

STATEMENT OF BARRY BYRNES

A. Background and work history

1. The matters addressed in this statement occurred at various times over many years. In this statement I have done my best to recall matters accurately, but my recollection may be mistaken in some respects.
2. I am ■ years old.
3. I first started working in local government in 1971 with what was then known as Botany Municipal Council. I then moved to Sutherland Council, Canterbury Council and Marrickville Council before rejoining Botany Council in around ~~May 1995~~¹⁹⁹⁴. I resigned from Botany Council on 24 February 2016. I am now retired.
4. At the time of my resignation I was employed in the position of financial accountant. My responsibilities included preparation of end of year financial reports and supervising and assisting the finance team.

B. Irregular transactions

5. Over the period of my work at Botany Council a variety of suspicious or seemingly irregular transactions came to my attention. I outline them below.

May/June 2007

6. Each cheque written by Council requires two signatures and should be supported by a “voucher” or invoice. Mark Thompson had responsibility for storing and issuing cheques.
7. In around May or June 2007 Mark Thompson told me that Gary Goodman had been asking him for cheques. Thompson said Gary Goodman would provide a voucher or invoice and ask Thompson to sign the cheque. He said Goodman would then countersign it and hand write the details of the payee. Mark told me that what he was writing on the cheque was different to the name on the voucher or invoice. Thompson explained that he might, for example, fill in the details as purchase of something for Council but make the cheque payable to himself.
8. I thought about it and went to see Lorraine Cullinane, the Deputy General Manager. It wasn't easy to go to Ms Cullinane because I knew Ms Cullinane and Gary Goodman were friends, and because I knew Goodman was friendly with the Council's General Manager Peter

Fitzgerald. I thought I was taking a risk by reporting potentially improper conduct by Goodman.

9. I told Ms Cullinane what Mark Thompson told me. I said I didn't have any proof of the allegation but was relaying what I had been told. I cannot recall exactly what Ms Cullinane said in response but I took it that she understood what I was saying and that she would investigate it.
10. Ms Cullinane must have discussed it with Gary Goodman because later that day I found myself in the same room as Lorraine Cullinane and Gary Goodman talking about the matter. All I could say is "*Mark told me this, and I'm telling you that's what's been said*". I cannot recall what Goodman said but it did not clear the matter up. He did not deny it but gave me an explanation about it.
11. At some later time Ms Cullinane issued an email banning Mark and Gary from signing cheques together.

March/May 2009

12. In around March or May 2009 Thompson told me that the bank account details for Gary Goodman's salary deposits were the same as the bank account details for a Council creditor called CND Computers.
13. Mark had a sheet of paper with entries to do with CND Computers. He also had entries for payments for creditors where he suspected the goods supplied were for Gary Goodman rather than Council. The amount on the list was over \$1 million. Mark showed me the list but didn't give me a copy.
14. I said to Mark: "*We have to do something about this*". He appeared to me to be hesitant because he didn't want to be seen to be the person reporting Goodman.
15. At the time Ms Cullinane was acting General Manager while Peter Fitzgerald was overseas. Mark and I together reported the matter to Ms Cullinane. We met with her at the Council's offices in the Mascot Town Hall and Mark gave her the sheet.
16. I don't know what investigation followed. No one questioned me about it or gave me any information about it. I believe the General Manager was informed of the issue. I think that because I heard (I cannot recall from whom) that the General Manager might have to come back from holidays.

October 2011/January 2012

17. In late 2011 or early 2012 Mark Thompson came to me and said he had seen some suspicious credit card transactions. Specifically he said he saw transactions related to a company named Gas Motorsport on a card in the name of Peter Fitzgerald after Peter Fitzgerald had left Council.
18. I reported this to Ms Cullinane.
19. Some time later I was asked to send Peter Fitzgerald details of expenditure which he was required to repay. I think Goodman asked me to do that but I cannot clearly recall. Someone passed the details to me and I passed them to Peter Fitzgerald's daughter (who worked at the Council) to pass to him. I do not know if the money was repaid.

August 2014

20. In around August 2014 an employee (I cannot now recall who) reported to me that there were a large number of unusual Cabcharge transactions involving Goodman. They were unusual in the sense that they involved large amounts and heavy use of the card, and that the number of the taxi driver seemed to be the same on most of the transactions. I passed on the report to the Ms Cullinane.

2014/2015

21. A member of staff, who may have been Sharon Dale, reported to me that there were some \$2,000 of overseas phone calls on a Botany Council mobile phone, and that these may have been associated with a Ms Marnie Baccam from the Council's Business Unit. I believe the calls were from Thailand or the Philippines. The employee suspected they may have related to Ms Baccam because she had recently been on holidays to this location.

August/September 2015

22. I asked, Sharon Dale, creditors clerk, to obtain copies for me of payments made by Council to Teletec for telephone accounts belonging to Council and I supplied these to the Deputy GM. There seemed to be no proof that Teletec had made the payments on behalf of Council.

Pro shop time sheets

23. At some point in the last 12 to 18 months I was asked to sign timesheets for two Council employees working in the pro shop on the Council golf course in Gary Goodman's absence.

The two employees were Mr David Goodman, Gary Goodman's brother, and a Mr Scott Waller.

24. The timesheets showed very long hours worked. I couldn't verify that the hours had been worked and I was reluctant to sign them. I got a call from the Council's head of human resources, Mr Martin Perry, who urged me to sign them so the employees could be paid. Mr Perry is also Council's head of governance.
25. I did eventually sign the timesheets. I later told Ms Cullinane what happened and that I did not want to sign these time sheets in future.

C. Leaving Council and temporary return

26. As I have outlined, a variety of suspicious activities came to my attention over the years. It appeared to me that Mr Goodman was potentially involved in corrupt activities. It also appeared to me that Mr Goodman was close with the General Manager and Deputy General Manager. It appeared to me that while my reports would stop one particularly kind of questionable conduct I would find that I would have to report on new area at a later date.
27. The situation at work caused me to be progressively more stressed. I sought advice from my general practitioner, a psychologist, the neurologist who was treating me for my Meniere's disease, and a solicitor at various times between 2007 and my retirement. My neurologist told me that the stress could aggravate my Meniere's disease.
28. I have seen a copy of my general practitioner's treating notes between 2007 to date. They show that I had spoken to him about the issues and that I was struggling with the need to the report the issues to Ms Cullinane when I knew that Gary Goodman, Ms Cullinane and the General Manager were all friends.
29. On the suggestion of my psychologist and neurologist I decided to try to reduce my stress by reducing my working days. From April 2013 my days reduced to three days Monday to Wednesday. My duties didn't change and I ended up essentially doing five days' work in three days.
30. In February 2015 Council appointed an accounting coordinator who took over the duties I had been doing. I indicated not long afterward that I wanted to leave but that I could provide some part-time assistance if required. Council asked me to stay until the end of the financial year, and I did. I resigned effective 1 July 2015.

31. In mid-August Council asked me to and I agreed to come back and help by working three days a week until the end of the year.
32. After Goodman Council left in October I took over his position as CFO for a period. I was responsible for collating documents subpoenaed by ICAC.
33. I resigned finally from Council on 24 February 2016.

D. Long service leave payment

34. To the best of my memory I was approached by Goodman or the Deputy GM in around August 2007. Goodman or the Deputy GM told me that Council wanted to reduce leave liabilities and asked if would I take a payout of long service leave. I agreed. Whoever I spoke to asked for my commencement date in local government. I assumed that was so they could work out whether my long service was accruing at 2.2 weeks per year rather than 1.3.
35. I was paid about \$65,000, roughly equivalent to eight or nine months' pay. I didn't know the dollar value of the amount until it was paid to me.
36. I didn't know why it was calculated the way it is and why it was done.
37. I assumed it was recorded on the payroll system (which I cannot access). I also recall that the working papers provided to Council's auditors recorded a large reduction in the long service leave liability in that 2007–2008 financial year for the corporate division of Council.

August 2014

38. In around 2014 I asked Mark Thompson to enquire about my long service leave balance with the pay office. I believe I made the enquiry because I was filling in a return to do with a PwC survey. Shortly afterward I got a call from the human resources manager Mr Martyn Perry. He said he could see that a portion of my long service leave had been paid out and asked what had happened. I said it was simply an arrangement reached at the time.
39. I then received an email from Mr Perry saying that my file showed a commencement date of 22 May 1995 with no mention of recognition of prior service. He asked me if I had written evidence of another date. I spoke to the DGM and CFO regarding this email and asked if they could assist to resolve the matter. No one ever discussed the email with me again and I was never supplied with my long service leave balance as per my original request.

June/July 2015

40. I retired on 1 July 2015. I was paid termination pay on 8 July 2015 and received details of the payment by mail around the same time.
41. My termination pay summary showed that my previous long service leave payments, including the August 2007 payments, were deducted from my termination pay. The remaining balance was paid to me on 8 July 2015. I accepted what I was told in 2007 was incorrect and did not dispute the deduction.
42. On 13 August 2015 I received a further letter from the HR Manager advising that there was an error in my termination pay and I had been overpaid approximately \$6,150.00. I repaid the amount to Council without objection.

E. Car repair

43. In around 2009 my son was involved in a car accident while driving my car. The car was damaged and required panel beating. The car was comprehensively insured.
44. I knew that a person named Joe Freitas did repairs on council cars and that he did a good job. I had some bad experiences with other mechanics and thought I should get Freitas to do the repairs.
45. I knew Goodman was in contact with Joe Freitas. I spoke to him and said I was thinking of getting Freitas to repair it. He rang Freitas and told him to pick up the car from Chippendale where it was parked and take it to the workshop at Wetherill Park.
46. The next day I asked Goodman about the car. He said that Freitas had already started work on it. I said: *"How can I claim against the insurance if he's already working on it?"*. He said *"Don't worry, Joe loves this work. It'll be ready in a day or so."* I got the car back a few days later. I never saw a quote for the work or a bill. I thought Goodman had organised for his friend to do it for me as a favour or he realised he had made a mistake by starting work on the car before an insurance quote could be obtained and felt responsible.
47. In 2015 I was directed to go to Council's off-site file storage to retrieve invoices and payment advices required by ICAC. While I was doing that I saw an invoice which related to a vehicle with registration [REDACTED], which is the car my son had damaged. It appeared that Freitas had charged Council for the repairs. That was the first I knew of Freitas billing Council for my car repair.
48. I did not ever intend for Council to pay for my car repairs. My car was insured and apart from the insurance excess the repairs would not have cost me anything.

F. Ms Mishra's evidence

49. I understand that Ms Mishra has alleged that:
- (a) I told her of rumours that false invoices had been issued to Council in relation to a company called "Jovane" as well as companies associated with Mr Sam Alexander and Mr Joe Freitas; and
 - (b) I had toll notices for Council cars which could not have been on Council business;
 - (c) she raised with me concerns about use of Cabcharges; and
 - (d) she raised with me concerns about invoices from a company known as Elias & Sons.
50. I do not recall saying anything to Ms Mishra about false invoices in the name of "Jovane" and I do not think I did so. As I describe above, I reported suspicious activity to the Deputy General Manager, not Ms Mishra.
51. I was not responsible for toll notices. All Council's E-tags were cancelled and re-issued in around 2013. From that point any toll notices received would be sent to an employee named Tien Luck, who would check who was responsible for the vehicle and ask them to confirm whether it was Council or private business. All toll notices were paid automatically out of Council's toll accounts. This regime was introduced on Goodman's directions. I say that because I recall he issued and signed a memo regarding the new regime.
52. It is possible that it was Ms Mishra who reported the Cabcharge irregularities to me.
53. I do not recall Ms Mishra raising with me any concerns regarding a company known as Elias & Sons.

Signed


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Dated

8 March 2016