

The Commission must seek the advice of the Director of Public Prosecutions (DPP) on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid and conducts all prosecutions. The Commission provides information on this website in relation to the status of prosecution recommendations and outcomes as advised by the DPP. The progress of matters is generally within the hands of the DPP. Accordingly, the Commission does not directly notify persons affected of advice received from the DPP or the progress of their matters generally.

The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of:

**Vincenzo Badalati**

- for an offence of receiving benefits from Ching Wah (Philip) Uy and Yuqing Liu being the cost of flights, accommodation, meals and transfers in respect of travel within China in April 2016 contrary to section 249B(1) of the *Crimes Act 1900* (“the Crimes Act”) (chapter 5)
- for an offence of giving false or misleading evidence contrary to section 87 of the *Independent Commission Against Corruption Act 1988* (“the ICAC Act”) in respect of his evidence:
  - (i) that he did not know prior to arriving in Tangshan, China, in April 2016 that there was to be a signing ceremony of an agreement concerning the Treacy Street and Landmark Square developments (chapter 5)
  - (ii) that he believed he attended Tangshan, China, in April 2016 in relation to a proposed waste-to-energy project (chapter 5)
  - (iii) that he did not know there was to be a signing ceremony in Tangshan, China, before arriving or that the agreement to be signed concerned the Treacy Street and Landmark Square developments (chapter 5)
  - (iv) that he reimbursed Mr Uy in respect of the cost of his accommodation at the Beijing International Hotel on 10 April 2016 (chapter 5)
  - (v) concerning his lack of knowledge that One Capital had retained a financial interest in the Landmark Square development following the sale of the site to Prime Hurstville Pty Ltd in 2017 (chapter 8).

**Constantine Hindi**

- for an offence of receiving the sum of approximately \$70,000 from Mr Uy in 2015 contrary to section 249B(1) of the Crimes Act (chapter 6)
- for an offence of receiving the sum of \$100,000 from Mr Uy in 2018 contrary to section 249B(1) of the Crimes Act (chapter 6)

- for offences of misconduct in public office in relation to his corrupt involvement in the Treacy Street and Landmark Square developments including receiving the sums of approximately \$70,000 and \$100,000 and other benefits from Mr Uy (chapter 6) and in relation to voting on 25 June 2018 in relation to the Landmark Square planning proposal and modification application for the Treacy Street development without disclosing his significant non-pecuniary conflict of interest in both developments (chapter 8)
- for offences of receiving other benefits from Mr Uy and Yuqing Liu being the cost of flights, accommodation, meals and transfers in respect of travel within China in April 2016 contrary to section 249B(1) of the Crimes Act (chapter 5)
- for offences of giving false or misleading evidence contrary to section 87 of the ICAC Act in respect of his evidence:
  - (i) concerning a practice whereby his wife (Mireille Hindi) did not disclose to him information concerning her business dealings (chapter 3)
  - (ii) that the existence of the Buyers Agency Agreement (BAA) dated 24 July 2014 was not disclosed to him by Mrs Hindi (chapter 3)
  - (iii) that he did not know prior to arriving in Tangshan, China, in April 2016 there was to be a signing ceremony of an agreement concerning the Treacy Street and Landmark Square developments (chapter 5)
  - (iv) that he believed he attended Tangshan, China, in April 2016 in relation to a proposed waste-to-energy plant (chapter 5)
  - (v) concerning the payment for the cost of his accommodation and that of Mrs Hindi at the Tangshan Grand Metropark Guofeng Hotel on 11 and 12 April 2016 (chapter 5)
  - (vi) concerning the reasons why he attended a meeting at Addisons lawyers concerning the Landmark Square development in June 2017 (chapter 7)
  - (vii) concerning his lack of knowledge that One Capital had retained a financial interest in the Landmark Square development following the sale of the site to Prime Hurstville in 2017 (chapter 8).

### **Mireille Hindi**

For giving false or misleading evidence contrary to section 87 of the ICAC Act in respect of her evidence:

- (i) concerning a practice whereby she did not disclose information concerning her business dealings to Mr Hindi (chapter 3)
- (ii) concerning the use of her son's name and her son's involvement in the creation of the BAA (chapter 3)
- (iii) that the existence of the BAA was not disclosed to Mr Hindi (chapter 3)
- (iv) that the Landmark Square development was not discussed at all during her trip to Tangshan, China, in April 2016 (chapter 5)
- (v) that the Landmark Square development was not brought up during the trip to Tangshan, China, in April 2016 (chapter 5)
- (vi) that it did not occur to her that the agreement signed in Tangshan had anything to do with Landmark Square (chapter 5)
- (vii) that she reimbursed Mr Uy in respect of the cost of her travel and that of Mr Hindi from Shenzhen to Beijing on 10 April 2016 (chapter 5)

- (viii) concerning her payment for the cost of her accommodation and that of Mr Hindi at the Beijing International Hotel on 10 April 2016 (chapter 5)
- (ix) that she reimbursed Mr Uy in respect of the cost of her accommodation and that of Mr Hindi at the Beijing International Hotel on 13 April 2016 (chapter 5)
- (x) concerning the payment for the cost of her accommodation and that of Mr Hindi at the Tangshan Grand Metropark Guofeng Hotel on 11 and 12 April 2016 (chapter 5)
- (xi) concerning the reasons why she attended a meeting at Addisons lawyers concerning the Landmark Square development in June 2017 and a number of meetings thereafter (chapter 7)
- (xii) concerning the reasons why she communicated and met with Elaine Tang (Ms Tang) on a number of occasions following the trip to China in April 2016 (chapter 7).

### **Ching Wah (Philip) Uy**

- for an offence of paying the sum of approximately \$70,000 to Mr Hindi in 2015 contrary to section 249B(2) of the Crimes Act (chapter 6)
- for an offence of paying the sum of \$70,000 to Mr Badalati in 2015 contrary to section 249B(2) of the Crimes Act (chapter 6)
- for an offence of paying the sum of \$100,000 to Mr Badalati in 2015 contrary to section 249B(2) of the Crimes Act (chapter 6)
- for an offence of paying the sum of \$100,000 to Mr Hindi in 2018 contrary to section 249B(2) of the Crimes Act (chapter 6)
- for offences of paying the cost of flights and accommodation for Mr Badalati in respect of travel within China in April 2016 contrary to section 249B(1) of the Crimes Act (chapter 5)
- offences of paying the cost of flights and accommodation for Mr Hindi in respect of travel within China in April 2016 contrary to section 249B(1) of the Crimes Act (chapter 5)
- for an offence of aiding, abetting, counselling, and procuring offences of misconduct in public office committed by Mr Badalati and Mr Hindi in relation to their corrupt involvement in the Treacy Street and Landmark Square developments including their receipt of the sums of approximately \$70,000 and \$100,000 in the case of Mr Hindi and \$70,000 and \$100,000 in the case of Mr Badalati together with other benefits provided by him (chapter 6)
- for giving false or misleading evidence contrary to section 87 of the ICAC Act in respect of his evidence:
  - (i) that Mr Badalati and Mrs Hindi reimbursed him for the cost of travel from Shenzhen to Beijing on 10 April 2016 (chapter 5)
  - (ii) concerning the reasons why he obtained receipts from a travel agent in respect of the cost of the travel undertaken by Mr Badalati and Mr and Mrs Hindi from Shenzhen to Beijing on 10 April 2016 (chapter 5)
  - (iii) that Mrs Hindi reimbursed him in respect of the cost of her accommodation and that of Mr Hindi at the Beijing International Hotel on 10 and 13 April 2016 (chapter 5)

- (iv) that Mr Badalati reimbursed him in respect of the cost of his accommodation at the Beijing International Hotel on 10 and 13 April 2016 (chapter 5).

**Philip Sansom**

For an offence in relation to receiving a benefit from Mr Uy, namely, the cost of his travel to and from China in March 2014 contrary to section 249B(1) of the Crimes Act (chapter 5).