

GALLEYPUB00714
29/06/2022

GALLEY
pp 00714-00762

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GALLEY

Reference: Operation E19/0569

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 29 JUNE, 2022

AT 2.00PM

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.

MS HEGER: Mrs Hindi, you attended a dinner in Chinatown on 18 March, 2016, correct?---Correct.

Can I just show you a photograph? It's volume 2.26, page 6. So you recognise that as a photograph of the dinner?---Yes, I do.

10 I tender that photograph, volume 2.26, page 6. It will be Exhibit 197.

THE COMMISSIONER: Thank you.

#EXH-197 - PHOTO AT VOLUME 2.6 PAGE 6

MS HEGER: You recognise the two gentlemen signing documents on the left-hand side, correct?---Yes, I do.

20

The first gentleman on the left is Wensheng Liu, correct?---Yes.

And Yuqing Liu?---Yep.

Then Mr Badalati?---Yes.

Then Mr Hindi?---Yep.

And then yourself, is that right?---Yes, correct.

30

Who invited you to attend this dinner?---Con has asked me to come along to this dinner.

And he explained what the dinner was about?---Yes. He said that Mr Yuqing Liu is here from China and he's interested in establishing an waste-to-energy facility and to the best of my recollection the conversation was that the middle person, Mr Badalati, has asked Con to come to that dinner and Con asked me if I wanted to attend and I did attend the dinner.

40 Did Mr Hindi explain why he was interested in attending to you?---From my understanding at the time that Mr Badalati has asked Con to come to this

dinner because Con is an engineer and he thought he'd understand the technical terms of the waste facility. So that's why he's asked him to come to the dinner and Con has asked me to come along with him. So that's what happened.

So you understood the purpose of the dinner was, well included discussing a potential waste-to-energy project on New South Wales, is that right?---Yes.

Philip Uy was there as well, correct?---Yes, he was, yeah.

10

And Elaine Tang was too?---Yep.

And obviously when you arrived you saw both Philip Uy and Wensheng Liu there, correct?---Yeah, correct.

And this was still during the currency of that buyers' agency agreement which lasted until July 2016, correct?---Yes, correct. Yeah.

20 And so when you saw Philip Uy and Wensheng Liu there, did you say to one of them "How are things going with One Capital and Landmark Square"?---No, that discussion wasn't brought up at that dinner.

THE COMMISSIONER: Wasn't brought up at all?---No, it wasn't. No. I don't recall that discussion or Landmark Square being mentioned at that dinner.

Well, there's an agreement being signed there. What was your understanding of the agreement?---The purpose of the agreement, sorry, you're asking, Commissioner?

30

What was your understanding of the agreement that was being signed at that dinner on that day?---I did not ask and at the time I felt like it's not, it's none of my business to ask what the agreement, what these two gentlemen, sorry, what these two gentlemen are actually signing. And it was in Chinese, so I wouldn't, I wasn't concerned about what they were signing.

MS HEGER: Well, but you understood people were taking photographs of the signing of this agreement. Correct?---Correct. Yeah.

40 You understood it was obviously an occasion of some significance for the people signing the agreement. Correct?---Yes, I believe so.

And is it usual in your experience to attend dinners where people are signing agreements like this?---Well, my understanding in the Chinese culture, from what I was aware of, that these things do happen, there's always signing ceremonies that happen at, you know, sometimes private dinner, sometimes at bigger occasions, like, bigger functions, yeah.

10 But had you ever attended a dinner like this, a private dinner, where an agreement was signed like this?---Well, I don't specifically recall attending a dinner but it did not surprise me because that's their business, like, I, I, it's none of my business to ask or to know what this agreement was about.

Right. I didn't ask you whether you were surprised. I just asked you whether you had attended a dinner like this before and what's your answer? ---To the best of my recollection, I haven't.

All right. And by this stage, you obviously knew that Philip Uy and Wensheng Liu were involved in Landmark Square. It must have occurred to you at some point this might have something to do with Landmark Square.
20 Correct?---Not really, no. Could be about other investments.

THE COMMISSIONER: So you just sat there all night not knowing what was going on?---That's right, yeah. But that, that signing ceremony didn't take all night. From memory, it would have taken two minutes.

Yeah. Why was your husband there - - -?---And we were – sorry.

30 Why was your husband there?---He was invited by the mayor to attend that dinner.

Why was the mayor there?---Because, from what I was told at the time, that Mr Yuqing Liu met the mayor and expressed interest in establishing waste-to-energy plant in - - -

Who told you that?---Who – sorry? Who told me that?

Yes.---It was Con in that discussion when he asked me to come to the dinner.

40 And the discussion involved Mr Badalati having an interest in a waste-to-energy plant?---Sorry, not, the, the, when I asked the purpose of the dinner,

I said, "Who's inviting you?" He said, "Mr Badalati has asked me to come to that dinner because there's someone from China, an investor from China, who wants to establish a waste-to-energy facility and he's asked me to come along."

Well, was there discussion at this dinner about waste-to-energy?---Yes, there was.

10 But no discussion about Landmark Square?---I don't recall Landmark Square has, was brought up.

Even though, and we know this, even though that agreement concerned Landmark Square and not any waste-to-energy facility?---Now I know what this agreement involves. Before, prior to this inquiry, I wasn't aware of what's in that agreement.

20 But the only thing that was discussed according to your evidence was the waste-to-energy plant?---To the best of my recollection, that was the main content of the discussion on that night.

Well, was it your understanding then that that agreement that they were signing related to a waste-to-energy plant?---No. My, I, I can't tell you what my understanding was, 'cause I wasn't aware of what the agreement was about.

Very well.

30 MS HEGER: Did you understand Philip Uy to have any involvement in the waste-to-energy project at this time?---No.

Can I just show you volume 1.4, page 114, which will be Exhibit 127. Mrs Hindi, this is the agreement that was signed that night, the Chinese version, but it says on the first page The One Capital Group Pty Ltd. Do you see that?---Yes, I can see that.

And did you notice that that evening, the words One Capital Group on the first page of the agreement?---No, no, I didn't.

40 All right. And at some point the topic of you and Mr Hindi travelling to China came up at this dinner. Is that right?---Yes.

All right. Who invited you to travel to China?---Con has asked me to come with him.

Right. Well, specifically I'm asking about what was discussed at that dinner.---Okay.

Who raised the idea of coming to China?---I believe it was Mr Yuqing Liu.

10 And what did he say about travelling to China?---Well, I don't recall the specific conversation that took place but it was along the lines, it was through an interpreter because they didn't speak English, "They would like you to come to China to check out the waste energy plant that he's got there so he can do the same here in New South Wales."

All right. And did you agree to go to China on that occasion?---I don't recall whether we said yes on the night. We said, "Yeah, we'll, you know, we'll, we'll look into it."

20 Okay. And you subsequently did agree to go to China. Correct?---Correct, yes.

And why were you travelling to China? What was your purpose in going? ---My purpose is just to have a holiday and, you know, the purpose of the trip was that waste energy project but from my end it was to go and do a bit of shopping and sightseeing there. If my husband's going I'll go with him.

All right. Can I just ask you who paid for that dinner on 18 March, 2016? ---I don't know who paid for the dinner.

30 You didn't pay for your dinner?---From what I recall on that night I asked, I'm not sure if it was Elaine or Philip about payment for our dinner and, so I'm trying to gather my thoughts and trying to remember what happened. I do recall that I left a couple of hundred dollars on the table because they wouldn't, they wouldn't let us, well, obviously we weren't going to pay for the whole table but the discussion was that took place at that time that I wanted to pay for myself and my husband. They didn't, they wouldn't accept it but I left a couple of hundred dollars on the table.

40 Who wouldn't accept it?---I don't, I'm trying to actually remember who the person I spoke with, whether it's Elaine or Philip or one of Mr Liu's staff, China Liu's staff. But after that dinner - - -

All right. You can't remember which one you had the discussion with about payment. Is that right?---That's correct, yeah.

THE COMMISSIONER: But you say, do you , that they didn't want you to pay but you left \$200 on the table?---Yes, correct.

10 Why was that?---Because normally if I, if someone asks us to come for dinner we like to contribute to the dinner. I don't want people paying for us.

Why not?---That's our, that's my tradition. If I go, I always offer to pay if I'm going out, even with friends.

MS HEGER: And if your friends refuse do you leave cash on the table?
---Sometimes we do, yes. We'll just say, "No, here it is." Whether it's tips for the waiters or contribution to the dinner, to the bill.

20 THE COMMISSIONER: Did you understand that Mr Liu was a very wealthy man?---That's the impression that I got at the time, yes.

Yeah. And he would have been able to pay for your dinner without blinking, wouldn't he?---I think so.

And you tell me that you nevertheless put \$200 on the table and left it there.---Yes, I did. That's what happened.

And that was to pay for you and your husband?

---Yes.

30 Thank you.

MS HEGER: You and Mr Hindi flew to China on 8 April, 2016, correct?

---Correct, yeah.

And you booked those flights for yourself and Mr Hindi, is that right?---It was again either Philip or Elaine who made the booking, but I paid for that flight.

40 How did you pay for it?---Using my credit card.

Right. Can I show you volume 3.2, page 1. Is this the invoice that you received for the trip to China in April 2016?---Yes, that's right.

And was this sent to you by the travel agency Golden Miles travel, is that right?---I think so, yes, 'cause they, I would send this guy an email. I think the agency would have emailed it to me.

Okay. And you see the total there excluding the credit card charge is 4,240, you see that?---Yes, correct.

10

And so you paid that amount by credit card, is that right?---Yes.

I want to come back to that topic a bit later. After you arrived, well, you actually landed in Hong Kong, is that right?---Yes, that's right.

And you crossed the border into Shenzhen.---Yes.

You met up with Mr Badalati there, correct?---Yeah, correct.

20 And also Philip Uy?---I think so, yes, I think Philip was there too.

And you stayed one night at the Shenzhen International Hotel, correct?
---Yes.

Who paid for that?---From memory – it's InterContinental, wasn't it, sorry, you just said?

I thought Shenzhen International but I stand to be corrected on that.---Sorry, probably, yeah. No, you're, you're probably right. I don't recall that.

30

The hotel in Shenzhen anyway that you stayed at.---Yeah, yeah.

Who paid for it?---I believe at the, I would have reimbursed Mr Badalati for that accommodation.

So he paid for it initially, correct?---I, I believe so.

40 Did you see him pay for it?---I didn't see him pay for it but I think he mentioned that he made reservations for that through his card 'cause he earns points on that, and I would have reimbursed him for that accommodation.

And how did you reimburse Mr Badalati?---In cash.

Did you pay him in cash as you checked out or at some other time?---I don't have a clear recollection of whether I paid him there and then or after we'd come back to Sydney, but it's more likely that I've paid there.

And if you paid him there, does that mean you took an amount of cash over to China with you?---Yes, I did.

10

How much cash did you take?---Approximately, 'cause we were only there for a few days on that trip, probably about \$4,000.

Was that in Australian currency?---Yes.

You spend one night in Shenzhen and then you flew to Beijing, correct?
---Yes, correct.

That was on 10 April, does that sound right?---Yes.

20

Who paid for the flights from Shenzhen to Beijing?---To the best of my recollection, I paid for that flight 'cause it was booked on the spot, the internal flight. I booked it at the airport. We booked it there.

You booked the flight from Shenzhen to Beijing at the airport?---So not me personally but the people who were there with us on that trip. Could have been Philip or Elaine because I did, I remember paying there, booking that flight there from when we were at the airport.

30 Okay. Who was at Shenzhen Airport that day? It was you and Mr Hindi?
---Yep.

Mr Badalati?---Yes.

Elaine Tang?---Yes. I think Elaine was there too, yeah.

Philip Uy?---I think so, yes.

40 Anyone else?---I don't recall about the others. I don't recall. Could have been other people but they're the ones I remember who were there.

All right. So someone else might have booked the flights but you paid for them, is that right?---Yes, yes.

And how did you pay?---In cash.

Did you pay in cash to some airline desk at the airport, is that right?---Yeah, that's right.

Out of the Australian dollars that you brought over to China?---Yes.

10

Did you convert them into local currency?---I would have done that at the airport on, because, yes, I think so, because they wouldn't take Australian currency.

THE COMMISSIONER: Why didn't you just use your credit card?---I don't like using my credit cards when I travel overseas.

20

Why not?---Because I have been scammed once and since that time I prefer not to use credit card. It's just easier to use cash, because I don't trust using my credit card overseas.

MS HEGER: Can I show you – I'll tender volume 3.2 as Exhibit 198.

THE COMMISSIONER: Thank you.

#EXH-198 - VOLUME 3.2

30

MS HEGER: Can I show you volume 3.6, page 1.

THE COMMISSIONER: Does that mean you didn't use your credit card at all while you were in China?---I don't think I did.

Well, if what you're telling me is true, you wouldn't have, would you?---
Sorry?

40

If what you are telling me is true, you would not have used your credit card, would you?---Well, I'm not saying I never ever used my credit card. I prefer not to use it but that doesn't mean that I haven't used it here and there

on some occasions but I prefer not to use it. The credit card would be on me but, but most of the time I use cash, I, I spend using cash.

But not all the time?---Not all the time, yeah.

Did you have an expectation that if you used your credit card to buy an airline ticket that somehow you would be scammed?---Not at the time, no, not, not specifically but what where could avoid using my credit card, I would. I, I either use cash or credit card but if I'm overseas, most of the
10 time I use cash.

MS HEGER: I'll show you volume 3.6, page 1. This is a credit card statement for Philip Uy. If you go over to the next page, can you see there's an entry for 2016-04-10? Do you see that?---Sorry, what date is that entry?

10 April, 2016. It's about fifth from the bottom.---Yes, I can see that, yeah.

Can you see it says "Shenzhen City expense, Shenzhen Airport International Travel Agency." Do you see that?---Yeah.
20

Do you see it's the amount of CNY15,290?---Yes.

10 April is the day that you flew from Shenzhen to Beijing, correct?---Yes.

Philip Uy paid for those flights from Shenzhen to Beijing, didn't he?--- Sorry, how much is that equivalent in Australian dollars? Sorry, I don't know if it's 15,290, so roughly how much would that be in Australian dollars? Just to see how many tickets he would have paid for.

30 That's a good question.---Yeah.

I'll ask my instructor to try and make that conversion. That'll present day, of course but it will give you a rough idea.---Yeah. Just a rough estimate.

On a present day conversion, it's \$3,302.64.---\$3,000?

\$3,300, approximately.---Sorry? That sounds obviously like a lot for internal transfers.

40 But there were a number - - -?---There were a number, that's true.

- - - of people travelling that day.---Yes. Well, I don't recall, well, I wouldn't know exactly who paid. I, I, I remember making a payment for those internal flights - - -

Yes, but your evidence earlier was that you - - -?---Yeah.

- - - paid cash to the agency at Shenzhen airport. That was your evidence, wasn't it?---I paid cash, yes, for those flights - - -

10 THE COMMISSIONER: To the airline staff?---I'm trying to recall whether I gave the cash to the airline staff or to Philip. It could possibly be that Philip's paid for others on that trip, not specifically myself or my husband. I don't have a clear recollection. I have a, a recollection that I paid a few hundred dollars to cover both tickets but I don't have clear recollection if the money was paid directly to the agency or to one of the staff that were on that trip, like, along with Philip or Elaine.

MS HEGER: So your evidence now is that it's possible Philip Uy paid for your flights and you've reimbursed him with cash. Is that right?---It's
20 possible, 'cause now you've shown me this, but I don't, I do remember others being on that trip, other than myself, Con, Mr Badalati and Elaine so it could have been he booked the tickets for the rest of them. I don't have a clear recollection.

All right. And if you did reimburse Philip Uy again, it would have been out of that \$4,000 approximately of cash - - -?---Correct. Yes.

- - - that you brought to China. Correct?---Yes.

30 Okay. You then fly to Beijing and you check-in to the Beijing International Hotel. Correct?---Yeah.

And you arrive there together with Mr Hindi, of course?---Yes.

As well as Mr Badalati?---Yes.

And Philip Uy?---Yes.

Elaine Tang, as well?---I believe so, yes.

40

Okay. Who made the booking at the Beijing International Hotel?---I'm not sure who made the booking there. I'm not sure who made the booking at the hotel. But I do recall that, go in the next day before we checked out, I asked at the counter if, to pay my, to pay for my room. They said it was already booked - - -

Already paid for, do you mean?---Yes.

10 By whom?---I wasn't sure – sorry. I didn't, I didn't ask by who. They said it was already paid. So I assumed maybe one of China Liu's staff would have paid for it or Mr Yuqing Liu has organised for that to be paid. But then I offered to reimburse, and then I had cash for the night, like, I worked out roughly for the night how much it would cost and I gave them that in cash, but they were offended at the time. But I don't recall if they ended up taking that payment or not.

THE COMMISSIONER: But why did you even offer it (not transcribable)?---So what if I didn't offer?

20 Why did you even bother offering it? You were - - -?---'Cause I don't like being, people paying for me.

Why not?---There's no, there's no reason. There's no point.

Right.

MS HEGER: You spent one night at the Beijing hotel and then the next day, you went on to Tangshan. Correct?---Yes.

30 And so you're saying when you checked out of the hotel in Beijing, that was 11 April. Correct? Does that sound right?---Yeah. Yeah.

You say you had a discussion with someone about paying for it. Who was that person? Yuqing Liu's staff? Is that your evidence?---Sorry? But this, is this the hotel in Tangshan you're talking about?

No. I'm asking you about Beijing.---Sorry. Yeah. Beijing. Yes. To the best of my recollection, I spoke to one of Mr Yuqing Liu's staff or someone at the counter, I'm trying to think.

40

Well, Yuqing Liu's company Xinfeng had an office in Tangshan. Correct?

---Yes. Correct.

And that's where you were going on 11 April, correct, to Tangshan?---Yes.

So Yuqing Liu's staff wouldn't have been at the hotel in Beijing, would they?---They came the, on that morning when we checked out.

Yes, they did come to pick you up.---Yes, that's right.

10 So who did you talk to about the payment?---So that's why I'm saying there was, there was a possibility of that chat that I had about the reimbursement would have been with one of Mr Liu's staff.

All right. And did you give them cash as well?---I offered at the time, so I'm trying to remember exactly what happened so I don't have a clear recollection. They were offended when I tried to pay, make that payment and said, "No, no, it's already been booked. It's paid for." But I don't recall if she actually took the money or I took back the money. I don't recall whether that payment was made, so whether she took the money or
20 not.

All right. So you accept you may not have actually paid anyone for the Beijing hotel. Is that right?---That's right. Because I don't have a clear recollection of that.

Okay. But if you did reimburse them it would have been out of that same \$4,000 of cash that you brought to China. Correct?---That's true, yeah.

All right. So on 11 April you travel to Tangshan. Correct?---Yes.
30

And Yuqing Liu's staff had organised the transfer, hadn't they?---Yes, they did.

They sent a car for you.---Yes.

I'm going to show you volume 2.27, page 1. I'll just mark for identification volume 3.6 as MFI 25.

40 **#MFI 25 - VOLUME 3.6**

THE COMMISSIONER: Thank you.

MS HEGER: 2.27, page 1. Is this the car you travelled in to Tangshan?
---Yes.

So there was a car sent just to take you and Mr Hindi. Is that right?---Yeah.

10 It was just - - -?---And, and the rest of the people who were there.

There were other cars sent for the other people.---Yeah.

Is that right?---I believe so, yeah, because they all ended up going there.

Yeah. But it was just you and Mr Hindi in this car with the driver.
Correct?---Correct, yeah.

20 And you understand that Yuqing Liu or his company paid for that transfer.
Is that right?---Yes.

And the car took you to Tangshan. Correct?---Yeah.

And then you visited that day Yuqing Liu's waste energy plant. Is that
right?---I believe so, yes.

And Yuqing Liu was there at the waste-to-energy plant.---Yeah.

Wensheng Liu was there.---Yes, he was, yeah.

30 Philip Uy was there.---Yes.

Elaine Tang was there.---Correct, yeah.

And Chris Yan as well.---Yes.

Was this the first occasion you've met Chris Yan on this trip?---I believe so,
yeah, that's the first time I met him.

40 I'll tender that photograph 2.27, page 1. It's Exhibit 199.

#EXH-199 – PHOTO AT VOLUME 2.27 PAGE 1

THE COMMISSIONER: Thank you.

MS HEGER: In the same volume I'll show you another photograph at page 7. This sign was displayed at the waste-to-energy plant. Is that right?---I don't recall seeing that photo other than during this inquiry. I don't recall seeing that being displayed.

10

I may have been wrong in saying it was at the waste energy plant. It might have been at Xinfeng's office. But either way you don't recall seeing that sign?---I, I don't recall. There were, there were photos but I didn't pay too much attention to the photos displayed. I remember there were like banners and stuff but I don't remember that particular one.

Okay. This sign obviously refers to Landmark Plaza.---Yep.

20 You don't recall seeing any marketing material about Landmark Plaza or Landmark Square on this trip to China?---No.

Yep, that was MFI 18 but I'll tender MFI 18 now, Exhibit 200.

THE COMMISSIONER: Thank you.

#EXH-200 – PHOTO AT VOLUME 2.27 PAGE 7

30 MS HEGER: I will just show you the itinerary for this trip, which is at volume 1.4, page 242, which is Exhibit 127. That was page 242. This itinerary records, for 11 April at 6.00pm, a dinner at a banquet hall on the second floor of the office building of Tangshan Xinfeng. Do you see that? ---Yes, I can see that.

And that's what happened, isn't it? You had dinner at the banquet hall at the Xinfeng building that night?---I don't specifically recall that dinner. Just trying to - - -

Just for context, this is not the day of the signing ceremony. This is the day before if that helps.---Oh, okay, sorry, yeah, that is, yeah, we did have dinner on that day. So that's the first day that we arrived, is that right?

Yes.---Yes, we did.

So you did have dinner at the banquet hall, correct?---Yes, yeah.

You didn't pay for that dinner, of course?---No, I didn't. No.

10

No. You understood that Yuqing Liu or his company Xinfeng were providing that dinner?---That's correct.

And you then checked into the hotel in Tangshan, the Tangshan Grand Metropark Guofeng Hotel, as it says on that itinerary. Is that right?---Yes, yes, we did.

And then the itinerary says for the next day, 12 April, at point 2, that "Staff from Tangshan Xinfeng will accompany the merchants to visit Tangshan World Horticultural Expo Hall." Do you see that?---Yes, yeah, that's right.

20

And is that what you did that morning?---I believe so, yes, we did.

All right. And you didn't pay anything to go on that tour, correct?---That's right, we didn't.

You understood that whatever costs were incurred for that trip were by Yuqing Liu or his company, correct?---Yes, correct.

30 The itinerary then says "the merchants" – and I should say if we go through to page 245 of volume 1.4, that has a list of Australian merchants. It'll come up in a moment. And you'll see on the third line there your name is listed.---Yes.

And it records you as a "councillor of Kogarah". Do you see that?---Yes, I can see that.

40 Were you referred to by anyone as a Kogarah City councillor on this trip? ---I don't recall that. However, I did mention that I was on Kogarah Council. Like, I was, I was no longer a councillor. It was brought up along in the conversation somehow and I did say I'm a former councillor. But

obviously that itinerary is prepared by them so I wouldn't know who prepared it, so I have no control over that.

You didn't supply the information prior to this trip to anyone that you were a councillor of Kogarah, is that right?---No, I don't, I don't think I did.

Okay. So that lists you as one of the merchants. And then if we go back to page 242, and the second-last point on the page it says, "At 12.00pm, the merchants will have lunch at Nanhu Jiudao." Do you see that?---Yes.

10

I'll show you volume 2.27, page 11 and if you could keep that itinerary handy, because I'll come back to it, please. Now, I can tell you this photograph is dated 12 April, 2016. Is that the lunch that you had at Nanhu Jiudao?---Well, if that's the date on that photo, that would be it, I'm assuming but I don't recall it specifically but based on that photograph and the date, I'm guessing it is.

All right. You attended this lunch, correct?---Yes.

20 You didn't pay for it, did you?---No, I didn't.

And Mr Hindi didn't pay for his lunch?---That's correct, yeah.

You assumed that Yuqing Liu or Xinfeng was paying for it?---Yes.

30 You didn't actually see anybody pay for the lunch that day, is that right?---No, I didn't. However, I'm not sure if it's on that occasion or other occasions, I did try to pay for myself and Con. I think it would have been Philip or Elaine because they're the ones I was communicating with on that trip. There, there was, they've told me that "In your tradition, the Chinese culture, if we invited you, it is rude to pay for yourself." So they wouldn't take it. So I let it go.

40 Why didn't you leave cash on the table as you did in Chinatown in Sydney that day?---I thought it's, it's rude to do that in, in, since he told me that I thought if I insist and, you know, and pay on the table, it's, it's rude for me to do that because she said "We'll get offended if you insist on paying. Don't do it." Like, it's, they, they would be upset if you do it. That's why I didn't do it on that occasion.

All right. I'll tender volume 2.27, page 11 as Exhibit 201.

THE COMMISSIONER: Thank you.

#EXH-201 – PHOTO AT VOLUME 2.27 PAGE 11

10 MS HEGER: That evening there was a signing ceremony held at a hall at the Xinfeng building, correct?---Correct, yeah.

And did you understand when you travelled to China that that signing ceremony was going to take place?---I wasn't sure about that. I'm trying to, if I, if, no, no-one told me that there's going a signing, a signing ceremony there.

Did you attend the signing ceremony?---No, I didn't. No.

20 Did Mr Hindi?---No, he didn't attend.

Why is that?---Because I, I don't recall obviously the exact reason but I, at the time I would have assumed it concerns them, so there's no need for us to attend.

THE COMMISSIONER: Was it because that one of either you or Mr Hindi were ill at the time?---Possibly my husband wasn't feeling well, not me, at the time. That could be a reason. Yeah, that was, that is possible because I, now that you mention that, he could have been ill at the time, on that day.

30 MS HEGER: All right. But you attended the dinner that followed the signing ceremony, didn't you?---Initially I didn't remember attending that dinner until obviously, you know, it was brought up in this inquiry but I do recall there was only a small group that attended that dinner and just had, we had a few drinks and, and something light, I remember that.

All right. Can I show you volume 2.27, page 20? You recognise yourself in that photograph, of course?---Yes.

40 And that is the dinner that followed the signing ceremony in the hall at Xinfeng, correct?---Yeah.

And you see in the background there there's a banner that says, "Welcome, Mayor Vince Badalati, to Tangshan." Do you see that?

---Yes, I can see that, yeah.

10 What did you make of the fact that there was a banner proclaiming the arrival of the Mayor of Hurstville on this occasion?---I didn't really pay too much attention to the sign, but I wouldn't think much of it because I know they like formalities in China and they like someone, telling someone their status, so that's probably why they, they have a welcome banner, because a mayor is, is an important person in their culture. I think the mayor of a city is a very important position to have. That was my understanding for them having that banner welcoming him.

When you arrived at this dinner you found out, well, you knew that a signing ceremony had taken place just before the dinner, correct?---Correct, yeah.

20 And you knew that that signing ceremony involved Wensheng Liu and Yuqing Liu signing a document?---I understood that at the time, yeah.

And it would only make sense to proclaim the attendance of a Hurstville City councillor if that agreement related to some project in Hurstville City Council, wouldn't it?---Not necessarily. Sorry, can you repeat that question?

30 It would only make sense for them to be holding up, for them to be displaying banners welcoming Mayor Badalati if the signing ceremony was connected to a project happening in Hurstville City Council, correct?---No, I disagree with that because the purpose of that trip was to look at the waste-to-energy facility in Tangshan and the invite was by Mr Yuqing Liu. So it doesn't mean having local government officials there has to be related to a project in the local area.

You can see in this photograph, just underneath the banner - - -?---Yep.

- - - it appears to be a reflection of something purple. Can you see that? Just underneath the banner there's some glass with a purple reflection.

---Yes, I can see that, yes.

40 Okay. Can I just show you now page 16 of the same volume. Actually, sorry, what I'll do is I'll show you page 21, sorry.---That's all right.

And before I get there, Mr Hindi attended this dinner as well, didn't he?
---Sorry, I'll have a look.

I won't test your memory in that way, Mrs Hindi. I'll just show you page
22 of the same volume.---Okay.

That's Mr Hindi at the dinner of course?---I'm trying to look for him.
Sorry, where's he sitting?

10

Oh, sorry.---Sorry.

I'm looking at the wrong page. Next page.---He's not in that photo, yeah.

Page 22. Should be the next page, I think. That's Mr Hindi of course.
---Yes.

And you recognise that as the dinner in the hall following the signing
ceremony, correct?---Yes, I think so, yeah.

20

And you can see on the stage there's a purple image which says "Tangshan
Xinfeng Thermoelectric Group and Australian The One Capital Group
signing ceremony". You see that?---Yes, I can see that, yeah.

And that was obviously displayed in a hall when you attended this dinner,
correct?---Yes, correct. I don't recall that banner being displayed.

Obviously now I'm looking at the photo it sort of triggered my memory.
But can I just also say I think that's Korean there but there were different
slides shown throughout the night. That's, that's why I didn't pay much
attention to that particular sign there.

30

There were different - - -?---I think it was changing during, it's changed a
couple of times. So I, I don't recall, I don't have a clear recollection.

When you say it was changing a few times - - -?---Like something - - -

- - - are you referring the pictures that I showed Mr Yan which showed
images of Mr Badalati, Mr Hindi and Yuqing Liu and also Kurt Vegners?
Are you thinking back to that?---I'm not referring to the, yeah, sorry. I'm

40

not referring to these ones in particular but the, I, I'm just only trying to get

the reason why that didn't sort of, I, I didn't remember it, that when you, it wasn't clear in my mind that particular purple sign.

Well, what I'm suggesting to your, Mrs Hindi - - -?---Yeah.

- - - is that the images may have changed throughout the signing ceremony but you didn't attend the signing ceremony. That's right?---That's right. So that's why I don't recall the images that were displayed to Mr Yan yesterday.

10

No. But they weren't showing different images during the dinner that followed, were they?---I, I don't have a clear recollection. I don't remember that sign until now, I'm looking at the photo, so obviously once this inquiry commenced, I, that's why it's not clear in my mind that that banner was there.

20

Well, of course, what I want to suggest to you is that you did see this banner and you saw that it referred to The One Capital Group which you'd signed an agreement with and you knew that this ceremony must have something to do with Landmark Square, didn't you?---No. No, that signing ceremony could be up at any investments between the two gentlemen.

Yes, but the one that you were aware of that The One Capital Group had entered into concerned Landmark Square. Correct?---Yes, but that doesn't mean between One Capital, the agreement between One Capital and Xinfeng Group that the agreement is in relation to Landmark Square.

30

Did you understand by this point, the point of the dinner, that Yuqing Liu was an investor in Landmark Square?---No, I didn't.

That topic never came up over the few days you were in Tangshan. Is that your evidence?---To the best of my recollection, that wasn't mentioned.

Did it ever come up on these days in Tangshan that Wensheng Liu was the developer for Landmark Square or proposed developer?---That topic, Landmark Square wasn't brought up on that trip.

40

Not once?---To the best of my recollection, it hasn't been brought up, not in my presence, anyway.

Well, Mrs Hindi, by this stage, you'd had discussions with Philip Uy about Landmark Square. Correct?---Correct. Yeah.

You'd also had discussions with Wensheng Liu about Landmark Square. Correct?---Yes.

In fact, you and Mr Hindi had attended the lunch at the Japanese restaurant on 18 May, 2015. Correct?---Correct, yes.

10 Which Philip Uy attended. Correct?---Mmm.

And Landmark Square was discussed at that meeting?---That's right.

You knew that Wensheng Liu was interested in developing Landmark Square. Correct?---That's correct, yeah.

You knew that he was interested in lodging or that he had lodged a planning proposal for Landmark Square. Correct?---Yes.

20 And you saw Wensheng Liu and Yuqing Liu sign an agreement in Chinatown. Correct?---Correct.

Where Philip Uy was present. Correct?---Yes.

And you knew that Yuqing Liu and Wensheng Liu had signed an agreement in China. Correct?---That's true.

And Philip Uy was present. Correct?---Yes.

30 It must have occurred to you at some point that this had something to do with Landmark Square. You accept that?---No.

And you never had a discussion with Mr Hindi about Landmark Square on this trip?---I don't recall discussing Landmark Square on that trip because the purpose of the trip was the waste-to-energy plant and it was a holiday for me. If I really wanted to speak to Mr Liu about the Landmark Square, I would speak to him in Sydney, Australia. Why do I have to go to China and talk about it? It wasn't a discussion.

I'm not saying you went to China with the sole purpose of discussing Landmark Square but when you'd spent several days in Tangshan touring around with Wensheng Liu and Philip Uy - - -?---Yeah.

- - - the topic of Landmark Square must have come up. You deny that, do you?---Yeah, it hasn't come up. To the best of my recollection, it wasn't discussed. And as, and, and as heard in, during this inquiry, that Mr Wensheng Liu is a man of few words. So he obviously kept everything private. He's not the type of person who speaks about his business.

10

THE COMMISSIONER: You don't strike me as being a person of few words and you have a significant commercial interest in this development. Surely, you discussed it with somebody while you were away because the people who were involved there, in it, were there?---I didn't need to discuss it with anyone there. My agreement was with Mr Liu. And it's like in any other agreement, if he ends up buying the site I get paid a fee. If he doesn't then I don't get paid a fee.

So you weren't interested to find out how things were progressing?

20

MS HEGER: Noting that the agreement was - - -?---They were keeping me posted. They were keeping, from time to time of the project. Like I'm saying Elaine and Philip were keeping me posted of the progress so I didn't need to discuss that with Con or, or anyone else on that trip.

How were they keeping you posted?---By calling me on occasions and wanting to have coffee with me and complaining in a way about how things are progressing.

30

As far as you know was Mr Hindi aware by this point, the time of the dinner, that Wensheng Liu was involved in the Landmark Square planning proposal?---Not to my knowledge but you can ask Con that question.

I will. As far as you're aware was Mr Hindi aware that Philip Uy was involved in the Landmark Square planning proposal by this point? Well, no, I withdraw that. He already knew that because he attended that meeting on 18 May. That night you stayed at the same hotel in Tangshan. Correct? ---Correct, yeah.

40

And the next morning you had breakfast at the hotel.---Yes.

And you then checked out of the hotel that morning. Correct?---Yes, that's true.

And who paid for the hotel?---Well, the hotel was already been booked and paid for. I went up to the receptionist, that's to the best of my recollection, and I asked about the room. I asked to pay for the room and she said it's already been paid for and I said I do want to pay for my, for our room, for my husband and I and I left, I worked out roughly how much that cost per night and from memory it was about \$200 a night Australian and I gave
10 them that money. I gave that money to the receptionist there to cover the accommodation.

That was in cash.---Yes, it was.

From the same pool of Australian currency you brought over to China.
---That's true.

So you paid the receptionist Australian currency. Is that right?---Yes.
Sorry, no, it wasn't in Australian currency. It was in the Chinese currency.

20

So you'd exchanged the money by this point. Is that right?---Yes. Because we did go shopping on that trip so I would have exchanged some money there to buy a few things.

THE COMMISSIONER: What sort of things did you buy while you were over there?---We went, we went shopping so I bought some gifts for the kids, possibly bags.

This little pot of \$4,000 must have been getting quite small by the time you
30 - - -?---We were only there for a few days so that would have been enough because the, all the meals were paid for and we only contributed a small amount to that and the flights were paid for.

MS HEGER: All right. So you gave the cash to the hotel reception staff. Is that right?---Yes, and from memory one of Mr Liu's staff who were there near the counter. Initially they didn't want to take the money but I insisted they'll take it to cover the cost of the accommodation.

Sorry, did you give it to reception staff or China Liu's staff?---I don't have a
40 clear recollection but it was one of the two girls that were there. She came

up to translate I think. Mr Liu's staffer came to translate and I left the money at the counter so I'm not sure who took it.

It was a lady you spoke to, was it?---Yes.

From China Liu's staff?---I believe so, yes.

And what was her name?---I don't remember her name.

10 All right. And why did you feel you needed to pay for the accommodation in Tangshan?---Well, it was a nice hotel and then the room was a, I remember the room being not a standard room, so I didn't want them to pay for my accommodation and my husband's.

Even though you understood, as you accepted earlier, that Yuqing Liu is a very wealthy man, correct?---Yes, even if he's wealthy I don't like people paying for me.

20 Okay. You then went back to Beijing?---Yes, I think, yes, we did.

And Yuqing Liu or his staff organised those transfers again?---Yes.

Did you travel in a similar car to the one in the photograph I showed earlier?---I don't recall if we travelled in that car or another car, but, yeah, that, I, I don't have a clear, sorry, clear recollection of that.

All right. And you stayed another night in Beijing, correct?---I, I cannot remember whether we stayed another night or flew back to Sydney. No, I don't have a clear recollection.

30

Well - - ?---We could have, actually, yeah.

- - - the flight records indicate you flew back the next day. Does that sound right?---Yeah, the next day, okay, probably, yeah. We would have stayed that night, then.

THE COMMISSIONER: Was that business class?---No. Business class was on the, the second trip that we went to China. That was economy.

40 MS HEGER: I should say, I think you flew back the next day but I will check that and make sure I'm not misleading you on that front.---Yeah, sure.

Okay. So the summary of your evidence is that you paid for the flights on your credit card, correct?---Yes. Correct, yeah.

And as far as the accommodation goes, you paid for that in cash to someone or another?---That's right.

And you paid for that in cash in China?---That's true, yeah.

10 Okay. Can I show you a photograph. Volume 2.8, page 49. Do you recognise that handwriting?---Yes, I think it's mine, yeah, handwriting, yes.

And you'll see there's an amount there for \$4,240. And it says in brackets "airfares".---Yes.

And there's another amount, \$3,200.---Yes.

And then you add those two together, as has been done in this note, and you get \$7,440, correct?---Correct, yeah.

20

This photograph was taken from Wensheng Liu's phone. Can you explain to me how a note that you wrote, which includes the cost of your airfares to China, ended up on Wensheng Liu's phone?---I have no idea.

THE COMMISSIONER: Well, it suggests, doesn't it, you had a need to show him these figures.---I have no explanation, Commissioner.

You mightn't, but do you agree with me that you must have handed a piece of paper to him so he could understand what had been paid for the airfares?

30

---I don't think so. I do not recall even the handwritten note.

But it's your writing. It's on his phone.---I don't know how he got that.

Well, he wouldn't have stole it, surely. You gave that to him.---I did not give him that.

On your oath you're telling me you didn't give it to him?---I didn't give it to him, no. I don't have a clear recollection of giving him that. I don't have - -

-

40

No, you've denied it. You've denied it. Is that the position, you deny it or you just can't recall?---Sorry, I do not recall, I did say, I do not, I do not recall seeing that note and I do not recall giving it to Mr Liu.

Can you think of a reason why you might have?---I can't think of a reason, Commissioner, I'm sorry.

MS HEGER: Did you give it to Philip Uy?---I don't recall. I don't have a clear recollection of that note being written.

10

Well, I suggest to you that you had an arrangement with either Wensheng Liu or Philip Uy that one of them would reimburse your and Mr Hindi's expenses for this trip to China. Do you accept that?---No, I don't accept that. That's not true.

You deny it, do you?---Yes.

You deny you had an arrangement with Philip Uy to reimburse you for your expenses, is that right?---That's right.

20

And you deny you had an arrangement with Wensheng Liu to reimburse you for your expenses?---Yeah, there was no such arrangement to be reimbursed for the expenses. 'Cause they weren't the ones who invited us on that trip, so why should they reimburse us?

And of course you deny that either of them had an arrangement to reimburse Mr Hindi's expenses for the trip too as far as you know?---As far as I know, yes.

30 You'll note the day of that photograph is 11 August, 2016. Can I show you another document. Yes, I'll tender that. Exhibit 202.

THE COMMISSIONER: Thank you.

#EXH-202 – VOLUME 2.8 PAGE 49

40 MS HEGER: What I'm showing you, Mrs Hindi, is a table of cash deposits into the Sydney Realty bank account.---Yes.

You recognise the account number there as the Sydney Realty bank account, correct?---That's correct, yeah.

You'll see there's an entry for 12 August, 2016, which is the day after the photograph of the handwritten note I just took you to. Do you see that?
---Yes.

You'll see it's a cash deposit of \$10,000. Do you see that?---I can see that, yes.

10

Was that a deposit to reimburse you for your expenses and Mr Hindi's expenses for that trip to China in April 2016?---No, it's not.

THE COMMISSIONER: What was it?---I don't recall what that was. I have to go and check my records. I had, I have been trying, I tried to actually locate that figure.

And you couldn't?---And I couldn't. But I, I have to speak to my accountants because if it's been lodged and my accountant considering this an income, I need to have an explanation for that. So I don't have, I cannot explain why this entry was there. A lot of entries go into the account, so I don't remember every entry.

20

MS HEGER: All right. I'll take that down for now. I'll just mark that for identification.---Sure.

MFI 26.

30 **#MFI-026 – TABLE OF CASH DEPOSITS**

MS HEGER: And I'll ask you some more questions about that document later. You come back home to Sydney in mid-April and you're aware, aren't you, that on 20 April, 2016 Council voted on the Landmark Square planning proposal?---(NO AUDIBLE REPLY)

40

You're now aware of that, aren't you?---Now, now I am. Sorry. I'm looking at, I thought your question was at the time. Yeah. Now I am aware, yeah.

Were you aware at the time?---I don't, I don't recall that. I don't think so.

Did you have any discussions with Mr Hindi about the fact that the planning proposal was coming up for vote before the council?---No, I didn't have that. I don't recall a discussion about that coming to council.

And after the meeting on 20 April, 2016, did Mr Hindi tell you the result?---I don't have a recollection of that.

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

You were here for Mr Constantine's evidence, I think you said you were, correct?---Yes. I was.

And you saw I took him to a conjunction agreement dated 20 April, 2016. Did you see that?---Yes, yes, I did.

20 That was unsigned. It was not signed by you or Mr Constantine. Do you recall that?---I do recall that, yes.

And that agreement was dated 20 April, 2016.---Yes. Now I looked at the agreement, yes, I, I saw the date, yes.

30 So tell me about the circumstances in which you entered into – well, tell me about the circumstances in which that agreement was drafted. Did you approach Mr Constantine about this?---I don't, I don't recall exactly how that agreement was prepared. My recollection says that it was prepared by Mr Constantine and sent to me to put my details in, like my agency details and it was emailed back to him. That's from memory, it was emailed back to him but we never signed it.

Well he must have prepared it at your request, correct?---Well, I've done a few with Mr Constantine, a few co-agency agreements but this particular one, my recollection says that he prepared it and he sent it to me and obviously we would have had a chat about that agreement before he prepared it.

40 You'd earlier had a discussion where you said you would like a portion of Mr Constantine's commission for the sale of the Landmark Square properties, is that right?---Yeah. It was brought up, from memory, when I

overheard that One Capital Group might not proceed with the purchase and it was discussed with Mr Constantine at the time that if I introduced another buyer to the property then could I have a commission for, like through a co-agency agreement. That's how this came about.

All right. So as at 20 April, 2016 you expected that if you introduced another buyer to the sellers of the Landmark Square properties you would get a portion of the commission, is that right?---Yes. That's true.

10 Did you discuss that with Mr Hindi?---No, I didn't. No.

Around this time did you have – in the couple of weeks following that council vote on 20 April, 2016 do you recall any discussions with Mr Hindi about Landmark Square?---I don't recall. I don't recall, I don't have a clear recollection of a discussion about Landmark Square but it's possible if the vote was, took place and it was approved. I, I don't, I, I can't, I can't give you any, I don't recall. I don't have a clear recollection of that taking place.

20 Okay. Can I show you another document? Volume 2.12, page 6. You'll see message number 4 there. It's from a number ending in 8-3. That's Mr Hindi's number, isn't it?---Yes, it is.

And it's to an email address which I won't read out in full but starts with malcolmhindi. You see that?---Yes, I can see that.

But this was a message to you, wasn't it?---That would be my, so does it say the phone number there that it was sent to?

30 No. It's just recorded as being sent to that email address.---Okay. I don't recall (not transcribable) an email address.

But I can tell you based on my review of - - -?---Yeah.

- - - messages passing between that email address and others, it rather looks like you use that email address from time to time. Is that right?---I can't recall. Okay.

All right. Well, this is sent on 26 April, 2016, at 2.34pm.---Yeah.

40 And you'll see it has an attachment. There's a small thumbnail?---Yeah.

And I'll just enlarge that for you. If you go to volume 2.13, page 19. There you'll see the image that Mr Hindi has sent on this day. And you'll see the heading for this image is CCL133-16 Planning Proposal?---Yes.

And you'll see there's a reference to some addresses on Forest Road and Durham Street, Hurstville?---Yeah.

This is the resolution that was passed by council on 20 April, 2016.---Okay.

10 Can you explain to me why, well, first of all, there's no reason for Mr Hindi to be sending that to Malcolm, is there, at this time?---I don't think so, yeah.

It must have been a message to you. Correct?---Possibly.

And, on your understanding, why was Mr Hindi sending you the resolution regarding Landmark Square?---'Cause I did inquire previously, I did say I had a chat to Con. He knows that I have asked a couple of times about the progress of the application, so it could just simply be that he's letting me know that it's, it's approved.

20

THE COMMISSIONER: Why would he need to send you the resolution for that purpose? He could have just told you?---I don't recall seeing that until now but I don't have an explanation why he sent it to me. Yeah, that's right. He could have told me that. I don't know why that was sent.

MS HEGER: And, of course, if you were interested, you could have found it on council's website - - -?---That's true. I could have looked it up on the council website.

30 - - - because it had been recorded in the minutes of meeting. Correct?
---That's true. Yeah.

And you obviously understood that as a former councillor?---Yes.

So you don't have an explanation for why Mr Hindi sent you this resolution?---I don't.

All right. I'm going to come back to Landmark Square in a moment. I will tender, well, I'll mark for identification volume 2.12. That will be MFI 27.

40

THE COMMISSIONER: 27 or 26?

MS HEGER: I'm told it's 27, Commissioner.

THE COMMISSIONER: Thank you.

#MFI-027 – VOLUME 2.12

10 MS HEGER: And I will tender 2.13, page 19. That will be Exhibit 203.

#EXH-203 – VOLUME 2.13 PAGE 19

MS HEGER: I'm going to come back to the topic of Landmark Square in a moment but just working through this in date order, I now want to turn to May 2016. You're aware that Yuqing Liu and Mr Hindi signed an agreement in May 2016. Correct?---Yes, I am.

20

And that was an agreement between Yuqing Liu's company Xinfeng and Mr Hindi's company Variable Solutions. Correct?---That's correct. Yeah.

And you're aware that under that agreement Mr Hindi agreed to undertake certain tasks to assist with the establishment of a waste-to-energy plant in New South Wales, correct?---I believe so, yes.

30 What work did Mr Hindi do pursuant to that agreement as far as you're aware?---I'm not aware of the details, the specifics of this agreement. I know he was going to assist him in establishment of a waste-to-energy plant in New South Wales if possible. He would have done some research and asked around of, about fees and what's involved to set up such a, such a facility. Something along that, along those lines. That's to my understanding that what his involvement would be or his role would be in that, in that agreement.

40 And by this time were you aware that Yuqing Liu was an investor in Landmark, or had agreed to be an investor in Landmark Square?---No, I wasn't.

Was Mr Hindi, as far as you know?---As far as I know, no.

Can I show you a document, volume 1.5, page 144. Volume 1.5 is Exhibit 128. Page 144. Sorry, 114. I gave you the wrong number, I apologise. This is an estimation of fees.---Yep.

With “Variable Solutions Pty Ltd” at the bottom.---That’s correct, yeah.

It has an email address malcolm@variablesolutions.com.au. Do you see that?---Yes, I can see that.

10

Did your son Malcolm do some work relating to Variable Solutions?---I don’t think he did. I don’t think he did that but he had his – he’s probably created that email for correspondence regarding that company. Is that only, that company was only set up for a few months, I think. It didn’t do any work at all.

Who didn’t do any work?---The, the, the company.

20 Well, except that Mr Hindi went out and did some research about the costs of setting up a waste-to-energy plant on your evidence.---Yes. Yeah, like I said. Yeah, obviously I didn’t mean any work like he – he did the research but I’m saying nothing eventuated out of this.

All right.---To my, to my knowledge.

And did Mr Hindi issue this estimate of fees to anyone as far as you know? ---I, I don’t know. That would have been sent to Mr Yuqing Liu.

30 All right. And this estimate of fees included, for example, “concept design, market research, review of waste market and competitive landscape”. Do you see that?---Yes, I can see that.

Which is the sort of work you described earlier that you know Mr Hindi undertook, researching costs of setting up a waste-to-energy plant and the like, correct?---Yeah, I think we would have looked into it, yes.

And was he paid anything for that work?---Not to my knowledge. I don’t think he did.

40 You were involved in taking Yuqing Liu out to a site in St Marys, correct? ---That’s right. Yes.

That was July 2016?---Approximately, yes, around that time.

And that was, on your understanding, a potential site for this waste-to-energy plant, is that right?---That's true. It was a big site.

And who identified that site as a potential site?---Well, to the best of my recollection, the information provided to me, it would have been through an agency out of the area who had that site. I don't, I don't remember exactly.
10 I think it was Raine & Horne from memory who sent the information about this site to me.

You drove out to this site to inspect it?---Yes, yes, I did.

And Yuqing Liu came on that trip?---Yes.

Wensheng Liu came on that trip as well, didn't he?---I don't remember Wensheng Liu coming to that trip. I don't think so.

20 But you're not sure?---I'm not sure. I'm not sure.

Okay. Philip Uy came on that trip as well, is that right?---I'm not sure if Philip or Elaine came on that trip. I don't have a clear recollection. I know we drove there, I think they followed me in their car to have a look at that property but, again, nothing happened after that.

What interest did Philip Uy have in this potential waste-to-energy plant at this time, do you know?---No idea because to me Philip seemed like he knew Mr Yuqing Liu and he was just trying to assist him because he would
30 be his contact in, in Australia. That was my understanding of the relationship they had.

All right. You then travelled to China in June 2016 with Mr Hindi, correct?---That's correct, yeah.

And you attended a signing ceremony in Tangshan?---Yes, yes.

Where Yuqing Liu and Mr Hindi signed an agreement regarding the potential waste-to-energy plant in New South Wales, correct?---That's
40 correct, yeah.

That agreement had already been signed in Australia in May, is that right?---
Yeah.

And then it was signed again in June, correct?---Yes, correct, yeah.

You and Mr Hindi flew Air China, is that right?---Yes.

Business class?---Correct.

10 Who booked the flights?---The flights were booked by, well, around that
time, just sort of I'll let you know, I did not want to go on that trip. The
timing wasn't right for us to go, for Con and I to go on that trip. There were
other personal issues going around that time. But Philip relayed to me that
it's important to go, like "You really should go. It's important for you guys
to go, you know, for this project to go ahead. You need to go attend a
ceremony, an official one." So at that time, you know, on reflection, I'm
gathering my, my thoughts, then I said, then obviously we agreed to go and
I said "I will book the tickets" but then it was too late, they would have
20 already booked it. Because I got a message around that time from Elaine
saying, well sending me the, I think it was some, like the itinerary or the
tickets that, that have already been booked. So I contacted Philip at that
time and I, I said to Philip "I need to reimburse you for, reimburse whoever
paid for the ticket." And then I reimbursed Philip for the cost of the, the
flights.

All right. By this time, Hurstville City Council had been dissolved,
correct?---That's true, yeah.

That occurred on 12 May, 2016?---Yes.

30

And so Mr Hindi obviously wasn't a councillor at this time?---That's true.

But he obviously intended to stand for re-election when the, when Georges
River Council was formed?---I don't think that was the case. He was very
hesitant about running again, again, because of the negative publicity that he
was coping at the time.

40 Is that about the Mortdale property incident again?---Yes, yes, that and there
have been a few matters, again like, issues with council at the time. So we
were really, he was thinking not to run. It wasn't, it wasn't his intention,
that, that was my understanding at the time, he didn't, he wasn't interested

in running council again and this is why he was more interested in that waste-to-energy plant.

Why he was interested in it?---Interested, yeah.

He of course did then stand for re-election in September 2017, correct?---He did. Yeah.

10 At what point did he decide “I will stand for re-election”?---I think it was last minute. Like, he wasn’t planning and we were sort of, my family and I were saying for him not to run and he was very hesitant about running, then he ended up making a decision to run last minute.

Okay. All right. So returning to this trip to China. You say Elaine Tang or Philip Uy told you it had already been booked?---Yes, it was more Elaine sent me the message and I contacted Philip and I said, “I wanted to pay but it looks like it’s too late, it’s already been booked. Can I reimburse you?”

20 Did someone send you this invoice or - - -?---No, it wasn’t a, it was like a, it was like an itinerary that, or something to say that there’s been, the tickets were booked.

Okay. I should just show you the invoice that I’m talking about.---Yeah.

I think we’re talking about the same thing. Volume 3.10, which was MFI 19.---No, that wasn’t the invoice that she sent me.

30 You haven’t seen this document before the evidence given in this public inquiry, is that right?---No, that’s right. I, I haven’t seen it.

All right. But Elaine sent you your itinerary for this trip, is that right?
---Yes. It was something different, a different document that showed – and this is how I came up with the figure, the cost of the return ticket. It was on that document. So roughly about 3,200, roughly from memory, for a return flight per person.

All right. So you understood that someone had already paid for the flight, correct?---Yes.

40 Who did you understand had paid for it?---I understood that Mr Yuqing Liu paid for it ‘cause that was, that trip was specifically for that purpose.

Okay. Were you, you were in attendance for Chris Yan's evidence, correct?---I was.

And did you see me show him the records for GR Capital, the accounts?
---Yeah, I remember that.

And you remember there was a payment that was for \$14,775?---Yes, I do.

10 And GR Capital is, of course, Wensheng Liu's company, you understand that?---Well, I didn't know at the time. I didn't, I didn't know at the time who GR Capital was.

No, but you understand that now that's Wensheng Liu's company?---Yeah, now I understand, yes, yes.

So why did you think that Xinfeng had paid for your flights or that Yuqing Liu had?---Yeah, because the invitation came from Xinfeng to go to China.

20 Okay.---The invitation, sorry, was sent to us and a state parliamentarian to come along to that trip.

Yes, I understand.---Yep.

All right. So then you paid, who was it, Philip Uy?---Yes.

You gave him cash?---I did, yeah, 'cause I remember phoning him after I received that message and I said, "I need to reimburse you for that."
Reimburse, like, "I need you to give the money to whoever paid for the
30 ticket. How would you like to be paid?" And he said, "Can you, I prefer if you can give it to me in cash." And I then organised a meeting with him and I gave him the money.

All right. Where did you get the cash from?---I had it at home.

You had an amount of cash at home already?---Yes.

All right.

40 THE COMMISSIONER: Why didn't you just cancel and get a refund?
---Because they'd already booked it and they've already booked other –

well, there's the message that Elaine relayed to me that officials and people from the government have already been booked and it's, I really wanted to cancel that trip but I just couldn't. No, I felt it's rude on our behalf to do that while everything, since everything's been booked.

I don't understand that. I mean, you've no doubt booked airline tickets in the past and you've had to cancel at the last moment?---But I can't, if I cancel then I wasn't sure whether they would get a refund for the amount being paid.

10

But wouldn't you want to know that before you paid a significant amount of cash?---But they've already booked it and they've already made arrangements in China, so I thought it's, it would be very rude to change our mind last minute.

But you didn't have to pay them cash. They could have just cancelled the ticket. Otherwise they end up with the cash and a ticket nobody's going to fly on.---Sorry, I don't get what you mean, Commissioner.

20 Did you go to this?---Yes, I did, yeah. Yeah, of course, yeah.

Sorry, I misunderstood something.---No, that's all right. I ended up going to that trip with my husband and a state parliamentarian to further that project, the waste-to-energy facility that Mr Liu was interested in, Mr China Liu.

MS HEGER: And given the purpose of the trip, it was obviously appropriate for Mr Hindi or Variable Solutions to treat those expenses as business expenses. Correct?---He could have done that. I'm, yeah. I'm not sure.

30

And so if you incurred any expenses or he incurred any expenses connected with that trip, you must have kept a record of it. Correct?---Well, if I was planning on using it for business purposes or claiming expenses, he would have kept records but I'm not sure - - -

And did you keep a record of the cash payment you made to Philip Uy?---I, I mean, this was a cash payment. What record can I keep, like, I, obviously, I knew, I reimburse him - - -

40

Well, you could have asked him for a receipt?---I did, I did, actually.

You did?---I did ask him for a receipt.

Did he give you one?---I don't remember 'cause I remember Elaine messaged me after that payment's been made to Philip Uy, like, what do you want on the invoice, sorry, on the receipt, what it was that you want. I do remember that.

10 Elaine sent you a message about the receipt for this cash payment. Is that your evidence?---I think so, yes. I remember, I remember I did ask for the invoice and Elaine ask me for the details, either Elaine or Philip, more Elaine, ask me for the details, what do you want or, like, what details you want on that, the receipt.

20 And they then sent you a receipt?---I don't have a clear recollection of that. I don't have a clear recollection that she actually did send me the invoice 'cause I tried to look for that receipt in my documents, in my, but I couldn't, I couldn't locate it. So that's why I'm not 100 per cent sure if they've sent it.

THE COMMISSIONER: Why did you ask for a receipt?---As a record of the payment, just in case if - - -

In case what?---If, if Con wanted to claim it as a business trip.

MS HEGER: And if Ms Tang did send you a receipt, it would have been by email? Is that your usual method of exchanging documents with her? ---Yeah, either by email or she'd give it to Philip to give to me or - - -

30 But she had your email address, didn't she?---She did.

She had your mobile phone number?---She does, yes.

And she could have sent it easily to you by one of those mechanisms. Correct?---She could have, yes.

There's absolutely no need for her to give it to Philip Uy. Correct?---No, that's true.

All right. I can ask Ms Tang about that. Can I show you another document, volume 2.12, page 10? So we're now moving through to August 2016. And this is a message, number 20 - - -?---Yeah.

- - - from yourself to Mr Hindi. Correct?---Okay. Yeah.

Dated 18 August, 2016, at 10.04am. And you'll see you've sent an attachment?---Mmm.

- 10 I'll just go to the magnified version of that attachment, which is at volume 2.13, page 14. Hang on a moment. That's not the right, take that down. I've given you the wrong page reference, I'm sorry. Bear with me a moment. Page 53 of volume 2.13. And you'll see, this appears to be a photograph of an email. The first email in the chain is from Brett Daintry.--
-Yep.

You now understand him to be a planner who was working for One Capital on the Landmark Square planning proposal, correct?---Yeah, that's right.

- 20 The email's dated August 15, 2016. You understood at that time that Mr Daintry was a planner working on that Landmark Square planning proposal?---I think, yes, I think so.

And it forwards another email, you see below, from Brett Daintry to someone at Georges River Council?---Yeah.

But it's addressed to, in the body, the interim General Manager of Georges River Council. Do you see that?---I, I, yeah, yeah, I can see that.

- 30 It says "To the interim General Manager".---Yep.

And it says "Michael Gheorghiu, planner for Dickson Rothschild, and I would like to arrange a meeting with you and interim General Manager as soon as possible".---Yeah.

And you'll see the subject line of course is "Landmark Square." Do you see that?---Yes.

- 40 And then if you go over to the next page, just scroll through to the next page, number 54, you'll see the rest of the email there. Now, can you explain to me why – this is a text message from yourself to Mr Hindi. Why

were you sending a photograph of this email to Mr Hindi in August 2016?---
Okay. I don't recall that document but since it was on my phone and sent to
Con, the only explanation I have is that Elaine or Philip might have given
me, might have showed me a copy of that.

And on your understanding, why were they showing you a copy of that?---
Just to keep me updated on the progress of the Landmark Square.

10 Well, they showed it to you because they wanted you to raise it with Mr
Hindi, didn't they? That's what you understood?---That's what I
understood, yes. They wanted me to ask or let him know what's happening.

And you understood you were showing it to Mr Hindi so that he could take
some action in respect of the Landmark Square planning proposal, correct?
---Sorry, what sort of action are you implying?

20 Well, I'm asking you. Did you understand that – was your purpose in
showing it to him to ask him to take some kind of action?---Not really, not
to take some kind of – well, to let him know because he, I obviously knew
that this matter is, you know, council is dealing with it and these people
have had, well the applicants or, of, of this plan, of this, sorry, planning
proposal were having difficulties with council and Elaine or Philip would
have asked me to have a chat to Con about it and see what's going on. Not
necessarily to take action but to keep him posted of how they're going with
council because they had some frustration earlier on. They have expressed
concerns with the way the matters were being dealt with at council.

All right.---It could just simply be for that reason that I have sent it to Con.

30 And by this point did Mr Hindi know, as far as you were aware, that
Wensheng Liu was involved with the Landmark Square planning proposal?
---Are we talking, sorry, is this - - -

August 2016.---August 2016?

Yes.---I'm not sure if he had been aware at that stage. He would obviously
know who the applicant was. If that's been lodged before council.

40 Did he know that Yuqing Liu had agreed to invest in Landmark Square by
this point in time, August 2016?--- Not that I'm aware of.

That didn't come up on the trip to China in June 2016, where Mr Hindi signed the agreement with Yuqing Liu - - -?---No.

- - - regarding the waste-to-energy plant?---I don't think so. Like it, it was, I'm not aware of that.

All right. I will tender pages 53 and 54 of volume 2.13, Exhibit 204.

THE COMMISSIONER: That's Exhibit 204, yes. Thank you.

10

#EXH-204 – VOLUME 2.13 PAGES 53 AND 54

MS HEGER: Yes. And I'll go back to volume 2.12, the text messages. And I'll just mark 2.12 for identification. MFI 28.

THE COMMISSIONER: It's 28 I think, yep.

20

#MFI-028 – VOLUME 2.12

MS HEGER: Can I go to volume 11 of 2.12. Message number 23. Message number 23 is from yourself to Mr Hindi, correct?---Yes.

18 August, 2016 at 12.03pm. It says, "Hey, Saturday meeting at Hurstville with Mr Liu's assistant at 2.30?" Who was Mr Liu's assistant that you were referring to?---I think I was referring to Elaine.

30

Elaine Tang?---Yeah.

And the Mr Liu you were referring to? Which Mr Liu was that?---Because at some stage Elaine, I would, I understood Elaine's role was China Liu's assistant as well. She was his point of contact in Australia.

She was working for both - - -?---For both I think.

Both Wensheng Liu and Yuqing Liu, correct?---Yes. That's my understanding of her role.

40

And which one are you referring to in this message?---I don't recall. Sorry, I'm trying to look at the date, sorry. 18 August. I don't recall. Could, could be either. Could be either Mr Liu, Wensheng Liu or Yuqing Liu.

All right. And why were you and Mr Hindi meeting with Elaine Tang at this time?---Like I mentioned earlier, Elaine would find it hard to get hold of Con because he rarely, he's, he's rarely answer his phone 'cause he had a full-time job, so she'd ask me to arrange a meeting with him.

10 To discuss the Landmark Square planning proposal, is that right?---Well, not only that, I, if she had any concerns to do with council. But at the time it was Landmark Square, I think, but if, from the timing.

You're not aware of any matters that Elaine Tang had before council or was liaising with council about at this time, are you?---I'm not aware of any other matters that she was involved in.

All right. The next message, number 24, is from someone described as
20 "Elaine, Faye's secretary". That's Elaine Tang as well, isn't it?---Yeah, yes, it is.

'Cause she also did some work for Philip Uy, as you understood it?---Yes, I remember because Philip introduced her to me. I had her number saved as "Elaine, Faye's secretary" on my phone.

Yes. And you gave evidence earlier that you understood Philip Uy was Faye?---Yes.

All right. This one is again to the Malcolm Hindi email address, but that
30 must be to you.---That must, sorry, that's my phone.

Yes.---It does come up as him 'cause he set up the phone for me, so that's why it probably has his details, yeah.

Yes, and indeed the message says, "Hi, Mireille." So it must have been for you.---Yeah.

Correct. It's dated 25 August, 2016. "Hi, Mireille. I spoke with my boss
40 this morning. He said if you haven't spoken to the owners to request for more time, then please hold it for now. We're just waiting on one more

extension to be signed off.” This was about the Landmark Square options, wasn’t it?---I believe so, yes.

And it’s talking about an extension of time for those options, correct?
---That’s true.

Because they were due to expire around this time, correct?---Correct, yeah.

10 And was she – it suggests that you were speaking to the owners. Did you have a conversation with the owners around this time?---I didn’t but she probably understood that I had communicated with the owners. I never, I never met the owners. I don’t even know who they are.

But Taylor Nicholas was the agent for the owners, correct?---That’s true, yeah.

20 Did you speak to Taylor Nicholas about this or George Constantine or Michael Constantine?---I don’t recall. I, possible, could have been possible that I asked, because I wouldn’t have any contacts of the owners. I would have relayed the message to George.

All right. And then the next message you say “I haven’t spoken with the owners yet”.---Yes.

Is that a reference to speaking not to the owners directly but possibly to someone at Taylor Nicholas, is that right?---That’s right, yes. Yes.

30 Okay. On the next page, first at message number 26, Elaine confirms that they got all three extensions. Do you see that?---Yes, I can see that.

Which is again a reference to the options for Landmark Square, correct?
---Yes.

Then in the next message, number 27, that’s again from Elaine to yourself, correct?---Yes.

Dated 7 September, 2016.---Ah hmm.

40 It says, “Hi, Mireille. Just wondering if you had a chance to find a good town planner to give us the second report. Thanks.” That was about Landmark Square, correct?---Yes.

It seems that by this point you were providing some assistance to Elaine Tang regarding the Landmark Square planning proposal, correct?---That's true.

Including finding good town planners, liaising with the owners, well, liaising with Taylor Nicholas regarding the extensions, correct?---Yes.

10 Why were you providing this assistance to Elaine Tang at this point, August/September 2016?---'Cause she asked for my assistance and I would, I was happy to do it. 'Cause we became, after the China trips we became a little bit closer, like we communicated often, so if she'd ask me I would do my best to help her.

So you were just doing this to help a friend, is that right?---That's correct.

20 Not with the expectation of any benefit in return?---Not really, but for long term it's, I, I, I like to keep good relationships with people. I don't necessarily have to have something in return at the time, but maybe on, you know, future things. I like, I like to keep a good relationship with her.

And by this time, December 2016, the period for the buyers' agency agreement had expired, hadn't it?---That's correct.

So by this time you were no longer expecting a \$500,000 payment from One Capital, is that right?---That's correct, yeah.

30 I'll just go to a couple more messages before we conclude today. Page 15 of the same volume. Message number 39. It's a message from yourself to Elaine Tang.---Yes.

13 April, 2017. It says, "We can do 12.30 today at Rhodes. Let me know if that works."---Yes.

The "we" is referring to you and Mr Hindi, isn't it?---I don't recall if it was just I meant "we" Con and I or just Elaine and I. Or maybe I meant to say "can we do 12.30". I, I don't recall exactly that's referring to Con.

40 All right. And is your evidence the same in respect of message number 41, which is on 1 May, 2017? You say to Elaine, "We can do 5.00pm at Hurstville." Is that a reference to you and Mr Hindi or not?---To the best of

my recollection it could have been, that Con being there, or it could have been just the two of us 'cause we used to catch up, the two of us only.

All right. You say it could have been. Why would you, Mr Hindi and Elaine have been meeting up around this time? Must have been to do with the Landmark Square planning proposal if it occurred, correct?---If it did occur, but, to the best of my recollection, those two meetings were, could have been just Elaine and I 'cause Con had his full-time job, so it was harder for him to leave his work to come and have coffees every time.

10

Right. Is that an appropriate time, Commissioner, to adjourn?

THE COMMISSIONER: Almost. Mrs Hindi, does your son live at home? ---Now? At the moment?

Yeah.---No. No, he's married, with a, with a baby. He lives on his own.

Yeah. Where does he live?---He lives in Gynea.

20 And you know his address?---Yes.

I want you to write down on the piece of paper here, Chris, his address - - - ?---He recently just sold, so, you know, so he's, he'll be moving to another property soon maybe I should give you the address of - - -

All right. So give the address and his telephone number.---I'll have to, the, his address 'cause he's just settled, he's going to settle tomorrow on his property.

30 Yeah.---He'll be moving to another property in Penshurst. I don't have the exact address for this one. I can give you that later. But I can give you his number.

Okay.---I know it's in, I know the street name but I don't know the exact number.

MS HEGER: Is he actually moving to that new property tomorrow?---In, on Saturday, I believe.

40 Why don't you write down the address of the property where he's currently residing?---Yeah, I can do that. Yeah.

THE COMMISSIONER: Thank you.---Sorry. I'm trying to remember his number 'cause I had it saved on my phone.

MS HEGER: I've had the same problem.---I'll give you, let me give you his address. So can I get you that number later? I just can't remember his number 'cause I had it saved in my phone. I don't have my phone on me. Let me just, okay.

10 THE COMMISSIONER: You haven't got a mobile phone on you?---I don't. My phone stuffed up yesterday completely.

Right. Well, can you resolve - -?---But I can look it up, like, I can, I can look up, I'll have to remember his number. Hang on. Sorry. Sounds a bit silly not knowing my son's mobile number but, 'cause I had it saved on my phone, can I provide that to you just before I leave today?

Yeah.---Sorry. Thanks.

20 So if - - -

MS HEGER: Just one more thing, Commissioner. I understand Mrs Hindi's lawyer would like to apply for another solicitor in his office to have authority to appear. Could I just invite him to do so now?

MR FAHD: Good afternoon, Commissioner. I'm just asking if the Commission would allow a junior solicitor to also have access to the restricted website, and also attend here if I can't? He's - - -

30 THE COMMISSIONER: Have access to the?

MR FAHD: To the restricted website.

THE COMMISSIONER: Yeah.

MR FAHD: And also attend if I can't. He's an employed solicitor of mine.

THE COMMISSIONER: Certainly. So that solicitor will be here if you're not here?

40

MR FAHD: Yes. If I'm not here, I'd like him to be - - -

THE COMMISSIONER: That's okay.

MR FAHD: - - - because there's sometimes I have other commitments.

THE COMMISSIONER: No, that's fine.

MR FAHD: Thank you, Commissioner.

10 THE COMMISSIONER: Adjourn.

THE WITNESS STOOD DOWN [4.03pm]

**AT 4.03PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.03pm]**