Treacy Street, one for Landmark Square at that meeting. Is that not correct?---Correct.

And the Landmark Square proposal was approved unanimously by council except for one councillor, isn't that correct?---Correct.

And, similarly, the VPA offer for Treacy Street was approved by council at the same meeting - - -?---That's - - -

30 - - - almost unanimously except for two councillors. Is that correct?
---Correct.

Now, you're aware that the Joint Regional Planning Committee, sorry, Joint Regional Planning Panel made a decision on the development application for 1-5 Treacy Street on 1 April, 2015, aren't you?---I believe it was then.

Now, could the witness be shown the minutes of that meeting on 1 April? I don't have the exhibit number but it's volume 1.3, page 238 and 239, the minutes are page 239. I see it's Exhibit 126 if that assists? Now, Mr
40 Badalati, I want you to read to yourself the reasons for the panel decision

numbered 1 to 3, about the middle of the minutes. Do you see that?---Yes, I do.

Could you read that to yourself? Let me know when you've finished, please, sir?---Yeah, I've finished.

Now, would you agree with me, Mr Badalati, that the reasons stated there are perfectly reasonable and defensible?---Yes.

10 Now, you recall that Councillor Sansom drafted a motion for consideration by the council on 20 April. You recall that?---Yes.

And it was your opinion, wasn't it, that the Landmark Square site would support a higher maximum height?---Yes, it was.

And was it also your opinion that the site would support a higher FSR?---Yes.

20 And you wanted a hotel for Hurstville, didn't you?---Yes.

So would you agree with me that regardless of any alleged bribes, you would have supported the Landmark Square planning proposal, in any event, wouldn't you?---Yes.

Now, you've been following the evidence as it unfolds, haven't you?---I have.

And you recall Adam [sic] Liaw giving evidence?---Yes.

30 And would you agree with me that he's the head of development for a company called Aoyuan International?---Yes.

And without taking you to the transcript, although I can if you wish, Mr Liaw said that Aoyuan or, more specifically, Prime Hurstville, bought the Landmark Square site at the end of 2017. That's correct, isn't it?---I believe so.

40 And he also said that the purchase wasn't subject to rezoning. Correct?---I don't recall that.

Well, could the witness be taken to transcript 247, lines 28 to 34? And you see at about line 34, "But that purchase wasn't subject to the rezoning obviously?" "No, it wasn't". You see that?---Yes.

You have no reason to dispute that, do you?---No.

Now, as Prime Hurstville bought the Landmark Square site at the end of 2017, Mr Uy had no reason to pay you \$100,000 in 2018, as you now allege, did he?---That I don't know.

10

Well, I put it to you that you gave evidence that after the change in ownership, you felt no further obligation in relation to the alleged payment of \$100,000. That's correct, isn't it?---Yes.

So to suggest that Mr Uy paid you \$100,000 after the change in ownership is just preposterous, isn't it?---No.

Now, you gave evidence that Mr Uy owes you \$11,000, which he borrowed in 2020 but hasn't repaid, didn't you?---Correct.

20

And I put it to you that you were quite upset with Mr Uy about that failure to repay, weren't you?---I kept chasing him on it.

And I put it to you that was one reason that might motivate you to tell lies about him. What do you say about that?---That is completely incorrect.

You gave evidence, on 7 December last you gave evidence that the council was - - -

30

MR PARARAJASINGHAM: Sorry, just before my learned friend goes to that, this is all subject to a non-publication order, so the correct thing to do would be to seek a variation of that if my learned friend is going, if my friend is going to the private examination.

MR PATTERSON: I won't be going to that any further.

MR PARARAJASINGHAM: I'm not objecting to - - -

THE COMMISSIONER: Oh, no, no, I understand. Thank you.

40

MR PARARAJASINGHAM: - - - questions on those. It's just what needs to be done.

THE COMMISSIONER: Thank you.

MR PATTERSON: Now, you gave evidence that on 7 December last, council had spent over \$3 million because of this ICAC investigation, correct?---Correct.

10 And that was noted by the general manager on the council budget papers, correct?---Correct.

And you were resentful of that, weren't you?---Well, I think the question had been asked of the general manager "How was the money spent?"

And I put it to you that is another reason that you're ill disposed towards Mr Uy, isn't that right?---Absolutely not.

20 And that's another reason that you might tell lies about him, isn't it?---No.

Now, you were a councillor in 1999, is that correct?---Correct.

And you were mayor three times, is that right?---Yes.

And so because of that you were entitled to use the honorific emeritus mayor, is that right?---Correct.

And do you use that title?---No.

30 I take it that you're very proud of your civic service?---Yes.

It seems passing strange that you would put all that aside and take the money no questions asked.---Well, it did happen.

You received a substantial superannuation payment from Qantas?---Yes.

No apparent need to be on the take?---Apart from greed.

40 You would be most concerned if your bribe-taking became known publicly, wouldn't you, as it has?---Yes.

Correct?---I said yes.

Yet you tell this Commission that you voluntarily told Councillor Hindi about it.---Yes.

And he was your political opponent.---In different parties but we worked together.

10 I put it to you, Mr Badalati, that that evidence just doesn't have the ring of truth about it.---Well, you can say whatever you like. I know what the truth is and I'm just telling the truth.

So having had a long and illustrious civic history, which you were concerned to protect our public and private reputation, correct?---Correct.

Nonetheless you were prepared to put all of that at risk and take \$170,000, is that your evidence?---Yes, it is.

20 All right. So you would agree with me that you're very easily bought, wouldn't you?

MR PARARAJASINGHAM: I object to that.

THE COMMISSIONER: What's the relevance of that?

MR PATTERSON: All right. Either way, the total of the unexplained cash deposits into your account was much more than \$170,000, wasn't it?---Yes.

30 And the Commissioner at the time of your private examination made reference to a forensic examination - - -

MR PARARAJASINGHAM: As I said, if you're going to go to a private examination, you need to vary the non-publication order. I'm not objecting to anyone going to that but that's just what needs to be done and - - -

THE COMMISSIONER: Yeah, no, no. I understand that but I just want to know that that's where we're going and what day it is.

40 MR PATTERSON: What I'm putting to you – well, perhaps there should be a variation of the non-publication order in relation to that portion of the

evidence, Commissioner, where there was reference to a forensic examination, accounting examination and unexplained cash deposits.

THE COMMISSIONER: All right. Can you just give me a reference? What date was that?

MR PATTERSON: Oh, I'm sorry, Commissioner, I would have to look it up. I'm not sure that I have the transcript with me.

10 THE COMMISSIONER: Okay. Mr Baine, do we know?

MR PATTERSON: I'm obliged. I'm told 2 June, 2022.

THE COMMISSIONER: All right. I vary the section 112 order previously made by me to allow the publication of the evidence taken in private session on 2 June, 2022 to the extent necessary for Mr Patterson to conclude his examination.

20 **VARIATION OF SUPPRESSION ORDER: I VARY THE SECTION 112 ORDER PREVIOUSLY MADE BY ME TO ALLOW THE PUBLICATION OF THE EVIDENCE TAKEN IN PRIVATE SESSION ON 2 JUNE, 2022 TO THE EXTENT NECESSARY FOR MR PATTERSON TO CONCLUDE HIS EXAMINATION.**

MR PATTERSON: So you agree with me that the amount of unexplained cash deposits was much more than \$170,000?---Yes.

30 Without stating the exact figure.---I assume you're including my daughter's money.

Excusing your daughter's money, Mr Badalati.---Well then, no.

MR PARARAJASINGHAM: Commissioner, I'm sorry, but there really needs to be a bit more precision on this. If my friend can identify what he's going to, perhaps in fairness, identified for the witness. These kinds of broad-brush, compendious questions really don't assist you, Commissioner. It just needs to be a bit more exacting in what's going on here.

40

MR PATTERSON: Well, Mr Badalati - - -

MS HEGER: It's Ms Heger here. I agree with that. What I would suggest is that Mr Patterson go to a particular page, a particular line of the transcript so that Mr Badalati knows what he's being asked about.

MR PATTERSON: I'll put it this way, Mr Badalati. The Commissioner demanded of you an explanation for unexplained cash deposits. Do you agree with that?---Yes.

10 And the Commissioner also raised with you the benefit that could be obtained from the witness protection program. Do you agree with that?---No.

I'll put it to you that that was raised with you before there was an adjournment to allow you to speak with your counsel.

MR PARARAJASINGHAM: Can I just repeat what Counsel Assisting has raised and that this witness should be taken to the specific portions of it.

20 THE COMMISSIONER: I think that's about to happen.

MR PATTERSON: All right.

THE COMMISSIONER: Mr Patterson, it wasn't witness protection, it was the Commission's cooperation and assistance policy.

MR PATTERSON: Thank you, Commissioner. I stand corrected. Just pardon me, Commissioner.

30 MS HEGER: Are you referring to page 752, Mr Patterson?

MR PATTERSON: I'm looking for that, thank you, Counsel Assisting.

MS HEGER: Page 752, line 10, perhaps?

MR PATTERSON: Yes, thank you. At line 10 on 752 the Commissioner says, "And, you know, we have a witness cooperation policy, as I'm sure you're aware." And that's a conversation between the Commissioner and your counsel at which you were present. You agree with that?---I don't recall it but I don't dispute it.

40

Thank you. And the Commissioner then said, “It doesn’t guarantee that a witness will be treated one way or another but it is something that should be taken into account and – do you think it would help if you had a short adjournment?” You don’t disagree with that either, do you?---No.

So when I put it to you, Mr Badalati, that when that occurred you decided to take whatever benefit you could from the witness protection program, didn’t you?---I don’t believe it was the witness protection plan.

10 The witness assistance program.---Sorry?

Witness assistance program.---That wasn’t the reason.

Very well. And I put it to you - - -?---I have no expectations of what may come out of this inquiry.

I put it to you that for reasons of your own you decided to pin those unexplained cash deposits on Mr Uy, didn’t you?---No.

20 And if you were paid \$170,000, as you allege, it wasn’t by Mr Uy, was it? ---Yes, it was.

And I put it to you that there never was a meeting at Rhodes when Mr Uy paid you a bribe, was there?---Yes, there was.

And I put it to you that you’re trying to cover your tracks with false evidence, aren’t you?---No.

30 You gave evidence on the first day of the public hearing, I think, Mr Badalati, that you’re taking medications?---No, that is not correct.

Are you taking medications?---No.

THE COMMISSIONER: What’s the relevance of this? What’s the relevance of this, Mr Patterson?

MR PATTERSON: I want to explore whether that medication could be for treatment of mental health issues, Commissioner.

40 THE COMMISSIONER: Well, even so, is it going to be put forward that the witness is so mentally ill that he’s incapable of telling the truth?

MR PATTERSON: Very well, Commissioner. I won't press that. I put to you, Mr Badalati, that you agreed with me yesterday that you gave false evidence about payments made in China?---Yes.

You originally said that those payments were made by you.---Reimbursed Mr Uy I believe I said.

Yeah. And yesterday you said that that was false.---Correct.

10 And you agree that you commenced defamation proceedings?---Correct.

To recover damages on the basis of matters that you concede or acknowledge were true?---Yes.

And would you agree with me that that was a fraudulent thing to do?---Yes.

And you agree with me, without stating a figure, that you received damages for that?---It was a settlement. It wasn't damages.

20 You received moneys? You received moneys?---Yes.

I'm putting to you that if you were prepared to lie then, you're prepared to lie now?---Not correct.

And I put to you that all of the evidence that you have given about Mr Uy is a tissue of lies. What do you say about that?---That is incorrect.

Thank you. Commissioner, I have no further questions.

30 THE COMMISSIONER: Thanks, Mr Patterson. Mr Corsaro?

MR CORSARO: Just take a moment to understand the position that you put forward to the Commission as you sit there, Mr Badalati. Firstly, is it your position that you as a councillor exercised your duties and obligations proficiently and on the merit of the matters that you had before you?---Up to Treacy Street and Landmark Square, that was the case.

40 Is your position now that your judgement and the decision-making in connection with Treacy Street was perverted by virtue of payments made to you. Is that what you want to say?---Correct.

When did you first take the view that your judgement-making in connection with planning on Treacy Street was corrupt and perverted?---Just after I received the initial payment.

And you mean, what, in 2016, 2017 - - -?---I think - - -

- - - 2018? When?---I think it was roughly around 2015.

10 That's what you say now, is it? 2015?---Yes.

Sure about that? 2015?---Well, that is my recollection.

And when did you first come to the realisation that your judgement-making in connection with the planning issues concerning Landmark Square were perverted and corrupt by virtue of money you took?---At the same time, after I received the first payment.

20 What do you mean the first payment?---The 70,000 that I received for Treacy Street.

But you hadn't received any money for Landmark Square at that stage, had you?---No.

30 So I'll ask you again. When did you come to the realisation that your decision-making in connection with planning issues on Landmark Square was perverted and corrupt?---I'll repeat it was shortly after I received the money for Treacy Street, so it was in the weeks and months after that, I came to realise I was on the hook and I had to go along with what was wanted by Mr Uy.

Are you saying now to the Commissioner, are you, that but for the payment, you would have voted differently?---No.

Are you saying that as it happens, even though you were perverted and corrupt in your decision-making, as it turns out, the decision was justifiable in planning purposes? Is that what you mean?---Yes, it could have been.

40 How does it work when you say your judgement was perverted and corrupt yet as it happens the right decision was made? How does that come together? Can you explain that?---Well, I believed in the hotel. I, I believed

in the 3.5 because I thought that the site was big enough, however, I also knew at the time, I had no choice in which way to vote because I was on the hook.

So you'd say to the Commissioner, just lucky that your own perverted view coincided with the merit of the decision?---Well, coincided mainly with the hotel part of it.

10 Do you recall Mr Patterson asked you to look at a document which is volume 1.2, page 239? Could I ask for that to be brought up on-screen, please, Commissioner?

THE COMMISSIONER: Certainly.

MR CORSARO: Do you see the signatures of the panel members of that Sydney East Joint Regional Panel decision?---Yes.

And you know Mr Roseth. Have you heard of him before, the chair?---Yes.

20 He's an eminent planner, isn't it he?---Yes.

And was also a Senior Commissioner on the Land and Environment Court. ---Yes.

So you have to say, don't you, that the Sydney East Joint Regional Planning Panel, chaired by the most eminent of planners who became a Senior Commissioner of the Land and Environment Court, got it right, correct?---I believe that was to go from four storeys up to seven. Sorry, or from seven to 11 storeys.

30 What's your point? That was the right decision, wasn't it?---To go to 11 storeys, yes.

And you voted for that, didn't you?---I voted for it at the council meeting when it was going to the JRPP.

Was that a perverted decision, was it?---No.

40 Were you perverted by money and cash for the purposes of making that decision?---When - - -

No, no, just answer my question. Were you perverted by money and cash -
- -

THE COMMISSIONER: I think he was about to, so just slow down.

THE WITNESS: When I was on the panel and they went back to go from 11 storeys to 16 storeys, I voted on it in favour, and that I think was after I had received the initial payment.

10 MR CORSARO: But that was a right decision, wasn't it, on planning, on the merit?---To go to 16 storeys?

Yeah.---Well, the staff didn't think so and the panel didn't think so.

But from your point of view, it had proper planning merit, didn't it?---To go to 16 storeys, I didn't really think so.

All right. Let me try and tackle it a bit differently. You remember you said to Mr Patterson something like this "I know what the truth is and I'm telling
20 the truth"? You remember saying that to him?---Yes.

So let's just talk about you knowing the truth, shall we?---Yes.

You remember Mr Patterson asked you about the defamation proceedings?
---Correct.

The defamation proceedings resulted in the dishonest commencement of court proceedings if your evidence here be accepted, correct?---Correct.

30 How was that consistent with being honest?---Well, I wasn't being honest then.

All right. And I take it you were paid a substantial amount in relation to those defamation proceedings by way of settlement.---Well, I was paid an amount.

Not substantial?---Well, depends what your definition of substantial is.

40 Whatever amount it was was an amount paid with a retraction from The Sydney Morning Herald, correct?---Yes, it was.

Which you knew, if your evidence be correct here, you were not entitled to have, either the amount or the retraction, correct? Correct?---Correct.

Yet you were prepared to advocate it for yourself because it was in your interest to do so.---Correct.

You could hardly say the actions of an honest man, correct?---Correct.

10 Not only did you do that, but you also, as I understand the evidence you gave to the Commission yesterday, had a part to play in the creation of documents which you knew to be incorrect for deployment in those proceedings.---Correct.

You know what the truth is. That wasn't true, was it?---No.

So what you say, "Look, I've lied in the past," yeah?---Yes.

"But now, trust me on this one, I'm not lying," right? Correct?---Correct.

20 And let's keep going. Not only did you have a part to play in the creation of documents, as I understand the evidence you gave yesterday, let it be accepted, you also deployed them, gave them to your solicitor.---Correct.

Gave them to Mr Hindi as I understand.---Correct.

All knowing on your part, based on what your account is, all of it false and dishonest.---Correct. Yes.

30 All right. You modified the stat dec. You told the Commission yesterday "I would have 4,000 RMB but that looked a bit suss and I think it would look better if we put 2,000 RMB" and you changed it.---That is not what I said.

What did you say?---I said that it modified the figure. I didn't say that it looked suss or anything like that.

No, but to make it more plausible in the account that you knew was going to be given based on your false information, correct?---Correct.

40 Hardly the actions of an honest man who knows the truth, correct?---Correct.

Did you know the truth then?---Then?

Yeah.---Yes.

THE COMMISSIONER: Mr Corsaro, there's no jury. I mean - - -

MR CORSARO: There is no jury. Can I ask you, when you're on your oath - - -?---Yes.

10

- - - do you swear to tell the truth?---I do.

Have you taken an oath on several occasions to tell the truth to the Commission?---Yes.

And on each of those occasions were you professing to be an honest man who knows the truth?---I was.

20 And did you lie on each of those occasions?---On, back in December I did, early part of June too, I did.

And then you saw the light, did you?---I decided to tell the truth.

Did the scales fall from your eyes and you realised - - -

THE COMMISSIONER: Now, Mr Corsaro, come on.

MR CORSARO: Do you find this funny, Mr Badalati?---I just find it incredulous.

30

Yes, as do we all.---Well, all right.

Let's just examine what happened, shall we? You gave this account of a conversation you had with Mr Uy at 1650 of yesterday's transcript. I'm sorry, might that be put on-screen, please? Sorry, we're having difficulty, Commissioner.

THE COMMISSIONER: That's okay.

MR CORSARO: So at line 10 you're asked in relation to arrangements in connection with the payment of money to China Liu's staff. Do you recall that, Mr Badalati?---Yes.

Line 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." So having been asked to say how it went the suggestion was then put to you as to how it went. "You said it needs to say 2,000 RMB in the second statutory declaration, correct?" "Correct." So you just assumed what was put to you was correct and you just adopted it, true?---When, yesterday?

Yes. That was yesterday.---Yes. That was correct.

Can I ask you – now, I'd ask for the non-publication order to be lifted in relation to transcript page 578, 2 June, I'm sorry, it's 7 December, thank you.

20 THE COMMISSIONER: 7 December?

MR CORSARO: Yes.

THE COMMISSIONER: Well, I wonder whether I can just see it on the screen?

MR CORSARO: You were on your oath at this stage, weren't you?---Yes, I was.

30 And at line - - -

THE COMMISSIONER: Yeah, I'll vary that order.

MR CORSARO: Thank you, Commissioner. At line 578, you were being asked about the same 2,000 RMB which was in the stat dec. Correct?

THE COMMISSIONER: Just a moment. I want to, I vary the order previously made by me, pursuant to section 112 of the Independent Commission Against Corruption Act 1988 to permit the publication of transcript page 578 on 2 June, 2022.

40

MR PARARAJASINGHAM: No, 7 December.

MR CORSARO: 7 December. I'm sorry, Commissioner.

THE COMMISSIONER: Oh, sorry. 7, yeah, 7 December, 2022 [sic]

**VARIATION OF SUPPRESSION ORDER: I VARY THE ORDER
PREVIOUSLY MADE BY ME, PURSUANT TO SECTION 112 OF
10 THE INDEPENDENT COMMISSION AGAINST CORRUPTION
ACT 1988 TO PERMIT THE PUBLICATION OF TRANSCRIPT
PAGE 578 ON 7 DECEMBER, 2021.**

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

You were on your oath, weren't you?---Yes, I was.

20 And this is the same 2,000 RMB that we're talking about in relation to the
statutory declaration. Correct?---Yes, it was.

And Ms Heger put to you at line 31, "How much money did you leave on
the table?" "I left 2,000 RMB and the Hindis left 4,000"?---Correct.

You knew the truth, didn't you?---Yes, I did.

And so you've resiled from that, as well, correct - - -?---Well - - -

30 - - - to create a situation where - - -?---Yes.

- - - you actually not only put the money but changed the amount of RMBs
in the stat dec?---Correct.

Let's talk about something else you did. Yesterday you told the
Commission that you also had a part to play in the creation of receipts for
the purposes of eventually deploying them in your defamation
proceedings?---Correct.

40 Again, dishonest?---Correct.

And you would say to the Commissioner, wouldn't you, having regard to the fact that it only happened twice, that the payment of cash, 70,000 and 100,000, they were remarkable events in your life, weren't they?---Yes.

Didn't happen every day of the week that you got bribed for 70,000 or 100,000. Right?---Correct.

So you'd expect to have that clearly imprinted in your memory. Right?
---Yes.

10

Now, how many times have you been asked to give an account as to what happened in respect of the 70,000 and then what happened in respect of the 100,000? More than once. Correct?---Correct. Here, yes.

And you accept that your accounts have varied?---I don't believe so.

No? Because it would be remarkable that these two quite unbelievable events occur in your life and they are imprinted in your memory with a fair degree of accuracy. Correct?---Correct.

20

All right. I'll need to ask for a variation of the non-publication orders at various times relating to various pages. Commissioner, what is the most efficient way? I don't want to delay the proceedings. What is the best way
- - -

THE COMMISSIONER: I think the best way is for you to identify the pages and then whether you do that now or as we go through?

30

MR CORSARO: I can do it as I go and then - - -

THE COMMISSIONER: Yeah. Sure. That's fine.

MR CORSARO: - - - could I ask for the variation at the end?

THE COMMISSIONER: Yeah.

40

MR CORSARO: Thank you. So, Mr Badalati, I want to go through what actually happened during the course of the investigations that ultimately led you to changing your tune. But before I do that, what is the motivation for why you say to the Commissioner "I told a stack of lies – lies over lies over lies over lies over lies – but now I'm telling the truth"? What was the

motivation to change that view?---I think when my daughters were asked to – well, would have been asked to come to the Commission, and they had nothing to do with it. That’s when I decided to tell the truth.

And I’m going to come to that because I’m going to suggest to you that what you did was do what you had to do to protect your daughters in the light of what happened during the course of the investigation. Do you accept that?---Yes, I do.

10 And it emerges, and I’m going to show you how it emerges in the course of what happened, and then I’m going to put something to you. So what happened is, on 2 June, at page 743, I won’t take you to it unless you want me to take you to it. I want to skip through this but I’ll give the Commission the transcript references as I go through. You were shown a schedule of cash deposits.

THE COMMISSIONER: Sorry, what page is this?

MR CORSARO: It’s 743, line 21. Sorry, are you asking about the
20 transcript, Mr Commissioner?

THE COMMISSIONER: Yeah, I just want to keep a note of it.

MR CORSARO: 743, 753. And lines 21, 9 and 39. You’ll see it on that page.

THE COMMISSIONER: Oh, look, I think if you just give me the page numbers, that’s fine.

30 MR CORSARO: Thank you. 753, 743. Do you recall that happening? And if you need to go to the transcript, I’ll take you to it, Mr Badalati. Are you clear?---Do I recall what happened?

That on 2 June you were shown a schedule of cash deposits.---Correct.

And the Commissioner on that occasion warned you that they had been identified by a forensic accountant. It’s the area Mr Patterson was asking you about a moment ago.---Correct.

40 And it was put to you that that was unexplained cash, correct?---Yes.

That totalled \$162,834. Correct?---Well, I don't recall how much it totalled.

Take it from me that that's what the evidence reveals.---Right.

I'll be corrected if someone thinks I'm putting it incorrectly. You with me?
---Yes.

You happy to accept that from me?---Yes.

10 And various amounts appeared in those accounts, your accounts, between
2013, April 2013, and 14 October, 2019, correct?---Correct.

Counsel Assisting then produced a schedule of payments in your daughter
Tina's account. Tina Badalati is your daughter, isn't she?---Yes.

And that was for a period 20 July, 2015 to 3 March, 2021, correct?
---Correct.

And that totalled \$92,000. 747 transcript, Commissioner, line 10. Correct?
20 ---If you say so, yes.

Just assume it from me that that's what happened.---Right.

You were asked to explain what these accounts, including your daughter's
money, was for. And you weren't able to explain them, correct?---Correct.

And at that stage you were invited to take some advice from your lawyer,
correct?---Correct.

30 And at that stage what Mr Patterson has called the witness protection policy,
the witness cooperation policy was put to you, wasn't it?---I think the
Commissioner spoke to my legal representative.

The Commissioner is recorded as referring you to it at 752, line 10.

THE COMMISSIONER: Bear in mind, Mr Corsaro, bear in mind that's a
public document and I would assume that - - -

MR CORSARO: No, no. No, not at all. I'm not suggesting any
40 wrongdoing here.

THE COMMISSIONER: Thank you.

MR CORSARO: And I'm sorry, if you've taken that that way, I - - -

THE COMMISSIONER: No, no, no, no. I haven't, but I just - - -

MR CORSARO: I need to apologise if you've taken that – I never would offend you.

10 THE COMMISSIONER: No, no, no. No, I understand that. But I just want to make clear it's a public document and - - -

MR CORSARO: I'm doing my job and I'm - - -

THE COMMISSIONER: And – no, I know that. And I would have assumed that Mr Pararajasingham would have drawn it to the witness's attention at some point.

20 MR CORSARO: I don't have any problem or hesitation accepting that 100 per cent, and it's going to be assumed in what I'm going to ask. And there's an adjournment at that stage and you were aware what the cooperation policy's all about, if you weren't aware already, by the time you got there? ---I think the Commissioner had mentioned it before.

But you were aware before you gave evidence on 2 June what the Commission's cooperation policy was about, weren't you?---Yes.

30 And you knew that if you cooperated with the Commission, the Commission had various discretions and various ways in which they could deal with a witness, even who lied, wanting to come back and tell the truth? ---I believe that's up to the Commissioner to decide, it's not up to me.

But you were aware of that, weren't you?---Yes.

And you were aware, weren't you, that the discretions available to the Commission would be perhaps an acknowledgement of assistance in the Commission report to come, correct, that was one thing?---That's one thing.

40 Another thing is the discretion not to make findings of corrupt conduct again the person even though the conduct justifiably could result in that finding, correct?---I don't know all of the - - -

You were aware of that, weren't you?---I don't know all the alternatives that's available to the Commission.

And I going to suggest to you that one thing you were aware of is the Commission also has the discretion not to recommend consideration of prosecution even where the conduct might justify prosecution, correct?---
Yes.

10 So there was a substantial benefit to be gained, having been a liar, to change your tune, correct?---I disagree.

So you're going to say to the Commission, are you, no part of your change in what happened, or your account, was influenced by your view that you might get some assistance under the witness cooperation policy. Is that really your position?---Yes, it is.

20 Well, what was it then? Was it your realisation that having lied on oath you'd better stop lying on oath, is that what happened?---I did not want my daughters dragged into this because they did not have anything to do with it.

In other words, you saw unless you played ball, I'll put that loosely, you understand what I mean, played ball?---Yes.

THE COMMISSIONER: I assume it means telling the truth, does it?

30 MR CORSARO: Unless you changed your story, we'll come to telling the truth, unless you changed the story, your daughter might be dragged into it and might be at risk?---Two daughters.

Two daughters. Is what I put to you fair?---Not at risk but they would be dragged into it without having had anything to do with it.

And the way that it emerged was like this, you came back, and this is at 757, after the adjournment you came back and you weren't able to explain the cash deposits and you asked you asked to speak to the lawyers again, correct?---Correct.

40 So when you said to the Commissioner, even after you took an adjournment and came back, was also a lie because you couldn't explain it, is that right? ---Could you repeat that, please?

Yes.---There were a couple of - - -

Yes. At 752 the Commissioner reminded you that there was a witness cooperation policy, there was an adjournment and then you continued to insist you couldn't explain the cash deposits and you asked to speak to your lawyers. That's what happened?---Yes, correct.

10 So when you said you could not explain the cash deposits, you were telling a lie, were you?---Yes.

And so there's a second adjournment and then you came back and you said you received two payments of 70,000 and 100,000 from Mr Uy, correct?---Correct.

You didn't mention Councillor Hindi at that stage, did you?---I don't recall.

757.---I thought I did. I thought I did but I could be corrected on that.

20 You came back and apologised to the Commissioner, 757, you were reminded that "it's in your interest and the interest of your daughters that we get to the bottom of what happened". You remember that, him saying that?---Yes.

And so you saw your position and the account you were giving in some way as protecting your daughters, correct?---Protecting them and finally telling the truth.

30 Now, remember I said if you received \$100,000 it would be burnt into your memory, the details would be burnt in your memory, correct?---Yes, correct.

And so at 758 Mr Baine said, "So that second payment of \$100,000, which you said was received in the second half of 2016" – do you remember saying that?---Yes.

Was it received in the second half of 2016?---Well, I don't recall exactly when it was now.

All right. So it's burnt in your memory but not to the extent of actually being able to say to the Commission whether it was in 2016 or 2017 or 2018?---Correct.

So let's just see how much more burnt it is in your memory, because Mr Baine said that was "while you were no longer a councillor". That's at 759, line 9. You said, "Commissioner, I have to check." The Commissioner asks you, "You have to check? I'm not sure why a payment would be made after you were no longer on council. I'm just trying to think that through."

10 So the suggestion was put to you that this payment was made not as a gift for what you had done but to influence what you were going to do, correct?
---That was mentioned, yes, correct.

Was your position at that stage that it was a gift made to thank you in connection for what had happened on Treacy Street?---The 100,000?

No. Yes, the 100,000.---No.

Sorry, on Landmark Square.---On Landmark Square, yes.

20 And is that still your position? Or you don't know?---No. My timeline, I have difficulty remembering exactly when I received that money. But having seen photographs, et cetera, I believe now it was 2018.

And on that – so it's burnt to the stage of not actually even knowing whether it was paid before or after a particular decision, right?---Correct.

So that's another reason why it's not really burnt a lot in your memory, right?---Correct.

30 And so what happened at 758, the Commissioner said, "Yeah. Look, I'm not going to hold you to dates, it's okay, because we'll work that out later, but the payments were received so that you would assist in getting their development application through?"

MR PARARAJASINGHAM: Commissioner, I'm sorry to interrupt my learned friend. Perhaps if this witness is going to be taken to a line-by-line sort of analysis, it's really only fair that he have that in front of him.

40 THE COMMISSIONER: Yeah, I agree.

MR CORSARO: 758. Line 27. I read it correctly. The Commissioner said, "Yeah. Look, I'm not going to hold you to dates, it's okay, because we'll work that out later but - - -" "Yeah." "But in either - sorry. The payments were received so that you would assist in getting the development application through?" "Yes." That was put to you, suggested to you, and you accepted it. And then, "And it seems, more than seems I have to say, that Mr Hindi was also doing all he could to get it through." Now, that's the first occasion in which Hindi was mentioned in connection with the receipt of payments, right?---Um - - -

10

THE COMMISSIONER: I'm not sure that's right, actually.

THE WITNESS: No.

MR CORSARO: Well, the transcript will show that, in my respectful submission, it is.

THE COMMISSIONER: Okay.

20 MR CORSARO: It was a suggestion from you, Commissioner. Do you see that?---Yes.

Now, you had not at any stage up to that point volunteered that money was taken by Hindi, had you?---I, I don't recall. I'd have to look at all my evidence.

30 And at 758, line 39, "Yeah. Do you know how much he received?" "The same." "Did he? Okay." "As far as I know." "No, that's all right. No, no. What about Mr Sansom?" And I'll pause there. That's the first occasion it was suggested to you that Hindi was also party to this transaction. Correct?--I, I don't think it was suggested to me. I thought I brought it up.

Yeah. The transcript will show but I'm going to suggest to you quite the converse. What do you say?---Well, that may be the case but I believe I brought it up.

And you grabbed that suggestion in the light of wanting to protect your daughter and ran with it. What do you say about that?---That is incorrect.

40 All right. At 759, line 24, I'm sorry, starting at line 8, "Did Mr Hindi know that you were taking much, receiving money?" "Yes." "All right. It was no

secret between the two of you?" "No." If I pause. Now, Mr Sansom is mentioned earlier, remember I showed you that passage?---Yes.

You and he were good mates. Right?---We were on talking terms, yes.

More than talking terms, surely? We've seen the relationship you two had here.---I, I know him. I speak to him.

10 He was not a political enemy, was he?---I think at that stage, he was Independent or, originally, he was Labor but then he changed to Independent.

I don't want to go into the ins and outs of that relationship but you and he, you travel to China - - -?---Yes.

- - - you'd socialised in the most interesting ways. Correct?---Correct.

He was much closer to you than Hindi ever was. Correct?---No.

20 Really?---Yes.

And at no stage did you volunteer or suggest to Sansom ever that you'd taken money. Correct?---Correct.

But you're prepared to take up the suggestion I'm putting to you that Hindi was involved when Hindi was not on the same league or terms as you and Sansom. What do you say about that?---Incorrect.

30 And if you look down on that page, 759, Mr Badalati, the Commissioner congratulated you on getting some sensible advice and then at line 19, the Commissioner was thanking you and you apologised. And he said "Don't worry. Don't worry. You know" and you said, "I was just trying to protect - - -" "Well, protect yourself and protect the family presumably." "Yes." So what you saw is by offering and changing your evidence, you were protecting your family, correct, and that's what you clearly said?---By telling the truth, I was protecting my family.

40 All right. Now, on 7 June you were asked some more questions about the \$70,000 payment, weren't you?---Yes.

Excuse me a moment. At 767/768, the bottom of that page, you talked about, yes. I should start earlier at the \$100,000, line 11. "Let's start with the payment in relation to Landmark Square. Landmark, yeah. Who provided you with that amount of money?" "Philip Uy." "All right. And when did he provide it to you?" "It was, from memory, it was during 2016." We know that to be wrong in your account now, correct?---I believe that it was wrong now.

10 Yeah, yeah. "And was the amount provided to you all at once or in instalments?" "All at once." "And how was it provided to you?" "We were, were we at a café in Kingsgrove." That's odd, isn't it?---Sorry?

You weren't in a café in Kingsgrove, were you?---I thought I was being questioned about the 70,000.

So that's the 70,000 we should take it as?---Yes.

20 "We were both parked in Paterson Avenue, which is just around the corner and when we went back to the cars he gave me the money." "In cash?" "In cash." "All right. Can you describe the bag?" "I don't recall a bag." So the memory isn't good enough to recall the receptacle in which \$70,000 in cash was handed to you?---Correct.

So that's another detail that seems to have slipped the memory, correct?---I think - - -

Correct?---- - - you'd be more a lot more worried about what was in the bag than what the actual bag was.

30 But you didn't know what was in the bag.---Exactly.

But you opened it and you realised what was in the bag.---Correct.

And you kept the bag at home, didn't you?---Not sure how long we kept it for.

40 "Look, I don't recall the bag but it was wrapped up inside the bag." "All right. In fifties, hundreds? Can you remember the denomination?" "That was one, in 100 notes, \$100 notes".---Correct.

Still your memory?---Sorry.

Is that still your memory?---Yes, it is.

“And was anyone present?” “No.” “Okay.” So on that account, cars in Paterson Avenue, Uy hands over a bag of \$70,000 in \$100 notes, wrapped, correct?---Correct.

And he says to you, doesn't he, this is for your help in regards to Treacy Street?---Yes.

10

For help you had already given?---Yes.

So I take it that your decision making for Treacy Street, having regard to the fact that you were already given the help, could not have been perverted by the receipt of \$70,000 in cash, correct?---Oh - - -

THE COMMISSIONER: I don't understand that.---No. Neither do I.

20 MR CORSARO: Well, your decision making on Treacy Street was not affected by the receipt of \$70,000, was it?---It, it was paid for for what I had done. I was advised.

I'm sorry, are you saying that before you were paid the \$70,000 someone advised you as to how you should vote?---No, that is not what I'm saying.

What are you saying?---I'm saying that when the money was given to me, I said “What's this for?” without knowing what it was and he said to me that it was for my assistance on Treacy Street.

30 Did you make other decisions relating to Treacy Street as a councillor after the receipt of that money?---I think I did, yes.

What were they?---In April 2016, Treacy Street was on the paper then, on the council agenda.

For what?---I think it was a, because that night it was both Treacy Street and Landmark. Landmark was for VPA and I think Treacy Street may have been a DA but I, I could be wrong on that.

40 All right. So let me ask you now, when was the \$70,000 payment made to you?---I think it was roughly April 2015.

So at 771, this is the first time that you were asked to try and identify the timing. At lines 1 to 19 you were asked, "Are you able to say whether it was 2014, 2015, 2016?" "I think it was 2015." "Okay. Are you able to say whether it was before or after that October 2015 meeting where you voted in favour of the modification application?" "I really don't recall if it was before or after." "Okay." "It could have been before. It could have been. Sorry. I just can't remember." "I understand. So sometime in 2015 you think?" That was the best you could do, correct? You were asked directly
10 when it was and that was the best you could do.---On the spot, yes.

On the spot? What do you mean on the spot?---Well, I was asked by Counsel Assisting and that's what I could remember at the time.

All right. Now, at 780 you were asked some questions in relation to deposits made into your daughter Tina's account and your own account. You see, for example, at line 8, "cash deposit \$6,600"?---Yes.

And at line 20 and following you say this, you're talking about cash
20 payments, "100 times 60, 50 times 12" and so on. Do you see that?---Yes.

"The trace details indicate deposits included \$100 and \$50 notes," didn't it?
---Yes.

So the \$50 notes certainly couldn't have been from the 70,000 that you maintained you received in cash, correct?---Correct.

But weren't you maintaining that those deposits were in fact the \$70,000 that you'd received?---Yes.
30

So that was wrong, correct?---No.

So how were the \$50 deposits consistent with coming from the \$70,000?
---Because I had some money at home, \$50, so that deposit was partly from money I had at home plus money that I had got from Mr Uy.

But look at – I'm sorry, are you saying that the \$50 notes were also from money from Mr Uy?---No, that is not what I said.

40 THE COMMISSIONER: No.

THE WITNESS: I said that I had some money at home, which were \$50 notes.

MR CORSARO: Well, what you were being asked is to explain the cash deposits in the traces that you were being shown, correct?---Correct.

And you'll see, at line 21, "You'll see that there's a column trace details that has cash 100 times 60, 50 times 12." "Yep." "And as I said, this first one occurred 20 July, 2015 in the amount of \$6,600. So would you accept that it's likely that this is the first deposit you made out of the \$70,000 Treacy Street?" You had no idea one way or the other, did you?---I'm sorry, I don't follow your question here.

It was suggested to you that the amount of money paid into your daughter's account - - -?---Yes.

- - - the cash deposit of \$6,600, came from the Treacy Street money.---Yes.

You had no idea one way or the other as to whether it was at that point, did you?---No, the \$100 definitely came from that, and the \$600, which is 12 times 50, would have come from the money I have in the safe beforehand.

But look what you say when you're invited to speculate about this. "And as I said, this first one occurred on 20 July, 2015 in the amount of \$6,600. So would you accept that it's likely that this is the first deposit you made out of that \$70,000 Treacy Street payment?" "Yes."---And I, I say yes.

Yes. You were prepared to accept it came out of the Treacy Street money. ---The great - - -

30

MS HEGER: Commissioner, to be fair, I did not ask, "Is that amount of money exclusively from Treacy Street?"

THE COMMISSIONER: No.

MS HEGER: The question speaks for itself, really.

THE COMMISSIONER: You have to bear in mind too, Mr Corsaro, what's down at line 40.

40

MR CORSARO: Yes. I'll proceed in a slightly different way. Thank you for that observation. I'm conscious of it. Thank you. And when you were asked about Landmark Square at 781, you said that was "All in 50s". Correct?---Correct.

Is that still your memory?---Yes.

Now, as I understand what you told the Commissioner on that occasion, you kept the money in the safe for a year before you started depositing it. Is that correct?---Correct.

777, 38. Now, look at 781 for me, line 10.---Sorry, it's disappeared. Yes.

Look what was put to you at line 11. "You said to me a little while ago that you put the money in the safe and you kept it there for about a year." "Yeah, roughly." "All right. Well, you'll see that the first deposit here is \$6,600 made on 20 July, 2015. That would suggest, would it not, that you were paid in 2014?" "Yeah. Yeah." You just grabbed that and just accepted whatever was put to you. Correct?---Correct.

20 And that's because what was motivating you was your desire to do whatever the Commission you thought wanted you to do in order to protect your daughter and family. Correct?---Incorrect.

Well, how is it possible that you were prepared to say on your oath that you might have received it in 2014 when it was suggested to you?---Because on the spot, I could not recall exactly when in 2015 I received that money, so I thought it may have been paid late 2014, I just couldn't recall.

30 And the suggestion was being put to you further on on that page, about a second payment on the (not transcribable) for \$3,000 again suggesting "you received the payment sometime in 2014." "Yes, yes." Again just taking up whatever proposition was put to you for the purposes of protecting your daughter. You were prepared to say and do anything at that stage, may I suggest to you?---That is incorrect.

Well, explain why you were prepared to accept the \$3,000 payment was part of the Landmark Square payment or, sorry, Treacy Street payment and that suggested it was made in 2014? Why are you prepared to accept that?
40 ---Because, because I used to keep money at home as well and I could have been confused on that payment for 3,000.

Now, let's go to Mr Hindi. Do you recall giving evidence that you became aware that Mr Hindi received money because he volunteered it, he told you? Correct?---I told him that I have received money. And, at first, he said he hadn't but then admits it, that he had.

In the same conversation?---Yes.

10 MR PARARAJASINGHAM: Sorry to interrupt my learned friend. It appears he's going to a new topic. I just note the time. Would it be convenient to take a break, Commissioner?

MR CORSARO: I - - -

MALE SPEAKER: That's useful for you.

THE COMMISSIONER: How much longer will you be?

20 MR CORSARO: Another 20 minutes, I would think?

THE COMMISSIONER: Okay. We'll just take a short break and then come back. Thank you.

SHORT ADJOURNMENT

[11.34am]

THE COMMISSIONER: Take a seat. Sorry, Mr Corsaro, you go ahead.

30 MR CORSARO: Thank you, Commissioner. Mr Badalati, before the break I was asking you some questions in relation to the conversation concerning the payment of the \$70,000, you recall?---Yes.

How did that happen? How did the conversation occur?---We were in a coffee shop at Hurstville and I think we were talking about either Landmark or Treacy Street or both, and I mentioned to Mr Hindi that I had received a payment.

40 What did you say?---I said, "I've received a payment."

Yep. What else did you say?---"Of 70,000."

Yeah. Then what happened?---And the response was that he hadn't received anything.

Yep. Then what happened?---And then we kept talking about the developments.

What did you say? What did you say?---I think I was talking about Landmark.

10

What did you say?---And where that was up to.

What did he say?---Sorry?

What did he say?---That it was with council, I think, at that time.

And then what happened?---And then eventually he admitted that he had received a similar amount.

20 When you say "eventually", what happened?---Well, we were talking about Landmark.

Yeah. What happened?---And he eventually said that he had received a similar amount.

What did he say?---"I received a similar amount."

What else did he say?---(NO AUDIBLE REPLY)

30 Don't know?---Well, I don't recall exactly.

I didn't ask you exactly. What else did he say?

THE COMMISSIONER: Well, you are asking him exactly what did he say.

MR CORSARO: Well, do you recall the effect of what he said?---Sorry?

I'm not asking you for the precise words and you're not professing to give me precise words, are you? You're trying to convey the effect of what you can remember.---Exactly.

40

What else did he say?---That he had received a similar amount.

Anything else?---I don't recall after that exactly what was said.

All right. That's what happened?---Yes.

I'm going to suggest you've made all of that up. What do you say about that?---That is incorrect.

10 Really? Let's just see what you told the Commissioner the last time you were asked about this topic on 14 June, shall we? Transcript 69T. Line 9. "At some point you had a conversation with Mr Hindi?" "Oh, yeah, I told him." "Okay. So doing the best you can to recall that conversation, who called who?" "Who called who?" "I may have called him." "Okay." "I, I think it was me who called him." "And you brought up the subject of having received this amount of money?" "Yes." "What did you say to him?" "I said, 'Oh, Philip gave me money in regards to Treacy Street.'" "And your evidence earlier was that you told Mr Hindi that was it was about \$70,000?" "Yes." "How did you know it was about \$70,000?" "Oh, this
20 was about two days after." "All right. So by that point you'd counted the money?" "I had counted the money." "Okay. And what did Mr Hindi say? Your evidence earlier was that he said, 'I received a similar amount?'" "Eventually, yeah." "You said initially he denied receiving any money?" "Yes." "But then you said he'd receive a similar amount?" "Yes." "Did he say anything else?" "No." How about that? Conversation on the phone?--- No, the conversation was not on the phone.

Did I not just put to you that you accepted the proposition that it was a telephone call and that you called him? That was your evidence.

30

THE COMMISSIONER: That's not what you're putting to him now, as I understand it. You're putting to him that in some way he was saying that your client's - - -

THE WITNESS: I called him to organise a meeting.

MR CORSARO: No, what you told Counsel Assisting was that it occurred in a telephone conversation. What do you say about that?---I, I don't believe that is correct.

40

THE COMMISSIONER: No, I reject that, I do. I don't think you can draw that - - -

MR PARARAJASINGHAM: I object. Just stop. Mr Badalati did not say that.

THE COMMISSIONER: You can't draw that from this page, surely.

10 MR CORSARO: I'm sorry? I'm reading it fairly, with respect. I'll make it plain.

THE COMMISSIONER: Well, I don't agree.

MR CORSARO: 69T.

THE COMMISSIONER: Yeah.

20 MR CORSARO: "At some point you had a conversation with Mr Hindi?" "Oh, yeah, I told him." "Okay. So doing the best you can to recall that conversation" – that is, when you told him – "who called who?" Surely I've not put that poorly, Commissioner. Surely that is the most logical way in which it can be read.

THE COMMISSIONER: You go on.

MR CORSARO: The proposition was put to you that the conversation in which Hindi relayed he'd received \$70,000 occurred on the phone. What do you say about that?---That is incorrect.

30 And the fact that you've given that account makes it plain that none of this actually occurred.---That is incorrect.

And again, you were prepared to just accept whatever was put to you on the basis that you thought you had the benefit of a cooperation policy and you were protecting your daughter. What do you say about that?---I had no expectations about what might come out of this inquiry.

40 But you knew that if you offered up Hindi, it would be beneficial to you in some way.

THE COMMISSIONER: Well, I don't think you can put that either, can you? I mean, I made it clear – if you've correctly quoted me in the past – that - - -

MR CORSARO: I think I have, Commissioner.

THE COMMISSIONER: Yeah, that I made it clear there's a discretion and - - -

10 MR CORSARO: Yeah. But that was your belief, wasn't it? You had a belief that if you could offer up Hindi, then you would be looked at favourably?---That is incorrect.

And I'm going to suggest to you that you offered up Hindi because you were aware that that's what was of interest to the Commission.---That is - - -

They were putting Hindi to you as being a person that also took money. ---That is incorrect.

20 Can I ask you about the 100,000. You've given a number of accounts in relation to the \$100,000 payment, haven't you?---I thought I've only given one.

Really? Okay. So can I ask you to go to 73T. Transcript 73. Just bear with me. I'm sorry, I should start this way. At 786, 786.

MALE SPEAKER: PT.

30 MR CORSARO: PT. You were asked about the circumstances surrounding this \$100,000 cash payment as far as you asserted it to be, correct, at 786?---No - - -

I'll ask for it to be put on the screen.---I can't see it at the moment.

Line 30, Counsel Assisting was asking you in relation to the circumstances surrounding the money.---Yes.

40 And at 35 you say "Well, Mr Hindi worked at Homebush at the time. Mr Uy lives at Rhodes so Mr Uy asked us to go to Rhodes. We had a coffee in the shopping centre there." That's what you said, correct?---Yes.

“Then virtually behind the shopping centre there’s a park on the river”.---
Yes.

That’s not the park that you marked on the map yesterday, is it?---Yes.

Really? How is that virtually behind the shopping centre?---It’s just one
block down, I think.

10 You were clearly signifying to this Commission and to the Commissioner
that you walked out of Rhodes - - -?---I did not say that - - -

- - - to the park which is quote “virtually opposite”.

MR PARARAJASINGHAM: Well, no, “virtually behind.”

MR CORSARO: I’m sorry, “virtually behind”.---I did not say that.

20 Can I ask you to look at Exhibit – I’m sorry. Before I do that, after you
gave evidence here on 14 June, you’ve been following the course of this
inquiry on video, haven’t you?---Yes, I have.

So you saw me cross-examine Mr Uy, didn’t you?---Yes.

And you saw me put to Mr Uy various difficulties in connection with any
scenario associated with payment of money in the carpark behind the
Rhodes shopping centre?---Yes.

30 And what you have done is you’ve tailored your evidence and modified
your evidence to try and fix the obvious holes in that account having heard
me cross-examine Mr Uy and pointing out the inanity and the absurdity of
the account.

THE COMMISSIONER: Well, you’re going to have to put to him
particulars of that, the problems.

MR CORSARO: Yeah. The problems you heard is that there is no car
parking, correct?---That was in Mr Uy’s evidence.

40 Yeah. And that you couldn’t park parallel?---Correct.

And you accept that that car park, the car parking around the park behind the shopping centre does not accommodate your account in relation to moving cars and parking side by side, correct?---It does.

It does?---Yes.

Which park are you talking about?---Foreshore Park.

10 Oh, yes. No, but the car park virtually behind the shopping centre, you understood to be the car park I put to Mr Uy, correct?

MR PARARAJASINGHAM: I object to this. There is uncertainty in “virtually”. My friend is latching onto that and this really doesn’t assist you, Commissioner, with respect.

MR CORSARO: Really?

20 THE COMMISSIONER: Well, at the end of the day people can make submissions, I suppose. I won’t comment one way or the other but, you go ahead, you go ahead.

MR CORSARO: And your evidence was “virtually behind the shopping centre”. How far is Foreshore Park away from the shopping centre?---Oh - - -

Kilometres, isn’t it?---Sorry?

30 Foreshore Park is kilometres away from the shopping centre, isn’t it?---I don’t think so.

You have to drive there, don’t you?---We drove there but we didn’t have to drive. It’s within a walking distance.

You’re making this up, I’m going to suggest to you, Mr Badalati, because you know the account that you originally gave of a cash payment in the park virtually behind the shopping centre was simply nonsense. What do you say about that?---That is untrue.

40 And what you say at T786, if I could have it back on the screen, please.

MALE SPEAKER: PT. PT786.

MR CORSARO: 786PT, thank you. Your evidence was “we had a coffee in the shopping centre there. Then virtually behind the shopping centre”, and I’m going to suggest to you that the suggestion that that is Foreshore Park is false. What do you say about that?---Incorrect.

And you say “we parked there and he took the money out of his vehicle and handed it over”. That’s what you say. Correct?---Correct.

10 At 787, you say, “Did you open the bag in the park?” “No, but it was obvious what was in there. You could see what was in there.” Do you see that?---Correct.

“Mr Uy handed each of you two bags and said this is for Landmark Square or words to that effect.” “Yep”?---Correct.

And your suggestion was – I withdraw that. When did that occur, Mr Badalati? What’s your recollection about when that occurred?---Originally, I thought it was in 2016 but I now believe it’s more likely it was in 2018.

20

Why, because you were shown photos?---Yes. And, and an email.

Yeah. And can I ask you whether I'm right in believing that when you went to Rhodes, you went not knowing what it was about?---Hadn't been told that it was about that.

What were you told?---Catch up for a coffee.

And you had coffee, right?---Yes.

30

And yesterday your evidence was “that was Oliver Brown’s”. Correct?---I think it was Oliver Brown’s.

Yeah, because you heard me put that to Mr Uy, the other day. Correct?---No, because I’d been to Rhodes a few times.

40

And so if your recollection was you had coffee and you’re describing Oliver Brown’s, your evidence that it was “virtually behind the shopping centre” was a clear indicator to the Commission that this alleged payment occurred in the park which was immediately outside that shopping centre in the way

that you heard me put to Mr Uy. What do you say about that?---No, not correct.

At 74T, look at what happened at 74T. "Okay". Line 10. "All right. So yourself, Philip Uy and Con Hindi - - -?---I'm sorry. It is – it's up now.

Sorry. I do apologise.---Yeah.

10 "Okay. All right. So yourself, Philip Uy and Con Hindi have coffee at the shopping centre in Rhodes and it was only the three of you there, is that right?" "Yes." "And then what happened?" "And then we just walked to the park." There's an account which is totally at odds with what you've just said. Correct?---If you go on to the next paragraph - - -

No, just listen to what I've asked you.---Yes.

That account is completely at odds with what you've just said?---It's incorrect.

20 The reason is you're making it up. That's what I'm suggesting to you.---You are wrong.

"We walked to the park, which is right next door to the shopping centre." You're not going to suggest now, are you, that you, Mr Hindi and Mr Uy walked to Foreshore Park, are you?---I said that was incorrect.

30 "And Con Hindi and I moved our cars to be close to Philip Uy's car there." So the account I put to Philip Uy came directly from what you have said to the Commission on another occasion. Do you see that?---Well, I, it was inadvertently - - -

A lie.--- - - - inadvertently wrong.

A lie, I'm going to suggest to you. And that's why these variations have occurred.---Incorrect.

40 And you had no compunction at that stage of just accepting parking, walking across the park, the payment of money. And then when you heard me dismantle you in relation to that account, you re-manufactured it for the purposes of giving evidence yesterday. What do you say about that?---I'd say that is untrue.

But you know the truth, right, and so you're telling the truth now?---Yes, I am.

And were you telling the truth then on that?---As I said earlier, it was inadvertently wrong 'cause we drove to the park.

10 Yeah. And then "You'd each travelled in your separate cars?" "Yes. Because I came from my home, Hindi came from work." "So you moved to the park, you moved your cars to be closer to Philip Uy's and then what happened?" "He opened his boot and gave us the bags each." The clear account you were giving was of an incident – which I'm suggesting to you never occurred – in the car park, which you saw me cross-examine Mr Uy about.---No, it wasn't that car park. It was Foreshore Park.

20 Yeah. And of course the account that appears at 74T – I'm sorry, it's gone off screen again – which has Mr Uy parked somewhere and you two moving to Mr Uy's car, makes nonsense of the proposition that you parked at Foreshore, correct? Because he would have had to have walked a kilometre back to have coffee with you in the shopping centre.---No. We all drove there.

Yeah, sure. I'm going to suggest to you, as though we're not already clear, that there was no payment of \$70,000 to Mr Hindi and he never told you of that payment. What do you say about that?---That is untrue.

30 You made that up and delivered him up because that's what you thought the Commission wanted to protect yourself and your family. What do you say about that?---That is incorrect.

The reason you never mentioned anything to Sansom is because you never ever – withdraw that. Can I ask you this, had you ever taken a bribe before?---No.

So the reason you didn't mention it to Sansom, I assume, is because, hey, you wanted to keep it hidden. Why would you want to make it public knowledge that you'd taken a bribe, right?---I wasn't as close with Mr Sansom.

40 Well, I'll deal with that now. In 2014, Hindi ran against you for mayor, didn't he?---I think it was 2013.

I'm going to suggest to you in 2014 he ran against you and you were at each other's throats in 2014 and 2015.---No, that is incorrect.

Did you hear Mr Wong's evidence?---Yes, I did.

Did you hear me put to him that you and Hindi hated each other?---No, I didn't hear that.

10 And I'm going to suggest to you that if that had occurred, there was no way you would have mentioned taking a bribe to Hindi. What do you say about that?---No, that is incorrect.

I'm going to suggest to you that the reason you haven't even got your story straight in relation to the 100,00 and you've varied your accounts is because it never happened.---That is incorrect.

And of course one would have to just accept your word as a truthful with for that, you've got nothing else to offer, right?

20

MR PARARAJASINGHAM: I object to that.

THE WITNESS: Was that a question, sorry?

MR CORSARO: Yeah. That depends on your account as a truthful witness, correct?---Yes.

And you would have to say, "Commissioner, I told many, many lies and have been dishonest over many, many years but on this one I'm telling the truth", correct?---Correct.

30

Yeah. I'm going to suggest to you that at no stage, at 1664, I'll put it directly, you gave an account in relation to an email you say that Hindi prepared. Do you recall giving that evidence? I can take you to the evidence if you want me to.

THE COMMISSIONER: I think you should.

40 MR CORSARO: Thank you. 1664. Start at the top of the page, Mr Badalati. It's an email about the Tang (not transcribable). Do you remember the - - -?---Yes.

I won't take you through it. But you have no direct evidence one way or the other as to whether Hindi prepared that email, correct?---Mr Hindi told me.

Oh, really? Where do you say that?---(NO AUDIBLE REPLY)

What you say in relation to that is "What I was told was that he assisted in doing the response to council".---Yes.

10 But you don't know what response that was, correct?---Sorry, could you repeat that?

Look, what you say is that at some stage you had some conversation where Mr Hindi said he did some response or helped in relation to a response, correct?---Correct.

I'm suggesting to you that never occurred, all right? I'm just putting that to you, it never occurred.---Not true.

20 Yeah. And what I'm suggesting to you, that you don't even know whether that's the very email because at line 38 you say "Whether it was this email or another email, I don't know." Do you see that?---Yes.

So what you're suggesting to the Commission is you had a conversation about some email but you don't know what email that was, correct?---Correct.

30 And I've already put to you that there was no conversation with Hindi concerning the preparation of any email responding in the way that you have suggested?---That is untrue.

Yeah. And do you recall being asked some questions about discussions at Ramsgate, a Ramsgate meeting?---Yes.

I'm going to firstly suggest to you there was no scum down, to use the Commissioner's language, in relation to that meeting. You were not there concocting a story as to what you should say. What do you say about that? ---That is incorrect.

40 And did you discuss the money at that meeting?---No. I don't believe we did.

There was more than one meeting at Ramsgate, is that right?---Two.

Two. And you say that at no stage at either meeting was there any discussion about money, is that right?---I don't believe there was.

Is it your evidence that there was an agreement as to what account you and Hindi would give in relation to the flights and accommodation for the April 2016 China Meeting?---Yes.

10

I'm going to suggest to you that again that is just part of the story in trying to throw Hindi to the wolves because that's what you think best advances your case because that's what the Commission wants. What do you say about that?---Incorrect.

Yeah, I have nothing further. Thank you, Commissioner.

THE COMMISSIONER: Thank you, Mr Corsaro.

20 MR BAINE: Commissioner, might I just deal with the variation to the compulsory examination transcripts of Mr Badalati?

THE COMMISSIONER: I made a note too. It'll be interesting to see whether mine accords with yours.

MR BAINE: Oh, okay, all right.

MR CORSARO: I can give you the transcript references.

30 THE COMMISSIONER: No, that's all right. I think it's - - -

MR CORSARO: Commissioner, I should before I resume my seat - - -

THE COMMISSIONER: 743 we started with, I think. 743, 747, 752, 753, 757, 758, 59, 67, 68, 71, 77, 80, 81, 86 and 87.

MR BAINE: That's correct.

THE COMMISSIONER: Yeah. I vary the order I previously made.

Pursuant to section 112 of the Independent Commission Against Corruption Act 1988, to permit publication of those pages of the private examination of this witness on – what date was it? 6 December?

MR CORSARO: It was – I think it was the 6th, I touched the 6th.

THE COMMISSIONER: Yeah.

MR CORSARO: I'm sorry, I think it concerns 7 June and 2 June.

10

MR BAINÉ: Yeah, so the transcript pages between 743 and 759 are on 2 June.

THE COMMISSIONER: Yep.

MR BAINÉ: And the pages between 767 and 787 are on 7 June.

THE COMMISSIONER: Thank you. All right.

20

VARIATION OF SUPPRESSION ORDER: I VARY THE ORDER I PREVIOUSLY MADE, PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988, TO PERMIT PUBLICATION OF THOSE PAGES OF THE PRIVATE EXAMINATION OF THIS WITNESS ON 7 JUNE AND 2 JUNE, 2022.

MR CORSARO: Commissioner, without any discourtesy, I'm going to ask
30 to be excused. I can't stay any longer.

THE COMMISSIONER: That's all right.

MR CORSARO: Thank you.

THE COMMISSIONER: Yeah. Thanks for your help. So who's next? Mr Hood?

MR HOOD: Yes, thank you, Commissioner. Mr Badalati, can you hear
40 me?---Yes, I can.

Good, thank you. Mr Badalati, do you agree with this, that it was inappropriate for a councillor to be loaning money to a man in the position of Philip Uy?---Yes.

Okay. Notwithstanding that, however, do you say that that occurred on three occasions, true?---True.

10 Okay. When the, or prior to the defamation proceedings being filed, I take it you were prepared to see those proceedings through if necessary, true?
---True.

That is, you understood, did you not, at the time those proceedings were filed that it might be necessary for you to give evidence?---Yes.

Yes. And you understood this, that the documents that had been filed were basically a tissue of lies?---Yes.

20 Yes. You understood, of course, that if necessary you would go to court and you would repeat the tissue of lies for your benefit, true?---True.

Yes. Okay. And do I take it the seriousness of that position mattered little to you?---No. It did matter.

You understood this, did you not, that you would present yourself before the Supreme Court as a witness of truth?---True.

And you understood this, that if you were going - - -

30 THE COMMISSIONER: Mr Hood, Mr Hood, Mr Hood.

MR HOOD: Sorry.

THE COMMISSIONER: This has been the subject of questioning both by Mr Patterson and Mr Corsaro. Do we need to go there again?

MR HOOD: I'm sorry, I didn't hear you, Commissioner.

40 THE COMMISSIONER: I said the topic you're asking questions on now was covered by Mr Patterson and Mr Corsaro. My question to you is do we need to go there again?

MR HOOD: All right. If I can just ask one matter in regard to that?

THE COMMISSIONER: Sure.

MR HOOD: You told the Commission that you received an award in regard to those proceedings, true?---True. A settlement.

10 A settlement, thank you. And you know that settlement was based on the lies presented?---Yes.

And I take it you've refunded those moneys, those ill-gotten gains?

THE COMMISSIONER: Mr Hood, how is that relevant? And how is it relevant in particular to your client?

MR HOOD: All right, I'll withdraw. Mr Badalati, I think you agreed with this, that you were watching the live stream from beginning to end, is that right?---About 99 per cent of it.

20

Yes. And you were watching it with this in mind, to see what witnesses gave evidence that touched upon you, is that the case?---"You" as in me or "Uy" as in Mr Uy?

I'm sorry. You watched it closely on the basis that you might be mentioned from time to time in the proceedings?---Correct.

Yes. And no doubt in mind with having to deal with that at some time in the future, true?---True.

30

All right. And you saw this, did you not, that I asked Mr Philip Uy about a loan being made between you and he, you saw that, did you not?---Yes.

Yes, okay. And you also saw this, towards the end of his evidence, that he gave evidence about the financial position on Wensheng Liu, true?---True.

All right. Now, the position is this, that you first met Wensheng Liu when you were presenting trophies at a table tennis competition, is that the case? ---No.

40

No, all right. Thank you. I just want to go to the position of the \$70,000 payment. On two occasions there's one – sorry, you've given evidence on two occasions and the one constant in regard to those two occasions is that it occurred in 2015. Do you agree with that?---I believe so, yes.

Thank you. You've given evidence in relation to the payment of the \$100,000 and on the two occasions that you gave that evidence, the one constant was that it occurred in 2016?---Yes, but - - -

10 Thank you. Prior to yesterday that was the position, true?---Yes.

Okay. Then yesterday you gave evidence to this effect, that it occurred in 2018?---I think I said that, having seen the photo and the email from Mr Uy to his friend in Hong Kong who had asked him who was the money for, having seen that I started thinking about exactly when it was.

Yes. And now what you tell the Commission is this, that rather than it having occurred in 2016 your recollection is that it occurred in 2018?

20 THE COMMISSIONER: Again, Mr Hood, I mean, we're just going over old ground, aren't we? Really, how does this affect your client?

MR HOOD: Well, in this particular way, a scenario has been put, Mr Commissioner, as to the receipt of funds and those funds occurring in regard to matters passing through council.

THE COMMISSIONER: And how does that affect your client?

MR HOOD: Well, I don't know what's going to be put in regard to the
30 conduct of Mr Uy and these payments - - -

THE COMMISSIONER: But do you agree we've already been over this?

MR HOOD: Well, only in part, I agree with that.

THE COMMISSIONER: Well, can you please just confine it to matters that, one, are relevant to your client and, two, aren't just repeats of what's already happened?

40 MR HOOD: All right. If the payment occurred in 2018, that is two years after the council meeting that occurred on 20 April, 2016, true?---True.

And two years after the trip to Tangshan?---True.

Thank you. All right. I just want to go to the loans that were made between you and Mr Uy. Do you agree with this, that on each of those occasions that those loans were made, Philip Uy provided you with a reason as to why he wanted those moneys?---Sorry. Could you repeat that?

Certainly. There were three loans?---Yes.

10

Yes. On each occasion, you were approached by Mr Uy, he came to you?---Yes.

Yes. And on each occasion, did he give you a reason why he wanted to borrow those moneys?---I, I believe it was for, he was a partner in a school for overseas students and he said he needed some money towards that.

Okay. Just, perhaps it was my question. On each occasion, he came and asked you for money, did he give you a reason as to why he wanted money on those three occasions?---I think the first two times, remembering that he had repaid the first loan, the second time, it was for the same reason and then he repaid 9,000 of it and then on the third time, he said that Mr Liu, Wensheng Liu, needed some cash.

20

Right. Just so I have it right, on the first two occasions, he did not give you a reason why he was asking you for money?---No. I, I just said it was for his school.

Right. So on the first two occasions, was that the reason why he gave?---Yes.

30

All right. Thank you. Now, I just want to go to the line of credit that you say you saw on a particular occasion. Do you recall giving evidence about that matter?---I do.

Right. Now, could it be the case, this, that you, in fact, were not shown that by Wensheng Liu?---No.

All right. Do you say you have a recollection of that occurring?---Yes.

40

Yes. Where did that take place?---It was in his office.

Yes. Okay. Why were you there?---I think Philip Uy, from memory, asked me to go.

Yes. Could it simply be the case this, that – sorry, no. I withdraw that. Do you have a recollection now of why you asked to go there on that occasion?--No. Just trying to think. No, I don't have a recollection of why but I do recall Mr Uy asking me to go.

10 Right. Okay. Do you agree with this, that on several occasions yesterday, you referred to troubles you had with your recollection?---I think no more than a lot of people.

Well, I'm not being critical. I'm just saying the fact is yesterday on two occasions, you made reference to difficulties with your memory. That's the case, is it not?---It's, in terms of time lines, yes.

Right. Okay. And the fact of the matter is this, that sometimes you need to write matters down. Is that the case?---Yes.

20

Yes. Okay. Certainly nothing recorded about Mr Wensheng Liu showing you a line of credit. You've not recorded that anywhere, have you?---No. No.

Right. Okay. Certainly, you didn't see that line of credit anywhere near a shopping centre, did you? Wasn't in a shopping centre?---No.

No. Thank you. All right. Now, you've had the benefit of seeing the photographs of large amounts of money being kept by Philip Uy. Do you recall that?---Correct.

30

Up until the time that you saw those photographs, you had no understanding whatsoever that he kept such large amounts of money at home. True?---True.

Right. And I take it you were somewhat taken aback by the fact of the large amounts of money shown on ironing board. True?---True.

Yes. And that convinced you, of course, that this man, Mr Uy, had at his disposal – that's at Philip Uy's disposal – large amounts of cash, yes?---It appeared that way, yes.

40

Yes. All right. And that being the case, does that remove the suspicion that you had about the moneys being, the moneys perhaps coming from Wensheng Liu? That's the case, isn't it?---Yes.

Thank you. Just pardon me. Thank you, I have nothing further.

THE COMMISSIONER: Thanks, Mr Hood.

10 MR HOOD: Thank you.

THE COMMISSIONER: Ms Alderson, I think you're the last, aren't you?

MS ALDERSON: Excellent, thank you, Commissioner. Mr Badalati, my name's Jaye Alderson. I'm representing Georges River Council in this public hearing. Mr Badalati, you accept, don't you, that as a councillor you're in a position of significant power and influence over employees at council?---No.

20 You don't accept that?---No, I don't.

Why don't you accept that?---Well, if you look at the code of conduct - - -

We'll come to that, Mr Badalati. But putting aside the code of conduct, the position is a councillor is one of leadership, correct?---Correct.

Yes. And because of that position and privilege that you have in council, you do have the capacity, if you choose to, to influence employees of council, correct?---I don't believe so.

30

You don't believe so? Okay. So do you accept this, that as a councillor you should be very careful to ensure that you exercise your powers and influence over employees in good faith and for the public interest?
---Correct.

And you were aware as a councillor since at least 2017 of the existence of the councillor and staff interaction policy?---Correct.

40 And perhaps if the Commission staff could put that document on-screen.
It's volume 9.3, page 266.

THE COMMISSIONER: Certainly.

MS ALDERSON: Thank you. Thank you. And if I could ask Commission staff to go to page 4 of that document? Now, Mr Badalati, would you agree that clause 1.3 of that policy, in the second paragraph, provides that “a councillor or member of council staff should not take advantage of their official position to improperly influence other councillors or members of council staff in the performance of their civic or professional duties for the purpose of securing private benefit for themselves or another person”?
10 ---Yes.

And you understood that obligation when you were councillor?---Yes.

When you gave this evidence to the Commission on 14 June, 2020, you were agreed with the Commissioner that by accepting money from Mr Philip Uy, Philip Uy “must have believed you had done something or would do something in return for that money”. Do you recall - - -?---Yes.

20 Yes, yes. And then the Commissioner asked you “What was it you did for him or would do for him in return for that money?”---Yes.

Yep. And your answer was “Talk to the officers if required and when it came to a council vote - - -” “Vote, yeah.” “Yes.”---Yes.

Yes. In respect of the words “talk to the officers”, what did you mean by that in the context of doing it in return for the money?---Oh, asking questions of where it was at. Asking questions of what were the issues.

30 And you did that on several occasions in respect of Landmark Square and Treacy Street developments, correct?---I did.

And you accept, don’t you, that because of your personal interests in these developments, your interest was more than it would have been with other developments, is that correct?---Yes.

Yes. And I’ll just take you to one of those meetings. On 31 August, 2018, you had a meeting with Ms Bishop, Ms McMahan and Mr Hindi.---Yes.

40 Yes. And Counsel Assisting asked you some questions about this meeting. Do you recall the meeting I’m referring to?---I do.

Yes. Thank you. And during this meeting you expressed concerns about the loss of the hotel, you wanted to know why it was taking so long?---
Correct.

Correct. And you were persistent in your questioning?---I don't think I was persistent.

Are you sure about that, Mr Badalati?---I, I asked some questions.

10

Yeah. Now, you've been following the evidence as being given in this inquiry?---I have.

And you listened to the evidence of Mr McMahon and Ms Bishop in respect of this meeting on 31 August, 2018?---Yes.

And you heard the concerns raised by these two staff employees about the nature of the questioning and how they felt pressured in a certain sense?---
Yes.

20

Yes. It's a bit of a coincidence, isn't it, Mr Badalati, that the two developments that you have a personal interest in are also the two developments that staff felt your conduct was different?

MR PARARAJASINGHAM: Is that a question?

THE WITNESS: Sorry. I - - -

MS ALDERSON: I'm asking you, do you think it's a coincidence?---Sorry,
30 I didn't understand the question.

Mr Badalati, so you said that you weren't asking questions persistently or doing anything different in that meeting that you wouldn't normally do when engaging with council. Is that your evidence?---Yes.

Okay. And you heard the evidence of Ms McMahon and Ms Bishop on the issue?---Yes.

Yes. And perhaps out of fairness to you, maybe I should take you to some
40 of that evidence. If Ms Bishop's statement, it's Exhibit 168, perhaps could be put on-screen?

THE COMMISSIONER: Sure. But it must have been the case though, Mr Badalati, that you involved yourself in engaging with council staff to a greater degree than you would have in respect of other developments.---Oh -
- -

Putting the question of pressure to one side.---Yep. Yeah, I did ask a few questions about it.

10 Well, more than you would have in a run-of-the-mill application?---(NO AUDIBLE REPLY)

I mean, wasn't this the case, you wanted to get a much information as you could about what was happening so you could pass it on?---Yes. To basically see where it was at and I think – no, that was a different meeting. I did ask about the section 94 moneys. I think it was roughly \$7.5 million. I think Mr Hindi asked about the hotel. Yeah, but as far as I was concerned, Commissioner, it was just a normal meeting with staff.

20 All right.

MS ALDERSON: Thank you, Commissioner. Perhaps if Ms Bishop's statement at paragraph 15 could be shown on-screen. And it should be there that the level of questioning appeared to be exaggerated. Do you see that, Mr Badalati?---I do.

“And it was also unusual for councillors to request a meeting with Cathy or I”?---With staff?

30 Yes.---No.

No?---There were designated staff that councillors could meet with.

Yes. So you disagree with that statement that it was unusual for you to request a meeting in respect of the planning process with these two staff?---
Yes, I do.

Okay. Okay. Perhaps if we go to the statement of Ms McMahon, which is Exhibit 169, at paragraph 42. So if you could read paragraph 42, Mr
40 Badalati. Have you read that paragraph, Mr Badalati?---I have.

Yes. Just in relation to the second sentence “I made file notes of some of these interactions as I felt these councillors were trying to influence a process beyond their role.” Do you see that?---Yes.

Yes. And while we have this statement up, if I could just take you to paragraph 44 before I ask you a question. Have you read that, Mr Badalati?---Yes.

10 And I’d just like you to take note of the reference to “the persistent questioning, the tone of the questioning”.---Yes.

And that “the interaction was different to the interactions I’d experienced with those councillors on other occasions”.---Yes, I read that.

Now, I want to ask you this. Mr Badalati, you’ve been very frank and honest in your evidence. And sitting here today in light of this evidence given by Ms McMahon and Ms Bishop - - -?---Sorry, I - - -

20 You’ve been very frank in your evidence to the Commission, correct?
---Yes.

You have? And I want you to think very carefully in respect to what you’ve just read.---Yes.

30 Do you agree with me that your interactions with the staff were different in respect of Landmark on this occasion?---Well, I don’t believe so because they had meetings with the staff about the big block of land on the corner of Forest Road and Gloucester Road, and to me it was a similar sort of meeting.

But Mr Badalati, the truth is, isn’t it, you were compromised in respect of these properties. You’ve given that evidence, correct?---I have.

And the fact you were compromised impacted your conduct in respect of these matters, correct?---Well, I don’t believe it was because if you read 45 - - -

Yes, Mr Badalati, you - - -?---So we both agreed that a DCP was required.

40 That’s not my question, Mr Badalati. My question is where a staff member feels so concerned about your conduct that she takes a file note, and in

circumstances where you've admitted that you were compromised - - -?
---Yes.

- - - you're really suggesting that your conduct on these occasions with staff was nothing but normal? Is that your evidence?---I believe so.

Okay. Okay, Mr Badalati, I just have one more meeting I'd like to ask you about, and that's the meeting that occurred on 25 February, 2019, between Mr Hindi, yourself, Ms Bishop and Ms McMahon. I believe it was in the
10 councillors' suite before the council meeting on 25 February.---I thought that was the meeting you've been referring to.

No, that was a separate one. That was one in August. This is one – perhaps if I could take you to a file note to refresh your memory on this one.---Yes.

Commissioner, if Ms McMahon's file note, which is Exhibit 169, annexure D, could be put on-screen?

20 THE COMMISSIONER: Certainly.

MS ALDERSON: Thank you. While that's coming up, Mr Badalati, this is a meeting where the evidence suggests that you requested to Ms McMahon that Ms Nerida Stores be removed from working on the VPA for Landmark. Do you recall that evidence?---I saw it, yes.

Yes. And this is a file note that we're bringing up that was made by Ms McMahon of that meeting. And Ms Bishop gave evidence that she was there when that request was made by you. That's a different file note - - -

30 THE COMMISSIONER: Yes. There's a different one.

MS ALDERSON: Yeah. I think it's, so annexure 9, the page numbering I have is 96688, D19 96688. Okay. The next page I think. Next page. Yes. That looks like the correct note. Thank you. Now, Mr Badalati, having read that file note, does that refresh your memory of that meeting?---Yes.

Yes. And did you, in fact, make that request of Ms McMahon?---The only reason I would have - - -

Sorry. So you agree that you made the request?---Well, I don't recall it but what I'm saying is the only reason I may have said that was if Ms Stores was going on leave or knowing that she was a part-time worker - - -

So you're surmising now, Mr Badalati? You have no recollection of why you said that?---I'm saying it may have been that I was aware that Ms Stores may have been going on leave or the fact that she was a part-time worker and - - -

10

So you had no issues with her performance in the role?---No. She's, I had a very good relationship with Nerida Stores and when Ms Amato said that, I was very surprised.

Okay. 'Cause it would be inappropriate, wouldn't it, for a councillor to have a staff member removed - - -?---Absolutely.

20 Yes. Okay. 'Cause finally, Mr Badalati, the last question for you. The position, isn't it, that as a councillor, at times, you sought to exercise your powers and influence over employees, not for the public interest but for the interest of the applicants who provided you with cash and other benefits. That's correct, isn't it?---That is correct.

Thank you. Thank you, Commissioner.

THE COMMISSIONER: Thank you. Mr Pararajasingham, no doubt you're going to ask some questions?

30 MR PARARAJASINGHAM: Yes.

THE COMMISSIONER: I think what we'll do is adjourn. Oh, sorry, I should ask you. How long do you think you will be roughly?

MR PARARAJASINGHAM: Commissioner, there's five topics to cover. I would have thought maybe 20 minutes, 15/20 minutes.

THE COMMISSIONER: Do you need to speak to your client before you proceed?

40 MR PARARAJASINGHAM: No.

THE COMMISSIONER: No. If nobody has an objection, we'll just proceed now then and then adjourn.

MR PARARAJASINGHAM: Happy to do so. Mr Badalati, you can hear me all right?---Yes, I can.

As I said, there's five matters I just want to take up with you. Now, you've been asked about your private examinations.---Yes.

10

And just to assist you, it's the position that your first private examination was on 7 December, 2021, correct?---Correct.

Your second private examination was on 2 June, 2022, correct?---Correct.

The third private examination was on 7 June, 2022, correct?---Correct.

And then you're aware that the public inquiry commenced from 14 June, 2022?---Correct.

20

If you can just keep those dates in mind as I ask you some questions. Now, you've given evidence that on 7 December, 2021 and at least part of the 2 June, 2022 you told untruths, correct?---Correct.

And why did you tell those untruths on those occasions?---I was scared of the ramifications of telling the truth back then. I panicked. Basically for those two reasons.

30 And certainly as at 7 December, 2021 and as at 2 June, 2022 you knew that, as a councillor, you had done an egregious thing in accepting cash payments, correct?---Absolutely.

And as you say at the time of your first and second private examinations you were terrified of the consequences?---Yes.

Now, at a certain point in your private examination on 2 June, 2022 do you tell this Commission that you started telling the truth?---Yes.

40 And the truth was that you had received cash payments from Philip Uy, correct?---Correct.

And to your knowledge Mr Hindi had received cash payments from Philip Uy?---Correct.

Now, just prior to you giving that evidence on 2 June, 2022, you were being questioned by the Commissioner as to unexplained sums of money, correct?---Correct.

10 And indeed in this inquiry you've seen a number of witnesses being questioned about sums of money that are put together in a grid that's put before the witness?---Correct.

And the Commissioner put you on notice that he would likely require your daughters to be called at the public inquiry in order to answer questions about various cash amounts that you had deposited into their accounts, correct?---Correct.

20 How did you feel at the prospect of that taking place?---Oh, I was shaken. My daughters had, as I've explained earlier, my daughters have had nothing to do with this and I just did not want, want them dragged into it.

So do you say that that was the development which motivated you to tell the truth to this Commission?---Yes.

And to do so for the first time in this respect?---Yes.

Now, it's the case that, on the question of the cash payments, you've maintained that version of events on 7 June, 2022, correct?---Correct.

30 And you've maintained that version of events at this public inquiry, correct?---Correct.

And what is motivating you at this point, Mr Badalati?---Look, I, I know I've done the wrong thing and as I said earlier I've got no expectations from this Commission or any other body that may come into it. I just want to do the right thing now.

40 Thank you. And it's the position, isn't it, that the course that you have taken, the recent course, that has already come at a price for you, correct?--- Absolutely. Um - - -

Well, just wait for my questions.---Yeah.

Now, through the media coverage you are reputationally ruined, correct?---
Yes.

It is the position that one of your daughters has effectively disowned you?---
Yes.

Your family life is otherwise hanging by a thread, correct?---Correct.

10 People you used to know and trust have distanced themselves from you,
correct?---Yes.

Strangers regard you in a particular way, as you perceive it?---Yes.

And this entire episode has placed a considerable strain on your mental
health, hasn't it?---Oh, yes.

Now, so is this the position? That already, Mr Badalati, telling the truth has
had all kinds of foreseeable and unforeseeable consequences for you?---Yes.
20

Now just moving to a slightly different topic. As you sit there now, and
you've said this a couple of times, you have no expectation as to what lies
ahead for you in light of the evidence you have given to the Commission,
correct?---Correct.

You have no expectation how this Commission will deal with you in its
report, correct?---Correct.

30 You have no expectation as to the nature of the recommendations that may
or may not be made in the Commission's report?---Correct.

You have no expectation as to how the DPP may deal with you should you
be referred to that body, correct?---Correct.

You have received no assurances, direct or indirect, from anyone –
including any person connected to this Commission – as to how this
Commission will deal with you in its report?---Correct.

40 You have received no assurances, direct or indirect, from anyone –
including any person connected to the DPP – as to how the DPP may deal
with you should you be referred to that body?---Correct.

From your perspective, the legal consequences of the course you have taken are uncertain as you sit there now, correct?---Absolutely.

And indeed, from your perspective, the personal consequences to your family, to yourself of the course that you have taken are uncertain?---Yes.

10 Can I just move to a third topic. In your life as a councillor, prior to the moment you received in your hand that first cash payment from Philip Uy, you had no expectation or belief that you would receive a cash payment from any person, correct?---Correct.

In the years leading up to 2015, it is the case that you had a genuine desire to see Hurstville LGA progress?---Absolutely.

You formed the view that Hurstville CBD was underdeveloped relative to other LGAs, correct?---Yes.

20 What sort of vision did you have for the area?---I wanted to see more commercial buildings that would bring jobs, trade and help the local economy.

It is the position that you were unashamedly pro-development, correct? ---Yes.

And you were aware that you had a reputation for being so?---Yes.

30 Now, it is the case that you played an active role in promoting the development of Hurstville CBD?---Correct.

You spoke to developers and you told them of sites that you understood were available for sale?---Yes.

You spoke to real estate agents like Mr Gunning and got a sense of the demand and supply in the market?---Correct.

You had discussions about what parcels of land were coming up with Mr Gunning?---Yes. Yes.

40 You got feedback from people about the demand for commercial premises? ---Correct.

And as mayor you hosted events to promote the development of the Hurstville LGA, did you not?---Correct.

You invited developers, real estate agents, local business people to these, to such events?---Breakfasts, business breakfasts

Business breakfasts. And one pet project of yours was the redevelopment of Forest Road, which was and is a major artery in the Hurstville LGA?

10 ---Correct.

Could I just move to the fourth topic. Now, you gave evidence that on the first occasion you received that cash payment from Philip Uy, you met him at a coffee shop?---Yes.

Now, did you have any suspicion on attending the coffee shop on that occasion that you would receive a cash payment?---No.

20 And indeed it was not unusual for you to meet Mr Uy from time to time for coffee?---Correct.

Now, you gave evidence that you both walked to your cars which were parked on Paterson Avenue?---Correct.

At this point as you were walking to your cars, did you have any suspicion that you were about to be handed a bag of cash?---No.

30 Can I just take you to some evidence you gave at the commencement of this public inquiry? If it could come up on the screen, please. It's transcript page 68 and it's lines 12 to 24 that I'll direct your attention to, please, Mr Badalati. We'll just wait for it to come up on the screen. So it's transcript, page 68. That's before you, Mr Badalati? You see it there?---Yes.

40 And just to give you some background, what I'm going to take you to is the conversation that you say you had with Mr Uy and an observation you make, so starting at line 12, it reads, "And what did you say?" "I said, you know, I was surprised." "Did you say anything?" "I don't recall but, yeah, I said "Why?" And he said "Just take it. It's a" "Okay. Was the bag sealed up at this point?" "It was in a, like a shopping bag." "Could you see inside the bag at this point?" "Yes. But there was wrapping around the money and I saw the money when I got home." Then, "Okay. So he gives you this bag

that you believed was money at the time that you received it?” Answer, “Yes.” Now, I want to suggest that that last question wasn’t an accurate statement of your evidence. If you can just clarify for us. Is it the position that at the time that Mr Uy gave you the bag, did you have any awareness as to the contents of the bag?---No. No.

Is it the position that you came to realise the contents of the bag when you returned home?---Yes.

10 Now, just again focusing on that interaction, is it the case that Mr Uy, having handed you the bag, left immediately?---Yeah. So it’s just a matter of seconds.

Well, my question is, the time between Philip Uy opening his boot to retrieve the bag and Philip Uy departing the area, do you say was a matter of seconds?---Yes.

And the conversation that I've just taken you to and about which you gave evidence, do you say that occurred as Mr Uy was getting back into his vehicle?---Yes, although, yes, but I wasn’t aware that it was money at that stage.

No, I understand that. Just focus on my question.---Yeah.

You’ve given evidence about an exchange that occurred between you and Philip Uy - - -?---Yes.

- - - once the bag was handed to you. Right?---Correct.

30 You recall giving that evidence?---Yes.

What I'm asking you is that exchange occurred or did that exchange occur as Mr Uy was getting back into his car?---Yes.

Right. And you say you first came to realise the contents of that bag when you got home. Correct?---Correct.

And when you could see that it was money, what was your reaction to that? ---I was shocked - - -

40

Did you turn your mind to whether you should return it or do something about it?---I did. I didn't know whether to return it or keep it - - -

But you made a decision ultimately, didn't you?---I did, and it was greed that I've paid for since.

Well, just listen to my question. You ultimately decided to keep the money and you put it in a safe. Correct?---Correct.

10 And you say it is really no more complex or profound than pure greed?
---Absolutely.

Now, you now regard that as the single worst decision of your life.
Correct?---Yes.

And as the days and the weeks have worn on – withdraw that. As the days and the weeks wore on from that day that you accepted the money, is it the case that you came to realise the consequences of that decision?---Yes.

20 And as the Commissioner put to you, and as I think Mr Corsaro raised, you were on the hook?---Correct.

And what is your understanding of that expression, as it applied to your circumstances?---Well, it took away my independence on any council decision that involved either, that involved 1-5 Treacy Street - - -

Well, you were under obligation to Mr Uy, weren't you?---Yes.

And that's how you felt?---Yes.

30

And that's something that dawned on you as the days and weeks proceeded - - -?---Yes.

- - - following that day that you accepted the cash. Correct?---Correct.

Now, we know that you received a second amount of cash. Did you have any real reservations about that at that point?---No, because I was just in a hole and the hole was just getting bigger. Yeah. The die was cast, I suppose.

40

Now, just a final topic, Mr Badalati. The truth is, up until about 6 June, 2022 you were on good terms with the Hindis, were you not?---Yes.

You considered each other friends?---Yes.

You were friends for years, were you not?---Yes.

You went on holidays together, did you not?---To Hong Kong, yes.

10 All right. And we've seen that you were in China together on at least one occasion.---Correct.

MR HINDI: (not transcribable)

MR PARARAJASINGHAM: Sorry, I think Mr Hindi is trying to give some evidence at the moment. Your time will come, sir. Now, as you sit there now, do you bear any ill will to Mr Hindi?---No.

20 Do you bear any ill will to Mrs Hindi?---No.

Do you blame them for the situation that you find yourself in?---No.

Now, you were asked some questions about a conversation that you had with Mr Hindi on the Saturday before the public inquiry commenced.---Yes.

Okay. Now, just to put a date on it, that's 11 June, 2022.---Correct.

30 Now, it's the case that in the proceeding days, that is in the days leading up to 11 June, 2011, you had a number of missed called from Mr Hindi, didn't you?---Yes.

And as you understand it, Mr Hindi was aware that you had been examined at private hearings in the week or two leading up to 11 June, correct?---Correct.

40 MR KUTASI: There's an objection here, Your Honour. Where the evidence for that? I've never seen anything put to anyone at any stage before now about Mr Hindi's awareness of any private examinations in the leadup to 11 June.

THE COMMISSIONER: Well, why isn't he entitled to ask? I mean, who would it have put to other than your client and he hasn't given evidence yet.

MR KUTASI: Counsel Assisting hasn't asked any questions about this.

THE COMMISSIONER: Well, that's all right.

MR KUTASI: This isn't re-examination, this is leading new evidence.

10 THE COMMISSIONER: This is an investigation.

MR KUTASI: I understand that. Commissioner.

THE COMMISSIONER: Proceed, Mr Pararajasingham.

MR KUTASI: As long as we understand that's how it's working.

MR PARARAJASINGHAM: It's the case, Mr Badalati, that because of the conversations that you were having with Mr Hindi in the days and weeks
20 preceding June 11, that he was aware that you had been examined at private hearings at this Commission?---Yes.

Yes. There is the evidence. Now, you eventually return the call from Mr Hindi?---Yes.

And the conversation takes place on 11 June, is that right?---In a coffee shop, yes.

Yeah. So that's a physical meeting, correct?---Yes.

30

And what did Mr Hindi say to you on this, 11 June, a matter of days before the public inquiry commenced?---He said to me "I want you to look me in the eye and tell me that you haven't turned."

And at this point in time was Mr Hindi's demeanour threatening and desperate to your observation?---He was more agitated than normal.

And you understood that Mr Hindi wanted an assurance from you that you had not the Commission about the cash payments, for example?---Yes.

And you wanted an assurance from Mr Hindi that you were going to toe the party line?---Yes.

But of course by this point you had told the Commission the truth, hadn't you?---Yes.

But you didn't tell Mr Hindi that at this meeting, did you?---No.

10 You told him that you wouldn't say anything about the money?---Correct.

Now, Mr Badalati, we heard evidence that Mr Hindi, there's an allegation that Mr Hindi received a \$10,000 cash payment from Philip Uy, you're aware of that evidence?---Yes.

And you understand that the source of that evidence is the now deceased Clifton Wong?---Correct.

20 You first became aware of that allegation at this inquiry, correct?---Correct.

You had no inkling that Mr Wong would say anything like that, did you?---No.

You had no knowledge or awareness about the fact of what Mr Wong said, correct?---Correct.

You had had no conversations with Mr Wong about the evidence he would give at this inquiry, correct?---Correct.

30 And in fact we heard from Mr Wong that you two had a falling out some years ago.---Yes. I think it was about 2008.

Right. And it's right to say, isn't it, that from the date of that falling out, you had little to no contact with him?---I had absolutely no conversations with him.

That's the questioning, Commissioner.

THE COMMISSIONER: Thank you.

MR KUTASI: I have further questions, Your Honour. Commissioner, I apologise. I gave you a promotion there, Commissioner.

THE COMMISSIONER: I beg your pardon?

MR KUTASI: I gave you a promotion there temporarily.

THE COMMISSIONER: I'm not so sure about that.

10

MR KUTASI: Thank you.

THE COMMISSIONER: I take it your questions are going to be limited to though - - -

MR KUTASI: It's absolutely limited to this 11 June conversation.

THE COMMISSIONER: Sure. Thank you.

20 MR KUTASI: Mr Badalati, you've already given evidence today that you claim that you've been telling the truth since 7 June. Is that correct?
---Correct.

And you gave evidence in this public inquiry on 15 June. Do you recall that?---Yes.

And I'll just take you to page 145T of the transcript, which is on 15 June. Can I ask you, before we get to that, after your meeting on 11 June in the coffee shop – do you know, what coffee shop was that, Mr Badalati?---It
30 was, I think it's called Alexander's Cake Shop in Westfield.

In Westfields.---Yes.

You say that was on 11 June?---Yes. The Saturday before - - -

The Saturday.--- - - - the start of this.

And did you have any meetings with Mr Hindi after that date?---No.

Did you have any telephone conversations with Mr Hindi after that date?
---No. The only contact was on the Monday, I think. He sent me a text saying, "Good luck tomorrow."

Okay, thank you. Now, I don't know if that transcript page has been produced yet.

THE COMMISSIONER: We're onto it.

10 MR KUTASI: Thank you. This is evidence you gave on 15 June, Mr Badalati.---Yes.

You were asked by Counsel Assisting from – sorry, I'll go back one page, 144. From about line 25, "All right, you recall this public inquiry was announced to the public on 24 May?" "Yes." "Did you have another discussion with him around that time?" "Around 24 May? Yes." And you go on, if you go over to the next – then the Commissioner asks you at about line 36, "Was it on the telephone or face-to-face?" "Oh, both,
20 Commissioner. Sometimes by phone, sometimes in person." Counsel Assisting asks, "And on those occasions did you discuss this inquiry?" "Generally I think we did." Onto the next page, "All right. Did he ask you what evidence you were going to give in the inquiry?" You said, "I think he may have." Counsel Assisting asks you, "Do you have a recollection of that?" "I don't specific, I just don't." Is that now that you have a specific recollection of that meeting?---I do now.

You do now?---Yes.

30 But you didn't then?

MR PARARAJASINGHAM: Well, in fairness, that's about a specific topic that they may have discussed.

MR KUTASI: Mr Badalati, you've just given evidence about a specific conversation that you said you had with Mr Hindi.---Yes.

You were asked on 15 June, being four days after this alleged meeting in a coffee shop, about your recollection, and you say, "I don't have a specific recollection."---Yeah, I felt threatened by the conversation that we had.
40

So is that why you lied to the Commission again, is that right?---Well, I regret doing that.

So you're admitting that on 15 June you still weren't telling the truth to the Commission?---On this issue, no

Thank you. And carrying on - - -

10 MS HEGER: Sorry, can I just interject there. I think he should be taken to the rest of the page, shouldn't he?

MR KUTASI: I am. I'm going to it right now, Counsel Assisting.

MS HEGER: Okay.

20 MR KUTASI: And then you're asked by the Commissioner "There would have been very little else to talk about, would there, an inquiry having been announced?" And then you say at line 12, "Yes, we did speak about it." "Yeah, and did he ask you what evidence you would give?" "Yes." "And what did you tell him?" "I said I was going to tell the truth." You just gave evidence, Mr Badalati, that Mr Hindi looked you square in the eye and said your words, quote, unquote, "I want you to look me in the eye and tell me you haven't turned."---Yes, and I said I felt threatened and that may be why I said what I said here.

I'm going to put to you, Mr Badalati, that the version of the conversation that was just put to you by your counsel is another falsehood, another made-up conversation, isn't that correct, Mr Badalati?---No. It is not. Correct.

30 THE COMMISSIONER: What about what follows at about line 25?

MR KUTASI: What about it, Commissioner?

THE COMMISSIONER: The statement that, "You'll have to tell, you're not going to tell them about the money"?

MR KUTASI: Commissioner, that's a different line of questioning.

THE COMMISSIONER: Very well.

MR KUTASI: And because everything you say, Mr Badalati, is a lie, isn't it?---Nuh.

Including everything you've said today?

THE COMMISSIONER: Look, we've been through that. Have you asked your questions?

10 MR KUTASI: No further questions. Thank you, Commissioner.

THE COMMISSIONER: Thank you. I think I overlooked Mrs Hindi's lawyers. I didn't ask them in terms of any questioning but I understand that they no longer wish to examine Mr Badalati. Is that correct?

MR RIZK: That's correct, Commissioner. It's Mr Rizk.

THE COMMISSIONER: Thank you.

20 MS HEGER: Commissioner, I have a couple of questions.

THE COMMISSIONER: Certainly.

MS HEGER: Mr Badalati, you'll recall Mr Patterson suggested to you that it makes little sense to deposit a bribe into a bank account. Do you recall that?---Yes.

30 Now, when you received the \$70,000 for Treacy Street, you kept it in your safe at home for a period of time. That was your evidence, wasn't it?---Yes.

And when you did deposit it, did you deposit it all in one lot or in tranches?
---No, just in small amounts of money.

And did you deposit all into one bank account or a series of bank accounts?
---No. I used some of it for holidays.

And to the extent you did deposit it, you deposited it into a number of different bank accounts?---It was just one bank account.

40 All right. And what about the Landmark Square money? You deposited that in tranches as opposed to in one lot. Correct?---Correct.

And did you deposit that into one bank account or a series of bank accounts?---It was over quite a period of time. I think it was only one bank account.

THE COMMISSIONER: Well, wasn't there some money that went into your daughter's bank accounts?---Yeah. I think that was the account I put it to.

10 I see. Yeah.

MS HEGER: All right. And by depositing it in tranches, was that an attempt by you to make it appear less obvious that you'd received a large cash payment?---Correct.

All right. I'm now going to put a series of dates to you and it's not a memory test. I just want you to tell me whether you dispute any of the events that I'm putting to you.---Yeah.

20 So, first of all, you voted in favour of the Treacy Street VPA on 19 November, 2014. Correct?---Correct.

Then there was a decision by the JRPP on 1 April, 2015, approving the DA. Correct?---I, is - - -

Just tell me whether you dispute that or not.--- - - - that the meeting that I was on the panel?

30 No, you weren't on the JRPP at that time.---Okay. Sorry. I voted for - - -

You don't dispute the - - -?--- - - - it to go to the panel.

I'm sorry?---I think I voted for it in a council meeting where it was to go to the panel.

All right. And then the panel made a decision on 1 April, 2015. Correct?---Correct.

40 And then you voted on the Treacy Street VPA again on 21 October, 2015. You don't dispute that, I take it?---No, I don't dispute that.

And then you voted on the Treacy Street VPA again on 20 April, 2016.
You don't dispute that, I take it?---Correct.

And then you voted in favour of a modification application for Treacy Street
as a member of the JRPP on 4 May, 2016. You don't dispute that, I take it?
---Correct.

10 All right. So in a context where you've made multiple decisions over a
number of years on Treacy Street, has that made it difficult for you to
identify the precise date on which you received this payment?---Yes.

And has it also made it difficult for you to say whether the payment was
help already given or help that you would provide in the future?---When I
was given the money, a comment was "this is for what you've done" but I
also understood that there'd be further meetings, council meetings.

20 Okay. And the best evidence you can give is that that payment was still
likely 2015, correct?---The Treacy Street one, yes.

All right. And in respect of Landmark Square, you voted on the planning
proposal on 20 April, 2016, correct?---Correct.

And you voted again as a member of the Georges River Council on 25 June,
2018 to remove the provision for affordable housing, you don't dispute
that?---No.

30 And then on 23 July, 2018 you voted in favour of sending it for Gateway
Determination, you don't dispute that?---No.

You voted again on 27 August, 2018 to send it for Gateway Determination,
you don't dispute that?---No.

And on 29 October, 2018 you voted for the planning proposal to go on
exhibition, you don't dispute that?---No.

And then on 22 July, 2019 you voted in favour of sending the planning
proposal for gazettal. You don't dispute that?---No.

40 So again I'll ask you, in a context where you've made multiple decisions
over a number of years, has that made it difficult for you to identify the

precise date on which you received the payment for Landmark Square?---It, it did.

All right. And the messages that I showed you regarding the ironing board of cash, you hadn't seen those messages prior to this public inquiry, had you?---No.

10 No. But in light of now seeing those messages, your best evidence is that it was likely 2018, is that right?---Yes. It was more the email than the photo of the cash.

You mean the messages relating to the cash?---And who the cash was for.

Yep. All right. Your evidence is that when you drove to the park in Rhodes you parked side by side with Mr Uy and Mr Hindi, correct?---Correct.

That is, not nose to nose, correct?---Correct.

20 Could I just show you a satellite image of Lewis Berger Park. If I could just ask Commission staff to bring up on Google Maps the satellite version of Lewis Berger Park, and I'll ask you some questions about it.---I think it was called Foreshore Park.

I understand your evidence is that you went to Rhodes Foreshore Park. ---Oh, sorry, yep, yep.

But I'm just going to ask you for a moment about a different park.---Sure, sorry.

30 Could we just zoom in slightly around the area that says "Berger" on a sign. You recognise this, Mr Badalati as part of Lewis Berger Park, which is adjacent to the Rhodes shopping centre?---I take your word for it, yes.

All right. Do you see there's a little parking area in between the words Oulton Avenue, Oulton Avenue, maybe if the cursor could just hover over that parking area. Do you see that?---Yes.

40 That parking area permits parking side by side, correct?---I take your -- yes, I see the cars there, yep.

You can see the cars lined up there?---Yep.

All right. But your evidence is that the park you attended was Rhodes Foreshore Park, not this park, correct?---Correct.

All right. I have no further questions, Commissioner.

THE COMMISSIONER: Okay. Well, what we'll do is this. You can stand down as far as I'm aware. That's your evidence. But I'm not going to release you from your summons yet, just in case something arises before we
10 conclude. Sorry, Mr Pararajasingham.

MR PARARAJASINGHAM: No, I'm just standing, Commissioner.

THE COMMISSIONER: Yeah. All right, then we'll adjourn till 10 o'clock on Wednesday. And as I said, if – that's on the basis that Counsel Assisting is well enough to continue. If that changes, then of course we'll let everyone know. Thank you.

MS HEGER: Thank you, Commissioner.
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THE WITNESS STOOD DOWN [1.34pm]

AT 1.34PM THE MATTER WAS ADJOURNED ACCORDINGLY [1.34pm]