

Statement – Malcolm Foo

Name:	Malcolm Foo
Date of Birth:	[REDACTED]
Address:	The City of Botany Bay Council Business Unit, Building 108 Cnr of 7 th & Vickers Ave Mascot NSW 2020
Telephone: (W)	[REDACTED]
Occupation:	Landside Coordinator
Employer:	The City of Botany Bay Council

STATE as follows:

1. My full name is Malcolm Foo.
2. I am currently 66 years of age and was born on the [REDACTED]
3. I am aware that this statement is being provided to representative(s) of SINC Solutions Pty Ltd who are acting on behalf of The City of Botany Bay Council in relation to allegations of misconduct by various City of Botany Bay Council staff.
4. I acknowledge and agree to SINC Solutions Pty Ltd on behalf of The City of Botany Bay Council, collecting and using the information I provide here, including sensitive information if applicable, in accordance with The City of Botany Bay Council Policies.
5. I wanted to meet with the General Manager of The City of Botany Bay Council, Ms Lara Kirchner, to advise her of my concerns in relation to the Business Unit and what some staff have been doing. Ms Kirchner is present at the meeting (9 November 2015).
6. I have a support person in attendance at this meeting – Mr Stuart Dutton, Director City Infrastructure.
7. Both Mr Stuart Dutton and I understand the role of the support person is to support me before, during and after this interview, and not to be an advocate for me.
8. Both Mr Stuart Dutton and I are aware of the confidentiality of this interview and the matters discussed and we have been informed accordingly during this meeting.
9. I have been employed as Landside Coordinator with The City of Botany Bay Council for 19 years. I was one of the first staff members at the Business Unit. My role now is as a team leader and I do most of the work for Sydney Airport, Centennial Park, Sydney Ports and that includes work outside of the airport.
10. My role at council is to coordinate all the works for the Business unit for Landside Operations.
11. I have attended induction and Code of Conduct training.
12. I report to Mr Mark Goodman, Acting Manager, Business Unit.
13. I work Monday to Saturday, and I come to work sometimes on Sunday as well. I am employed as a casual employee.

Signed: _____

Malcolm Foo

Witness: _____


Claire Brogan: _____

14. I spoke with Mr Stuart Dutton on 7 November 2015 at about 11.30am at the Business Unit to advise him of my concerns in relation to the Business Unit and what some staff have been doing.
15. I have also spoken to union USU delegate Ben Thompson about two (2) weeks ago about my concerns and he said to speak to Stuart Dutton.
16. When ICAC raided the Business Unit I was scared that Marny Baccam might have been forging my signature on more invoices than I knew about so I spoke to the union delegate.
17. I wanted to talk to the General Manager to prove I was innocent.
18. I was contacted by the ICAC about two (2) weeks ago. They advised me they wanted to interview me about a couple of things.
19. My concerns include the following matters.

Mitre 10

20. About 1.5-2 years ago, I was advised by another staff member that Ms Marny Baccam was forging my signature.
21. I rang Mitre 10 and asked them to send some outstanding invoices which I wanted to have look at that Marny had signed in my name.
22. I questioned Marny about this, and she denied it.
23. I asked her to show me how she signs my name, and she refused to re-sign the document.
24. The invoice was for household items including plants, bench seats and it roughly came up to between \$900 to \$1000 which is why I was suspicious and I knew that I didn't sign up for it.
25. It was John McGee (staff member of Business Unit) who advised me about this. He works on and off for the Business Unit, he is 72 years old.
26. I spoke to Mark Goodman and he to speak to Gary Goodman.
27. I rang Garry Goodman and he said not to worry about this, it's all part of the business unit.
28. This was when Peter Fitzgerald was the manager of the Business Unit.
29. I have heard that this has happened quite often, that Marny has forged my signature at Mitre 10.
30. Marny can't drive the 3 tonne truck so that is why John McGee drives her there.
31. Marny used to issue the purchase order numbers.
32. I told John McGee that "you had better stop this nonsense" as he would take Marny to Mitre 10 often.
33. He told me that once he took the load of timber from Mitre 10 to Marny's house at Hoxton Park.
34. I have only seen one (1) invoice that Marny has signed forging my signature. I rang up Mitre 10 and they sent it to me. I don't have a copy any more, it was about 1.5 years ago.
35. I can't remember the name of the fellow at Mitre 10 who sent me the invoice.
36. I normally keep details in my diary but have not been able to locate it.
37. I asked Mitre 10 to tell me if it happened again and they have not advised me of any occurrence but Mitre10 change a lot of their staff.

Signed:


Malcolm Foo

Witness:


Claire Brogan

Recruitment

- 38. I am concerned about the new staff we have employed at the Business Unit.
- 39. Staff just bring in their mates to work, and they are not very good workers.
- 40. I am the supervisor and SACL advises me what works I must do.
- 41. I need good staff who can work overtime. Glen Carroll from SACL directs any overtime required to be worked. It is generally on the weekends and only for a few hours.
- 42. In the last month Mark has put on about 18 staff for the new landscaping and airfield contract.
- 43. I have three (3) new staff working with me.
- 44. There has been no formal recruitment process for staff at the Business Unit. Everyone is a contractor, and it has always been like that. Nothing is advertised.
- 45. There are 2-3 people who have been recently employed who can't drive a vehicle, they don't even have a car licence!

Relationships

- 46. I am good friends with Mark Goodman, but only at work.
- 47. I only have contact with Gary Goodman at work. He talks to me about what vehicles to buy for the Business Unit.
- 48. Marny is close to Gary Goodman since she started working at the Business Unit,
- 49. Gary comes to the Business Unit to have lunch with Marny about once per week.
- 50. I have complained to Gary about Marny that she comes to work late all the time. Gary told me he would speak to Marny. At that time Mark Goodman was not there.
- 51. Gary Goodman was involved in the Business Unit more before Stuart Dutton came to Council.
- 52. Marny and Gary live in the same suburb, there is a 10 minute drive between them.
- 53. Gary asked me once to get some of the contract staff to do some small jobs at Marny's house. I wouldn't do it. I know staff wouldn't do it after they have been working all week.
- 54. It was work on the weekend, and Gary said he would pay them cash.
- 55. Gary only asked me about this once, about 2-3 years ago.
- 56. Marny just wanted to take and take all the time.
- 57. Marny kept ringing me up asking me to come and do the works at her house. I said "no" and explained that I already work six (6) days a week.
- 58. Marny was doing a house extension or renovation.
- 59. One day I walked into the room and Mark was screaming at Gary "*I don't want to know those things*". I was told to walk back out of the room.
- 60. I don't know if there is any undue pressure on Mark from Gary but I do know that Mark depends on Gary a lot.
- 61. At the farewell lunch for Peter Fitzgerald junior, Peter instructed me words to the effect that "*anything that happens at the Business Unit stays at the Business Unit*"; and that "*you must talk to your boss first about anything, don't talk to anyone else*".
- 62. When Mark Goodman started at the Business Unit the same culture continued.

Signed: _____

Malcolm Foo

Witness: _____

Claire Brogan

63. One day Glen Carroll from SACL asked me about a job not done. Mark had done the job list. Glen said to me "it was my decision yes or no?" I said Mark was my boss and I take his direction. Mark is good with the workers.

Loan of money

64. Marny was stranded in Thailand about 8-10 months ago.
65. She rang me crying. She told me that she was stranded in Thailand and had no money and asked if I could lend her some money.
66. I told her I could lend her \$1000-\$2000 no problem.
67. She wanted \$10,000. I told her I could not lend her that much money, and refused.
68. Then Gary rang me desperate and asked me to lend Marny the money.
69. Gary kept ringing my phone so much it was like I was being harassed.
70. I finally answered his call and told him I would ask my friend for help.
71. I gave Gary my friend's phone number, Gary rang my friend directly because I didn't want to get involved and he helped Gary and loaned the money (\$10,000).
72. My friend's name is Phillip Pillipou, and he works for Civilcraft. Civilcraft does contract work for the Business Unit and Council.
73. My friend has not been repaid the money yet from Marny. I feel obligated to my friend and thought I had to pay the money back but he said no, it's not my fault.
74. I have asked Gary about whether he has paid my friend but Gary keeps saying "I will pay him in two (2) weeks". But then he doesn't pay in two (2) weeks.
75. I trusted Gary as a friend.
76. I have never seen Gary so desperate before.
77. Marny didn't talk to me for about 8 months after she asked me to loan her money. She would just cut me short and snub me.

Council Vehicles

78. Marny has been doing some fundraising to build a new Buddhist Temple. She had arranged some functions to raise money for the temple.
79. She sells tickets to the functions and food and drinks.
80. Staff from the Business Unit all went along.
81. There have been two (2) functions in the past year or so.
82. I know when we went to the functions, there would be Council vehicles there at the club.
83. We would pick up people in the hired taxis using cab charge vouchers which Marny supplied for us because Marny was the only person that could access the cab charge vouchers.
84. I didn't use a Council vehicle as I wanted to have a drink.
85. Marny supplied Business Unit staff with cabcharge vouchers. She would hand out 3-4 vouchers each to go to the function. She told us "Gary approved it". No-one was concerned.
86. We went to the functions, we would eat and drink.
87. The functions were at the two (2) big clubs near where Gary lives at Hoxton Park.

Signed: _____

Malcolm Foo

Witness: _____

Claire Brogan

88. Marny would use a Council vehicle, usually a white Camry or Corolla when she comes to work.
89. Gary would sometimes turn up in his Mercedes, which I believe is his own car.
90. I have seen three (3) Council vehicles at Gary's father's house. We would pick up Mark Goodman first at that house. I didn't question why the Council cars were there, as Mark is my boss.
91. The house is at [REDACTED] next to the [REDACTED] It is a massive house about 15 bedrooms and Mark lives there.
92. Mark's Dad is still alive, but sick, and lives there.
93. It is a 5 minute walk from there to the [REDACTED]

Other store credit accounts

94. We used to have Bunnings store cards. Mark Wood who was our Director at Council got rid of the cards. Everyone used to use the Bunnings cards.
95. There are no cards for Mitre 10, we have an account with them.
96. Some staff pay cash for things for the Business Unit and get reimbursed by Gary Goodman.
97. We used to have a \$500 petty cash float when Peter Fitzgerald was manager, but I am not sure now what we have.
98. We have an Officeworks account.
99. We have a Campbells cash and carry account.
100. Gary would use the cash and carry when we have Christmas parties. Although I would buy the meat and get reimbursed.
101. Marny would go to cash and carry with John McGee or other staff like John DiChiara.
102. I would see her desk with things she bought.
103. Sometimes she would buy item of value \$1000-\$2000.
104. On one occasion Marny rang me and she was at cash and carry and asked me to come and help her as she had 3-4 trolley and they were full. While I was there Gary turned up and he screamed 'What the fuck', what are you doing with so many trolley'. I could see his face he was angry. Marny then said to Gary 'you shut up as I run the show for the Business unit'.
105. I saw her paying for the items in the trolley and the card was a definitely a council card.
106. Marny only uses people close to her. I used to go with her, but not now.
107. The items I saw her buy included printing supplies, and kids things, toilet papers, cold drinks, no alcohol and lots of mix things.
108. I would say something to Mark and he would tell me words to the effect "Mal it is none of your business, talk to Gary"
109. Gary was there with Marny shopping too sometimes. He would buy coffee and biscuits.
110. I don't remember seeing any cleaning household products bought by Marny. We have another company who supply cleaning products. I only have about 3-4 companies who are contractors.
111. I have supplied a list of names of preferred contractors used by the Business Unit when required:
- a. SITA- Environmental Solutions for the removal of waste.

Signed: _____

Malcolm Foo

Witness: _____

Claire Brogan

- b. NO 1 Plumbing Servicers for pipe leaks
 - c. Kennard's Hire – they supply all the machinery and small tools like chain saws and whipper snippers.
 - d. Coates Hire – as they same as Kennards Hire.
 - e. Frontline – Fabrications, they do metal works and welding.
 - f. Eco wash- Chemicals supply
 - g. Speedy Ceiling Contractor (Zoran Gajic) – They do welding, replace damaged doors. Zoran Gajic (has not been engaged in works nearly one and a half year because Gary stopped using him because he charged 56 dollars an hour.
 - h. Eastern Suburbs Locksmiths – lots of keys to cut because lot of missing keys
 - i. Sure Search – to check for services underground.
 - j. Benedict Hunter Sand & Gravel – provide sand and gravel.
 - k. Civil Craft – (Phillip Fillipou). They do civil works.
 - l. P F Brady - Brush supplier – brushes for the sweepers and cleaning staff.
 - m. Franks Fencing Servicers – fencing and copper logs.
 - n. GYC – Garden Servicers – they supply machinery for garden cutting.
 - o. 2 NV gardens – for any gardens works and sometimes for cleaning.
 - p. Blackwood's – for rubbish bags and other cleaning staff.
 - q. Tenant – a brand of sweeper that make Sweeper.
 - r. RMS – Road Management Servicers
 - s. PWS – Traffic Signs SupplierSACL nominates contractors like Firmstone.
112. SACL keep on changing the nominated companies to use though.
113. There are only 2-3 companies that I use including Garden 2NV and Derek Fabrication. I prefer to use our staff to do the works.
114. Council also has a minivan which is used to pick up goods purchased. Goods are also stored in Mark's office. His office is locked up, and the people who have keys include: me, Mark, Marny, Chloe and John.
115. We know have a store room where we can lock up goods purchased.

Signed: _____

Malcolm Foo

Witness: _____

Claire Brogan

Invoices


- 116. Marny used to give me the contractor invoices to review and sign each month about \$5000-\$10,000. I would sign them, and they would go to Mark Goodman to sign.
- 117. But in the last nine (9) months I have not seen any invoices from Marny.
- 118. If a contractor emails me the invoice I get to see it.
- 119. I don't see any other contractor invoices for airside operations, just 3-4 contractors such as Firmstone and Frontline Fabrication.
- 120. I used to take all the invoices to Tien in Finance and she would often query the jobs.
- 121. We use contractors to supply labour, nightworks, cleaning beaches (Rockdale Council), and grass cutting (Gardens 2 NV).
- 122. Sometimes we use electrical or air conditioning contractors used by the Council but I can't remember their name. SACL have their own contractors.

Return of Vehicles to Business Unit on 8 November 2015

- 123. When the two (2) Council vehicles were returned to the Business Unit on Sunday 8 November 2015, one of my staff (Sachin who is a labourer) rang me up to tell me. He was about to clock off for the day.
- 124. He told me that Joe was there signing the paperwork with Andrew. They are from Elias and Sons at Hoxton Park.
- 125. Any Council vehicle that gets damaged goes to their workshop to be fixed. They do an okay job.
- 126. We know Joe because he comes to pick up the cars to take them to his workshop to be fixed.
- 127. I have no idea why they would have a Council car with them.

Other Issues

- 128. When Mark Wood was running the Business Unit it went well, there was no hanky panky. We used to meet weekly on work matters.
- 129. When he questioned Peter Fitzgerald senior, he was brought down and pressured. He then left Council.
- 130. There are lots of phone calls to staff like Mark where he walks away from me to talk so I can't hear. I think they are hiding something from me.
- 131. I have brought up 1-2 issues with Mark which I thought was not right and I was told to "shut up" by Mark and he said words to the effect that "*things stay in the Business Unit*".
- 132. I don't want to be a target in these issues. I am scared what Marny has forged my signature for.
- 133. The other supervisors don't complain to me about anything. But there are a couple of workers who are scared to talk.

Signed: 
Malcolm Foo

Witness: 
Claire Brogan

134. All the supervisors except me take three (3) month holidays. They still get paid for their time on leave. I know that because I have to fill in for them. This includes/included staff: John DiChiara; Dave Wellington; Mark Goodman; and Peter Fitzgerald Junior.
135. Peter Fitzgerald Junior once said to me that *"we owe you a three (3) month holiday"*, and that when I am on holidays *"we still pay you"*.
136. I have not seen Gary Goodman since he left Council. I have heard though that he told Anmol Rajbhandari that *"Mal has not done anything wrong"*. Anmol used to work with Gardens 2NV.
137. Zoran was working under him. He used to supply workers to the Business Unit. There are about 2-3 companies under him. He was doing some air conditioning work in the Council administration building recently. I know this because I ran into him at lunchtime at the Mascot Chinese restaurant. He told me he was doing air conditioning work for Gary. I know he lives far away.
138. Mark's son Jason Goodman was working for the Business unit. He often supplies workers to Mark. I know they were doing some works for the Army Barracks, it may have been sweeping. I have not seen any invoices for this work.
139. I have also met Mark's wife, Deborah. I believe that she and Chloe are close friends as the way I saw Mark's wife talking to Chloe and she put her arm around Chloe when she visited the Business Unit once. I am not aware how Chloe got the job at the Business unit.

List of contractors

140. Refer to attached list of companies used by Council. I can advise that the Business Unit has used the following companies.
 - a. Aj Freitas Pty Ltd (trading as Elias & Son Smash Repairs)
 - b. Snap-on-Tools
 - c. Haines Bros Earthmoving Pty Ltd
 - d. Zoran Gajic
 - e. Gardens R Us
 - f. Flower Power
 - g. Gardens 2 NV
 - h. Speedy Ceilings (NSW) Pty Ltd
 - i. Leong Seng

Signed: _____

Malcolm Foo

Witness: _____

Claire Brogan

141. In relation to Leong Seng. He used to work for Gary Goodman working as a subcontractor. He had an electronics business and he would fix our mobile phones, alarms and car and truck phone and radios. He lost his business and is now employed at the Business Unit less than 2 years ago. He was on workers compensation for six months and is now working full time on light duties.

Invoices signed by Malcolm Foo

142. I have sighted a range of invoices. There is only one that I am unsure of because of the signature and the description. That is Invoice dated 7th August 2015, BB1501008

Signed: _____

Malcolm Foo

Witness: _____

Claire Brogan

143. This statement was prepared by SINC Solutions on 9 & 12 November 2015 based on the information provided at the meeting of 9 & 12 November 2015 and the documentation listed in this statement.
144. I have read this statement and I have nothing further to add or alter.
145. I hereby acknowledge that the above statement has been made of my own free will and is true and correct to the best of my knowledge and belief.
146. In providing information to SINC Solutions Pty Ltd on behalf of The City of Botany Bay Council, I acknowledge and agree that I have read copies of the relevant The City of Botany Bay Council Codes and Policies.

Malcolm Foo's signature appears at the end of each page of this statement and Malcolm Foo concurs that this statement is in his own words.

Malcolm Foo's signature was witnessed by:



Claire Brogan
Senior Consultant
SINC Solutions Pty Ltd
PO Box 455 GLEBE NSW 2037

at 2 : 38 pm on 12 NOV 2015

at Botany Council Camard St Mascot.

Signed: _____

Malcolm Foo

Witness: _____

Claire Brogan:



Companies used by Council

1. Gas Motorsports Pty Ltd
2. Performance Service Centre Pty Ltd
3. Jovane Pty Ltd
4. Alex Electrical and Air Conditioning Supplied and Services Pty Ltd
5. Iced Air Mkd Pty Ltd
6. Green Thumb Landscaping and Gardening Pty Ltd
7. A J Freitas Pty Ltd (trading as Elias & Son Smash Repairs)
8. Teletec
9. Snap-On-Tools
10. On Q Installations
11. CND Australia Pty Ltd
12. Ari Landscape Solutions Pty Ltd
13. Haines Bros Earthmoving Pty Ltd
14. Plumbmaster (Australia) Pty Ltd
15. Zoran Gajic
16. Keith Mark
17. Garden Envy
18. Gardens R Us
19. Flower Power
20. Gardens 2 NV
21. Speedy Ceilings (NSW) Pty Ltd
22. Speedy Ceilings & Partitions
23. Pharmaprint
24. Adica Holdings
25. Highland Profiles Pty Ltd
26. Australian Landscape Creations
27. Truck Service Centre
28. CND Computers
29. CND 360 Vision
30. Leong Seng
31. Emu Alarms Pty Ltd

Invoice

Date | 10 August 2015
Bill to | Mal Foo
Landside Coordinator / Supervisor
Building 108, Cnr 7th Street & Vickers Avenue
Domestic Precinct
Sydney Airport

Email | foom@botanybay.nsw.gov.au
Invoice number | BB-GC1501008
Due date | 24 August 2015
Purchase Order |

POSTED
13 AUG 2015
CHIRON D.

Date of service	Description of work	Amount
7 August 2015	Supply of additional labour and materials	\$3,000.00

GST	\$300.00
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Total due (inclusive of GST)	\$3,300.00
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All prices are inclusive of GST, unless otherwise specified.

Invoice payable within 14 days.

Payment options | Electronic Funds Transfer (EFT), cheque or cash.

Bank Details for EFT |

Account name | gardens2nv
BSB number | 112-879
Account number | XXXXXXXXXX
Please use invoice number as reference for EFT

Thank you for your business

