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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION RICCO

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 1 MARCH 2016

AT 1.50PM

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

MR LEWIS: Commissioner - - -

THE COMMISSIONER: Yes.

MR LEWIS: - - - before we resume, just on behalf of Mr Mark - - -

THE COMMISSIONER: Yes.

10 MR LEWIS: - - - I just wanted to clarify that it would be acceptable for him to not continue to attend until perhaps at a later time, if he's required.

THE COMMISSIONER: Yes, I think that's fair enough. I don't know that we're going to reach him, are we, Mr Thangaraj?

MR THANGARAJ: Mr Mark.

THE COMMISSIONER: Mr Mark.

20 MR THANGARAJ: That's going to depend on – it only depends on Mr Overall. So given Mr Goodman's position I think it's safe to release Mr Mark on the understanding that - - -

THE COMMISSIONER: For the time being.

MR THANGARAJ: Exactly.

THE COMMISSIONER: All right.

30 MR LEWIS: Yes.

THE COMMISSIONER: Yes, thank you.

MR LEWIS: Thank you, Commissioner.

MR MOSES: Commissioner, just through the Commission.

THE COMMISSIONER: Yes.

40 MR MOSES: Yesterday Mr Mark was asked some questions about tax returns and - - -

THE COMMISSIONER: Yes. He indicated he was going to look for those.

MR MOSES: And if he does find any could we respectfully request that they be provided to the Commission?

THE COMMISSIONER: Yes, yes, they will be.

MR MOSES: Thanks, Commissioner.

THE COMMISSIONER: Now, let's return to Ms Mishra. Any further questions of Ms Mishra, Mr Thangaraj?

MR THANGARAJ: (No Audible Reply)

THE COMMISSIONER: No.

10

Mr Moses?

MR MOSES: Yes, thank you.

Ma'am, I act for the Council in this matter. Now, I'm going to ask that you be provided a folder. I want to show you some document if I could. So this witness is going to be shown some documents, Commissioner, which are not as we understand it in the documents which are in the possession – I'll withdraw that – which aren't on the, on the, on the Website.

20

THE COMMISSIONER: Have you seen these, Mr Thangaraj?

MR THANGARAJ: We got them this morning. I'll follow them as we go.

THE COMMISSIONER: All right.

MR MOSES: So the first three items on the index are the position descriptions of positions you've previously held with the Council, being Finance Clerk, Revenue Supervisor and Accounting Office Supervisor in the Business Unit. Correct?---(No Audible Reply)

30

Do you want to satisfy yourself by looking at the documents behind tabs 1, 2 and 3, ma'am?---(No Audible Reply)

So go behind the tabs and have a look behind tabs 1, 2 and 3 to satisfy yourself that these are the position descriptions for the positions that you held between 1994 and up to 2008. Have you finished?---Yes. I have a question. December, 2004 that wasn't my position.

40

December, 2004?---Yes.

I'm asking you questions about the positions that you held within the Council. So you agree you held the position of finance clerk?---Yes.

And you held the position of revenue supervisor?---Yes.

And you held the position of accounting office supervisor in the Business Unit?---No.

You didn't hold that position?---No, I didn't.

What position did you hold?---I was - - -

After the revenue supervisor role?---I was in the operational section.

Of the Business Unit?---No.

10 Of which - - -?---The Council.

Of the Council?---Yes.

And then after that assets accountant?---Assets accountant.

And the position description behind tab 4 is the one that you held. Correct?
---(No Audible Reply)

20 You've seen this position description before?---Yes.

Yes?---Yes.

And I just want you to note on the duties, your duties were to maintain financial assets system to ensure the information was accurate for the preparation of the end of year accounts. Correct?---Yes.

Maintain Council's infrastructure assets system. Yes?---Yes.

30 Maintain the Council's general ledger?---Yes.

Maintain the Council works order ledger so that all jobs and projects can be costed at an activity level?---Yes.

Maintain the Council's plant ledger?---Yes.

And assist with the preparation of financial and statistical returns?---Yes.

40 I won't read them all out to you but if you go down then to code of conduct It states there it's important at all times you act in a manner that enhances community confidence in our Council. The community is entitled to quality service a positive, helpful attitude. Do you see that?---Yes.

You in fact did sign a code of conduct didn't you?---(No Audible Reply)

Do you recall signing a code of conduct, Ms Mishra?---I must have signed it when I first started at Council.

Well, actually you signed it recently. Tab 13. If you go to tab 13. You signed this document did you not on 26 May, 2010?---(No Audible Reply)

Do you have that?---No, not yet.

Okay. Just go to tab 13 and there's a document that you'll see headed Code of Conduct Employee Guidelines. Do you have that?---(No Audible Reply)

Do you have it? It's tab 13?---Yes, that's my signature.

10

Yes. That's your signature that appears on the document?---Yes.

And you'll see conflict of interest on the second page, clause 2, "A conflict of interest arises if an employee has a private or personal interest which could or could be believed to be by a reasonable person prejudicially influence his or her performance of public or professional duties."

Correct?---Yes.

20

Clause 4, "Council staff shall not accept any bribe or inducement or take advantage of their position for the purpose of securing a benefit for themselves or other persons." Correct?---Yeah.

Clause 5, "Use of Council Resources. Staff members must use all resources, physical and human, effectively and economically. The resources must not be used for private purposes unless lawfully authorised and proper payment made, if appropriate, and with prior approval. For example, you are not to complete any work on a resident's private property." Do you see that, ma'am?---Yes.

30

And clause 9, "Dependent on the nature or circumstances of the breach sanctions may be applied ranging from counselling or dismissal to the institution of criminal or civil actions", correct?---Yes.

Do you sign that, correct?---Yes.

You understand that policy when you signed it?---I didn't read all the policy, all the - - -

40

Okay. Well - - -

THE COMMISSIONER: You signed it, you signed it and the question is, did you understand it?---No.

You didn't understand it but you signed it anyway?---I just signed it, yes.

MR MOSES: If you go to the last page, you said "I've read and understand the contents of this documents", do you see that?---Yes.

Okay. So let's go through this. You understood as an employee of Council you were not to steal from the Council, correct?---Yes.

You understood, did you not, that you were not use Council property for your own purposes, correct?---Yes.

And you understood that you were not to take money from another Council employee that you knew that was stolen from the council, you knew that?---Yes.

10

Correct?---Yes.

Yes. And you did all those things, didn't you whilst you were employed by the Council?---(No Audible Reply)

Ms Mishra, you did, didn't you?---(No Audible Reply)

20

No, is the time to tell the truth to the Commissioner, you did all those things whilst you were employed by the Council, correct?---I didn't steal the money.

You didn't steal the money. Okay. You took money from Mr Goodman that you had been stolen from the Council, correct?---Mr Goodman's money was coming from his wages.

I'm going to ask you the question. You knew that you were taking money from Mr Goodman that had been stolen from the Council, correct?---No.

30

No. Okay. Do you understand that it is an offence to tell a lie to the Commission? Do you understand that is an offence?---Yes, I do.

Yes?---Yes.

Okay. You're no shrinking violet, are you? Those telephone intercepts that were played show that you are an individual who is aggressive, correct?---(No Audible Reply)

Correct?---Yes.

40

And when you want something you will even go as far as blackmailing somebody in order to get what you want, correct?---(No Audible Reply)

Is that true or should be play the telephone calls again? Do you agree that that's what you were doing with Mr Goodman, correct?---(No Audible Reply)

Ma'am?---Yes.

Do you want the telephone calls to be played again or do you understand that part of those calls are you're saying to him I know that you have stolen money from the Council through fabricated invoices and you better give me what I want. That's the effect of some of those calls, correct?---Yes.

And you knew that fabricated invoices were being made up by Mr Goodman and his lover, Ms Baccam, correct?---(No Audible Reply)

10 Is that correct?---I wasn't a 100 per cent sure.

You knew, didn't you?---No. I wasn't a 100 per cent sure.

A 100 per cent not sure. Okay. Well can I ask you this question. What were you doing with blank letterheads of Gas Motorsport and Gardenenvy in your desk?---Gardenenvy?

Yeah?---I never had anything.

20 You never had any, didn't you?---No.

Okay. What about Gardens Extra?---Yes. I - - -

Yeah. Blank letterheads?---I used to help Gary Goodman in that company.

What to draft invoices for him?---No.

No?---No.

30 You used to help him on Council time?---No.

No?---I helped him after hours.

You helped him after hours, did you?---Yes.

Yeah. Okay. We'll come back to that. Now in relation to yourself, as I said you're no shrinking violet. You accept that, don't you?---(No Audible Reply)

40 You're a forceful person, aren't you?---(No Audible Reply)

You speak your mind, correct?---Yes.

Now can you go behind tab 5 of the documents that I've shown you. You were disciplined in May 2010 for disrespectful and unacceptable behaviour towards your supervisor and director, correct?---Yes, I was given a letter.

I'm sorry?---Yes.

Yes. So you're quite happy when it suits you to tell off somebody who is your supervisor, correct?---(No Audible Reply)

Ms Mishra, do you accept that, yes?---Which one are you referring to here?

Well, I don't know. How many times have you done that? Look at the 26 May, the first dot point. "You have over recent weeks displayed disrespectful and unacceptable behaviour towards your supervisor and director." Do you see that?---(No Audible Reply)

10

Behind tab 5, the first dot point. Do you see that, ma'am?---(No Audible Reply)

Ma'am, it's the first page behind tab 5. Do you have that?---(No Audible Reply)

Don't worry about the other documents, we'll come to them – behind tab 5. Just focus on the one I'm asking you questions about now?---(No Audible Reply)

20

Do you have it?---Yes.

So you have been disciplined, have you not, in respect of displaying disrespectful and unacceptable behaviour towards your supervisor and director in the past. Correct?---Yes, I did.

Okay. Now, you understood, did you not, what Council's policy was in terms of Code of Conduct that if you saw a problem, what you were to do about it. Correct?---Yes.

30

Okay. Now, can the witness be shown up on the screen, Commissioner, volume 27 of the Commission brief at page 109, just the front page, and then I want to go to page - - -

THE COMMISSIONER: Sorry, what volume was that?

MR MOSES: I'm sorry, Commissioner, it's volume 27.

THE COMMISSIONER: 27.

40

MR MOSES: That's the Council's Code of Conduct. That's on its Intranet. Ms Mishra, you've seen this document before, haven't you?---Yes.

Yeah. And at page 124 it sets out there the Council's policy in respect of the use of Council resources. Very simple isn't it, "Don't use Council property or resources for your own personal use unless authorised." Correct?---Yes.

It's very simple, isn't it?---Yes.

Okay. It's not rocket science, is it, pretty simple, straightforward?---Yes.

Yeah. And if you then go to page 126. Now, before I ask you a question about clause 8.14, the Commissioner and Counsel Assisting gave you a number of opportunities fairly to say, well, what do you do when you find out about something going on that is dishonest or corrupt and nobody listens to you, what should you do. Do you recall being asked some questions about that?---Yes.

Yeah. And first of all you acted as if you didn't know what you needed to do and then you said, "Well, there was a culture there that you only went to the Deputy General Manager and I was told that." Do you remember saying that?---Yes.

If you go to clause 8.14, the Code of Conduct states, "Complaints alleging a breach of this part by a Councillor, the General Manager or an administrator are to be made to the Division of Local Government. Complaints alleging a breach of this part by other Council officials are to be made to the General Manager." Correct?---Yes.

Yeah. And you never made a complaint to the General Manager, did you? ---No.

No. Now, in relation to the Deputy General Manager, Ms Cullinane, and let's get this right because we want to take some notes of this because you're making a serious allegations concerning the Deputy General Manager, and we want to get it right so that we can deal with it. Are you alleging that you informed at any time the Deputy General Manager that there were fabricated invoices being issued by Mr Goodman or people on his behalf so that he could be paid? Did you ever say that to her?---No.

No?---No.

Did you ever say to the Deputy General Manager that you had a belief that Mr Goodman was in effect using cars belonging to the Council for his own personal use and your use and others?---No.

No, no. What did you tell the Deputy General Manager, did you say something to her? Remember you're on oath. Did you say anything to her about any of the corrupt or dishonest activity that Counsel Assisting fairly put to you before lunch?---I mentioned about an invoice.

You mentioned about a what?---Invoice.

An invoice. One invoice?---Yes.

Okay?---Two invoices, sorry, two invoices.

Two invoices. Okay. Let's break it up. When did you say that to the deputy General Manager, ma'am?---I can't remember exact date.

Okay. Give us a year?---Maybe 2014.

Maybe. Does that mean it may be 2013?---14.

10 2014?---14.

Okay. And what were the two invoices relating to?---Cabcharge.

Cabcharges. Okay. And who had taken out those Cabcharges?
---The Council invoice, it was a Council invoice.

Yeah. But the two Cabcharge invoices, who had used them?---Gary Goodman.

20 Mr Goodman had used them?---Yeah.

And you, you brought them to the Deputy General Manager's attention?
---Yes.

And who else was present, just you and her?---Yes.

And what did you say to the Deputy General Manager?---I didn't say anything about that invoice. Barry Byrnes spoke to her about that invoice.

30 No, no. I'm -- see, just a few moments ago I asked you who else was present when you spoke to the Deputy General Manager about this. Just be very careful here. Did you speak to the Deputy General Manager about this or did you say something to Mr Byrnes about it?---Okay. I said something to Mr Byrnes about it.

Okay?---And then she - - -

And when was that?---The same, same time, same -- probably a few - - -

40 2014?---Yes.

So you went to Mr Byrnes and what did you say to Mr Byrnes?---I raised concerns about Cabcharge invoice and Elias & Sons' invoice.

And what?---Elias & Sons' invoice.

And Elias & Sons' invoice?---Yes.

So you showed two invoices?---Yes.

And what did you say to him?---Cabcharge looked odd figures on it.

Ah hmm?---And Elias & Sons was – vehicle’s details was not there. One of the truck details wasn’t there.

10 And what did you want Mr Byrnes to do, what did you say to him?---I raised my concern, that I am concerned about it and it was up to him to do anything about it. because he is my supervisor.

Okay. And did you put this in writing or you just said it to him verbally?
---Verbal.

Okay. And did he say something to you?---He said he’ll speak to Lorraine about it.

He’ll speak to Lorraine about it?---Yeah.

20 And did you speak to the Deputy General Manager about it, you personally, did you go and speak to her about it?---No.

No. So your evidence is based on what you told Mr Byrnes and what he told you?---Yeah.

Correct?---Yes.

30 In response to what the Deputy General Manager had said to him allegedly. Correct?---Yes.

But you never had a conversation with the Deputy General Manager?---She did have a meeting with me.

She did have a meeting with you?---Yeah.

In 2014?---Yes.

About these invoices?---About Cabcharge, yes, that Gary was going to pay.

40 That – Cabcharges that Gary was going to pay back?---Yes.

Okay. So who was in the meeting?---Me and her.

And where was the meeting held?---In Barry’s office.

And Barry wasn’t there?---No.

Okay. And using words to the best of your recollection what did you say to her and what did she say to you?---She just told me that this will be sorted out. Not, not to worry about it. So I accepted it.

That the Cabcharges will be sorted out?---Yeah.

And you would not have to be, you would not have be worried about it?
---Yes.

10 Anything else?---No.

Do you know whether it was sorted out?---No, I don't know.

Okay. Thank you. Now you have previously raised an issue concerning Mr Goodman haven't you back in 2001. Can I ask you to go behind tab 14. This is a file note here concerning a conversation which you had with Barry Byrnes and that is you said to Mr Byrnes that you knew that your manager Mr Goodman was not happy with the educational system, with the educational systems that had been approved and asked why Mr Goodman
20 did not like you and you went on to say in there didn't you, this is according to Mr Byrnes, that if Mr Goodman was not nice to you that you knew of FBT irregularities and knew who to go to report them and Mr Byrnes believed it was said with an attempt to threaten Mr Goodman or Council. Do you see that? And that you asked him to tell Mr Goodman. Do you see that, ma'am?---Hang on, I'm reading it.

Why, why don't you take your time reading it and I'll ask you some questions about that.

30 Have you finished, ma'am?---Yes.

This file note was on your personnel file. Let's start with the first issue. Is that true what Mr Byrnes had reported that you had in effect threatened to raise issues concerning FBT irregularities and knew where to report them to if Mr Goodman was not nice to you?---No.

You didn't do that?---No.

40 No. You're lying now, aren't you?---No, I'm not.

No?---I wasn't even doing FBT or I didn't even know irregularities in it.

Mmm. You see when you were questioned about this by the Deputy General Manager you denied making the threat. Correct?---Because I didn't make the threat.

Ma'am, when you were questioned by the Deputy General Manager about this, you denied making the threat. Correct?---(No Audible Reply)

Is that correct?---Yeah, it says here I said no.

And what it said was that you had been informed that Council had a Code of Conduct of which you were given a copy and that if a staff member becomes aware of unethical or corrupt conducts they must report it to a senior officer and that breach of the Code could use to disciplinary action and you had indicated you knew of your obligations. Do your recall saying that during this, during this meeting?---No.

10

You don't?---It's 2001, I don't, I don't remember.

No, no. Come on, Ms Mishra. You understand of course that you're here to give evidence truthfully. Correct?---Yes.

Okay. You're not denying this happened, you're just saying you can't remember. Correct?---I do remember some of it.

20

Yeah?---And I didn't do FBT so I wouldn't know the irregularities in it.

No, no. Okay. When did you start your relationship with Mr Goodman?
---Around 2009.

In 2009?---9, yeah.

Yeah. And was he at that time already in a relationship with Ms Holden, his de facto?---Um, he told me he wasn't.

30

He told you he wasn't. But you subsequently knew he was still in a relationship. Correct?---No, he wasn't in a relationship.

No. Okay. Well, should we play the telephone calls again for you? But you knew, didn't you, that he was still in a relationship with Ms Holden?
---2009?

Yeah?---He was living with her as a um, um, just for his daughters' sakes.

His daughters?---Yeah.

40

He's got children?---His daughter.

Okay, his daughter?---One daughter.

He's got a daughter?---Yes.

Okay. And Ms Baccam, when did he start the relationship with Ms Baccam to your knowledge?---I don't know when he started.

I'm sorry?---I don't know.

Okay. Was she one of the four women that you're referring to in the telephone call?---Yes.

And who's the fourth?---Jenny.

Who?---Jenny.

10 Jenny who?---McCormick or something like that.

What's her name?---McCormick.

And, and who is she, do you want to tell the Commission who she is?
---She's a friend.

A friend?---Yeah.

20 Does she work at Council?---No.

No. Okay. Now - - -

THE COMMISSIONER: So when you say she's a friend, she's a friend of whom?---Gary.

Well, she's more than a friend, isn't she? I thought Mr Moses was just asking you about four women with whom Mr Goodman was having relationships, sexual relationships with?---Ah hmm.

30 MR MOSES: And you said four, and it was four in the telephone call, wasn't it?---Yes.

Yeah. And he was giving money to each of these women?---He was giving money to Jenny.

Yeah?---I don't know about Marny.

He was giving money to you?---Yes.

40 Well, you knew he was giving money to Ms Baccam because you were jealous, as Counsel Assisting was putting to you, that he was giving money to her that he wasn't giving to you. Correct?---He, he was giving money to me as well.

Of course he was, yeah. I mean that's why you own what five properties?
---(No Audible Reply)

How many properties do you own?---(No Audible Reply)

Well, you're not a property mogul you should know how many properties you own. How many do you own?---One, two, five.

Five properties. And how much was your salary again before you got sacked?---961.

How much?---961.

10 \$961 per week?---But out of those five properties - - -

I'm sorry?--- - - - one is superannuation property and that's taken care of with the rent. I don't pay nothing on it.

Okay. Yeah?---And the Brisbane property I don't pay anything it's taken care of with the rent and Canberra properties are off the plan, it's not even completed.

20 Listen, Miss Mishra, I think one of the conversations you had with Mr Goodman was don't think we're stupid, or don't treat me like a fool, let's be, let's be blunt about this, you know we're adults here. You used some of the money that Mr Goodman had stolen from the Council to pay for those properties?---No.

I'm sorry?---No. I didn't. They're all loans, you can check - - -

They're all loans?--- - - - with the bank?

30 How many deposits did you put down?---None.

No deposits?---Just borrow on the house. I borrowed the equity. I used the equity.

Okay. What property did Mr Goodman transfer to you?---None.

No property?---No.

No transfer?---No transfers.

40 You're in negotiations to have property transferred to you with him?---He wanted to but it didn't happen.

I'm sorry?---He wanted to but it didn't happen.

He wanted to but it didn't happen?---Mmm.

Oh, yeah, okay. Which property was that?---Smithfield.

Chifley Street?---Yes.

Anything else?---Wetherill Park.

And none of those happened?---No.

10 No. And with your – because in due course we'll pursue this through another means in terms of your finance applications to the banks. What did you tell them was going to be the source of your income to pay the mortgage payments? Because bearing - - -?---From which - - -

You understand it's an offence to tell lies to a bank, don't you?---Yes.

When you're making a loan application as that's a serious fraud?--- Yes.

Okay. So you're giving evidence here that you're required to tell truthfully, correct?---Yes.

20 Okay. And in due course we'll get a hold of those bank details?---Ah hmm.

So I want you to listen very carefully to the question and try and tell the truth here even if you haven't told the banks the truth. Okay. In respect of each of the loans that you obtained in respect of the five properties, what did you use by way of a bank deposit? Let's go through the first one?---Yeah.

Okay. Tell us, come on and be truthful, which, the first property, name it, where is it?---Malley Avenue.

30 Where?---Malley Avenue.

Where's that?---Earlwood.

Earlwood. And that's where Mr Goodman lived with you for a while?---No. He never lived with me.

Never lived with you?---No.

40 Do you know he filled out documents in which he showed that to be his property?---No.

That is that, that he was living there?---No, he never lived with me.

He never lived with you?---No.

Okay. Okay. Well we might clear that up now, if we can. Let's take you to the document that appears behind tab 9. So this first of all is a retirement scheme which shows you as the beneficiary and it states your address being Malley Avenue, correct?---Yes.

Now Mr Goodman has signed a document and I'll come up with it shortly in which he has shown his address to be your property. Just give me a moment Commissioner, I'll just find the document. Got it, tab 18. Mr Goodman shows at page 3 that his address history includes your address there, 18 Malley Avenue, Earlwood.

10 MS MCNAUGHTON: Commissioner, can I just indicate. I can see the witness and she's finding trouble locating the document. I'm not even certain that her version is tabbed?---It's not tabbed. I don't know which page I'm looking for?

MR MOSES: Okay. You didn't give them tabs. No. Okay.

THE COMMISSIONER: Is this the folder that you handed up, Mr Moses?

MR MOSES: Yeah. There's a copy – there should be a folder like this.

20 THE COMMISSIONER: Well, I can – you take that one, Ms Mishra, and hand back the one you've got. Thank you. It's behind, was it tab 18?

MR MOSES: It is, and I can give the witness another copy so you can follow that.

THE COMMISSIONER: Well, it's all right. She's got one now.

MR MOSES: Okay. If you want one with the tab, Commissioner, we can provide that. Tab 18. Do you have that?---Yes.

30 Page 3. That showed Mr Goodman having his address history at your home. So he's never lived at your address. Is that what you're saying?---No, he never lived at my address.

So in this application for credit, this, this is not correct what he set out here?---No.

40 Okay. Thank you. So let's go back then to the property being Earlwood. When did you purchase that property?---That was – I got that property through my divorce settlement. The property was built in 2008 I think.

It was built - - -?---Yes.

- - - in 2008?---Completed.

When were you – when did you separate from your husband?---The separation was in 2008.

THE COMMISSIONER: So sorry, you divorced in 2009 as I understand it. Is that right?---We were separated for quite a while and then we got divorced.

Yes. Was that in 2009?---Yes.

And so in 2009 as part of the property settlement was the whole of the matrimonial home signed over to you?---Yes.

10 And did you pay your husband anything for the interest in the matrimonial home?---About \$6,000 and he got the rest of the other properties that we had.

You paid him \$6,000 and you had the whole of the matrimonial home signed over to you?---We had other investment properties which he got.

Well, all right, I appreciate that. He got some properties but you got the matrimonial home for \$6,000?---No, not for – sorry, not for 6,000. I paid in \$6,000.

20

Yes. Well, that's what I'm saying?---It was 1.3 million.

Was there a mortgage on it at the time?---Yes.

The mortgage was 1.3 million?---The valuation was 1.3. The mortgage was 600,000.

Right. Thank you.

30 MR MOSES: What's the current mortgage on the property?---350,000.

And the source of money used to pay off the mortgage on that property comes from where?---My income.

Your what?---My income.

Your income. So what, how much do you earn a year, just remind us? ---75,000.

40 So \$75,000 a year since 2008 until 2006 (as said). You've paid off what, ma'am, you've paid off how much of it, how much have you paid off?--- (No Audible Reply)

How much have you paid off?---Um - - -

You're good with the maths. Tell us. \$600,000 mortgage in 2008. We're sitting in 2016, eight years later. How much have you paid off?---I've paid off about 90,000 and plus it was on interest only loan.

So you've paid off 90,000 so shouldn't the residual of the mortgage be now 510,000?---Um - - -

You're the accountant aren't you?---Yes, I am.

10 You know the figures. Okay. Well, let's, let's break this up because we're going to do this for all the properties so let's settle in. \$600,000 for that property in Earlwood. There was a \$600,000 mortgage on that property. You've told the Commissioner that. Correct?---Yes.

And I understood, but you correct me if I'm wrong, I understood you had said that the current mortgage was 350,000?---The mortgage was 600. From my divorce - - -

No, listen, ma'am. Do you recall saying earlier you'd paid off \$350,000 on the mortgage?

20 THE COMMISSIONER: No, no, she said - - -?---It's owing 340 - - - She said the mortgage was currently - - -

MR MOSES: Thank you, Commissioner. You've paid off - - -

THE COMMISSIONER: - - - 350,000 so it's - - -

MR MOSES: So you've paid off, you've paid off 250,000.

30 THE COMMISSIONER: It's 250, yes.

MR MOSES: Thank you, Commissioner. Correct?---Yes.

So the current, the current balance is 350,000?---Yes.

So on \$75,000 a year for eight years you've paid off \$250,000, correct, on the mortgage?---Yeah.

40 Okay. Well, where else was the other money coming from to pay it off? ---Part of my property settlement I got 60,000.

You got \$60,000, cash?---Yes.

Okay. In which bank account was that held?---St George Bank I think.

Which branch?---Mascot.

Where?---Mascot.

Okay. Did you get anything else?---No.

That was it?---Yes.

Okay. And so apart from your salary and the 60,000, there's no other money that was used to pay off the mortgage on that house?---No, no.

10 Thank you. And has the whole \$60,000 been drawn down in that bank account? In your St George bank account, if we go to check it, will it show that money was going from that account into the mortgage?---It would be transferred to ah, NAB account and I didn't pay it off, the money was sitting there in, in my offset account for a while.

Ah hmm. For a while?---Yes.

So - - -?---Because I was on interest only repayments.

20 But if you're only on interest only payments, how did you reduce it down to 350,000- - -?---Because - - -
- - - on the salary you're on?--- - - - for a couple of years it was interest only loan and just last year I reduced the amount to \$350,000.

From which money?---From the money I had in the bank.

From where?---From the bank um, my money, my savings.

So we're going to try and get a copy of all your bank records?---Yep.

30 So it will show that your savings went into those bank accounts?---Yes.

And you saved them up?---Yes.

And then you've made a big whack into your mortgage payment?---Yes.

How much?---90,000 I said.

40 THE COMMISSIONER: Ms Mishra, I don't mean to cut across what Mr Moses is trying to get at, but you see the difficulty I'm having is that you say that on an after-tax salary of about \$900 a week you are paying down a mortgage which was originally 600,000 and which is now only about 350,000 with cash reserves of 60,000 in addition to your salary, and then in addition to that you maintain that you leveraged the equity on your home to make deposits on five investment properties. Is that the effect of your evidence?---That is not – I can, I can show in the bank statement, it's all in the bank statement.

Is there something that I've just said that is wrong?---Yeah, I can't - - -

Is that what you just said?---I just don't know what happened with, how it was all adjusted, I don't – I'm just still thinking about it.

MR MOSES: Is this the truth. You're just getting so much money coming in from Mr Goodman that that's what helped you pay it off?---No.

No? Okay?---It's nothing to do with Mr Goodman.

10 What about Gardens Extra, did you get money from that?---No.

Sorry?---No, I didn't.

No. So when you were helping Mr Goodman after hours with his business, Gas Motorsports, and you had the letterhead for Gardens Extra there, you were doing that out of pure love for Mr Goodman?---Yes.

Okay. All right. Okay. Now, what's the next property?---Um - - -

20 You said there were five. What's the second property?---Brisbane, Brisbane.

Huh?---Brisbane?

Yeah. Okay. And do you have a mortgage on that property?---Yes.

And when did you buy that property?---2014.

2014. How much for?---400,000.

30 What was the deposit you used?---98,000.

A deposit of \$98,000?---Yes.

Cash, wow. Okay. And which bank did you get the mortgage from?
---It's not cash, it's a loan, a loan.

Which – oh, so you only loaned \$98,000?---I loaned 98 plus the rest is 300, whatever. It's 100 per cent loan.

40 Let's, well, let's work this through. Who's got the mortgage?---NAB.

Through which branch?---Alexandria.

Okay.

THE COMMISSIONER: So the effect – let me just get this straight. You're saying that the NAB bank loaned you the entirety of the funds for that purchase. That means the deposit and the balance?---Yes, 100 per cent.

The whole lot?---Yeah.

And the equity in your home financed that, did it?---Yes. 20 per cent you borrow on the house and 80 per cent is borrowed on the investment property.

10

MR MOSES: Okay. So you didn't have a deposit for that property? ---No.

What was the 98,000 you referred to, is that the 20 per cent in your property?---Yes.

Okay. How much are the weekly payments for that?---Weekly or monthly?

20

Monthly, monthly?---I don't know, it's in my bank statement. I don't have it off the top of my head.

Okay. Well, how much is the rental income for that a month?---425 a week.

A week. And you can't tell us what the mortgage repayments are?---It could be four, 500 a week, maybe 400 a week.

When you filled out your application for this property that is to the bank to loan money, did you tell them where you were employed?---Unemployed?

30

Did you tell them where you were employed?---Yes.

Did you tell them what your salary was?---Yes.

Did you tell them whether you were getting a salary from somewhere else?--Yes.

Where was that income coming from?---Gas Motorsport.

40

Where?---Gas Motorsport

So you were getting income from Gas Motorsports, okay. And how much money was Gas Motorsports giving you, ma'am?---It wasn't income, it was just a pay slip.

What, so you gave them a false pay slip?---The broker suggested that we do that.

Well, it's, just come on.

THE COMMISSIONER: I'm sorry, the broker suggested that you do that?--
--Yeah.

What, are you telling us you went to a broker who suggested that you submit a false pay slip to prove your sources of income?---Yeah.

MR MOSES: Let's break this up then. Gas Motorsports gave you a false payslip?---Yes.

10

Who did?---(No Audible Reply)

Did you create the false pay slip on a letterhead of Gas Motorsport?---No, I didn't.

Who did it?---The broker.

The broker did it?---Yes.

20 What's the name of the broker?---(No Audible Reply)

What's the name of the broker, because this will have to be followed through. So everything you're saying now will have to be tested, okay?---
Yeah.

So what's his name?---Greg, I forgot his surname, Greg.

You forgot his surname. Where's he based?---Sydney.

30 Sydney's a big city, ma'am. Where in Sydney was he?---I can give you the name?

No, no. Where was he based, where did you go to his office?---He came to me.

He came to you?---Yes.

A mobile broker?---Yes.

40 Who falsifies documents according to your story, is that right?---Well - - -

Is that right?---Yes.

Okay. So you were quite prepared to give a bank a false document showing income that you didn't have to support your loan, correct?---Yes.

Because if you didn't do that you're not going to get the loan, so he told you to do it, correct?---Yes.

So you couldn't say that you were stealing money from the Council through him, you had to say you were getting it from the company, is that right?---
(No Audible Reply)

Is that right, which one is it? I mean you've committed multiple offences here, which one is it?---(No Audible Reply)

10 Do you know what you've done, you've provided a bank with a false document to obtain a benefit by deception. You understand that, don't you?---Ah hmm.

Okay. So let's try and come clean here. What's the name of the broker?---
Greg (not transcribable)

THE COMMISSIONER: Is this someone that was referred to you by someone else?---Yes (not transcribable)

20 So who referred you?---Gary Goodman.

THE COMMISSIONER: So it was - - -

MR MOSES: Oh, Mr Goodman.

THE COMMISSIONER: Mr Goodman gave you the name of someone?---
Yes.

Who could get you this loan?---Yeah.

30 MR MOSES: So Mr Goodman did it. Okay. And, okay. Well Mr Goodman referred the broker?---(not transcribable)

You never met him before?---No.

Okay. You don't know his surname?---(not transcribable)

I'm sorry?---His name is Brefremt.

40 Do you want to spell that for the Commissioner?---B-r-e-f-r-e-m-t, I think, something like that.

THE COMMISSIONER: Brefremt?---Brefremt.

It sounds like the name of a company, but anyway go on.

MR MOSES: Thank you, Commissioner. And do you have the details of this person?---I may have his phone number.

Okay. Well I'm going to ask you later through the Commissioner whether you can provide his number to the Commission?---Ah hmm.

Now what did the pay slip from Gas Motorsports show that you earned?---\$200 a week.

\$200 a week extra?---Ah hmm.

Is that all?---Yes.

10

How long did you say you've been employed at Gas Motorsports?---I don't know. He put it through, I don't (not transcribable)

He put it through. Okay. And you signed the documents for the bank?---Yes.

Knowing that you were signing a false document?---Yes.

Is that right?---Yes.

20

Yeah. You are a dishonest person, aren't you?---No.

I'm sorry?---No, I'm not.

You're not a dishonest person, okay. Okay. What's the third property?---Melbourne.

I'm sorry?---Melbourne one.

30

Okay. Well tell us about that property?---It's bought through superannuation, self-managed super fund.

How much do you have in your super fund?---I had about 120,000.

Where did that come from?---From my contribution.

As a Council employee?---Yes.

40

Okay. And you bought one in Melbourne. How much was the property worth?---150,000, oh, no, 200-something thousand.

Do you know how much it was worth or not?---Yes, 250, I think.

250. And who arranged that loan for you for that property?---Carnegie.

Who?---Carnegie.

Carnegie did. And did you provide them with a false document about your income?---No.

No. What did you tell them was your income?---The income I have.

Which is?---73,000.

10 Okay. And the next property? Or sorry, what are the mortgage repayments on that, the loan repayments. Are there any loan repayments?---Four or 500 a month.

That's quite a substantial amount. Correct?---Yes.

Is the property rented?---It's a month, 500 a month.

Yeah?---It's rented, it's paid through rent.

It's paid through rent?---Yeah.

20 How much is, how much is the rent?---The rent is about 250 a week.

Yeah. And what's the fourth property?---The fourth and fifth are off the plan in Canberra.

Ah hmm. Did you buy them?---Yes.

Or Gary Goodman bought them?---I bought them.

30 You bought them. When?---Um - - -

Sorry, let's go back to Melbourne. When did you buy that?---Last year.

2015?---Yes.

When?---September.

Did Mr Goodman write out a cheque or give you a cheque to do with that property?---He may have paid the broker.

40 Who was the broker for Canberra?---Canberra?

Yeah, who was the broker, sorry, for the property in Melbourne, Carnegie?
---Yeah, Carnegie.

Okay. So the next property, Canberra, September 2015, who was the broker for that?---I didn't - - -

Have a broker?---No.

What about Gadens Lawyers, were they involved in that?---Gaden Lawyers are for Green Square property.

For which property?---Green Square.

Is that a property that you don't have an interest in?---(No Audible Reply)

10 Do you have an interest in the Green Square property?---Yes.

You do too?---Yeah.

So which property is that one, is that a sixth property?---That's - - -

So fourth and fifth is in Canberra off the plan. Tell us about Green Square? ---That's the property where Gary's given 10 per cent deposit for.

I'm sorry?---That's the property where it's off the plan as well.

20 So it's a sixth property you've got?---That's – I didn't use my money for that, it's Gary's, paid through Gary's super.

THE COMMISSIONER: But it's in your name, isn't it?---It's in my name, yeah.

So it's a property that's in your name for all intents and purposes, even though you're not contributing to it?---When it's completion we add his name because when I was buying it he wasn't there in the city.

30 You don't just add a name to a title. The title's currently in your name or the prospective title's in your name, is it?---Well, there's no title yet because it's not complete.

Completed. But as far as the property is concerned, it's a property belonging to you?---Yeah, but you can still add names.

40 So you were going to sell it and then add Mr Goodman to the title, were you, to the, to the – you were going to add Mr Goodman were you at some stage?---Yes.

MR MOSES: So, Commissioner, if the document could be brought up on the screen which is behind tab – I withdraw that, it's in volume, volume 23 of the brief at page 336.

THE COMMISSIONER: 336?

MR MOSES: Yes, Commissioner. There's just another document I want to show the witness in volume 23 which I omitted to do earlier which I'll do after this just to finish off on the position description.

That cheque there was paid by Mr Goodman to Gadens Lawyers on 11 September, 2015. This is during this period where you're having, if I can call them, these robust telephone conversations with him about what you're getting?---Yes.

10 Do you recall that period?---Ah hmm.

Yeah. And it's fair to say that during this period you were hammering him in order to make sure that he went ahead with the purchase of this property and paid money. Correct?---Yes.

That's fair, isn't it, 'cause you thought that you were entitled to that because he was in a relationship with you and he owed you. Correct?---He promised me that he was, yeah.

20 He promised you?---Yes.

Yeah, because you were his lover. Correct?---Yes.

Yeah. And you saw him giving money to his other lovers and you thought, well, he should do something for me. Correct?---No, he promised this in the beginning.

He promised it, yeah?---Yeah.

30 Okay, like he promised to transfer other property to you. Correct?---Yes.

Yeah. Okay, so - - -

THE COMMISSIONER: So sorry, what was this cheque in relation to?
---The Green Square property.

MR MOSES: Green Square, Commissioner.

40 THE COMMISSIONER: Green Square. Thank you. Sorry.

MR MOSES: Sorry. And Ken Zhou Lawyers, were they your lawyers?
---Yes.

Yeah. Okay. Now, just on volume 23, Commissioner, I apologise to the Commission staff, there's one document I want to take the witness to that I should have earlier, volume 23 page 337, 337. You emailed to Mr Goodman in February 2015 your resume and an essential selection criteria document, so can you just enlighten us as to what this was about? It's your

email to him, you've included an essential selection criteria then your resume appears at page 341 where you helpfully set out what your duties were. Do you see that?---(No Audible Reply)

Do you know what this was about?---I can't see it.

Okay. Sorry. So go back – sorry, we'll go back to page 337 which is the email which attaches the documents. Do you have that on the screen now, ma'am?---Yes.

10

So that's an email from you to Mr Goodman. Can you tell us what this about? Just over a year ago?---I don't know. I don't remember.

You don't remember?---No.

Okay. Well, the essential selection criteria of this, see page 339. Do you know what this is about, this job?---I can't see it.

20

Page 338, sorry. So page 338. Do you know what this is about, this job?---(No Audible Reply)

It's got there demonstrated ability, clause 2, to lead motivated and develop a finance team with proven outcomes and then you set out items there. Do you see that?---Yes.

Is that, is that referring to you?---It's - - -

30

Is that a document that you created?---I probably have because it's got my information.

Yeah. And then page 339, item 9. I mean this was, this was a false, false statement wasn't it, demonstrated ability to apply EEO, WH&S and ethical practice principles and to act with probity at all times. That wasn't you was it?---(No Audible Reply)

You didn't act with probity at all times whilst employed by the Council did you?---(No Audible Reply)

40

I think you've accepted that haven't you, ma'am?---(No Audible Reply)

Do you know what this document was for, what you were doing with it? ---No, I can't remember.

You don't remember. Okay.

THE COMMISSIONER: Well, it – on the face of it, it seems to be a description of essential criteria relating to a position in the Finance Department of Council. Would that be right, that there was a position

vacant in February last year that you were applying for?---(No Audible Reply)

You've sent it to Mr Goodman. He was the Chief Financial Officer?
---Yeah, but this is not completed. It's half - - -

10 Well, I don't care whether it's complete or not. I'm just asking you. It seems to relate to a position in the Finance Department at Council. Is that right?---I don't know. I don't remember. It could be. I don't know. I can't remember. It's like last year.

MR MOSES: Well, if you go to page 340. Are you a qualified CPA?---No.

You're not?---No.

So the statement at page 340 that doesn't apply to you either?---No, it doesn't apply to me.

20 No. Okay. That's – and that's your résumé then?---Yes.

At page 341-343 that's your résumé. Correct?---Yes.

And your education. You see, Counsel Assisting asked you before what your experience was in terms of qualifications and the like and these – are these all your qualifications at page 344 so we get it right?---(No Audible Reply)

30 You got a Bachelor of Commerce and Accounting from Macquarie University?---Yes.

In 2004?---Ah hmm.

So that was what was funded for you by Council – did Council help pay for that, the educational assistance?---When I passed the subjects, yes.

Yeah. And an Advanced Diploma in Accounting in 1998. Correct?---Yes.

40 Yeah. So when the Commissioner was asking you earlier about you must understand that in relation to entries having to be accurate and the obligations to put in there accurate reporting, you must have known that from your training as an accountant. That would have been taught to you in commerce and accounting wouldn't it, yes?---Studying and applying to work is two different things.

But, Ms Mishra, listen?---I didn't do the - - -

As a basic common sense - - -?--- - - - high-level work at Council.

As a basic common sense you know that it is wrong to fabricate documents.
Correct?---Yes.

You know that. You know that it is wrong to put entries in that are false.
Correct?---Yeah.

And you certainly know it's false and wrong to be putting in fabricated documents to a bank. Correct?---Yes.

10 You don't need a Bachelor of Accounting to tell you that do you?---No.

No.

THE COMMISSIONER: What's Verbal Judo for Contact Professionals?
---(No Audible Reply)

I'm sorry, I just couldn't resist asking that. There's a course that you list there with the Local Government Association, Verbal Judo for Contact Professionals?---Verbal Judo for – oh, self-defence. It was a compulsory thing to attend.
20

Self-defence. But it's verbal judo?---It was like kind of self-defence I think.

MR MOSES: Was it about how to deal with people in terms of - - -?
---Verbal, like - - -

- - - negotiations and - - -?---Negotiations, yeah.

- - - aggressive questioning, that type of thing?---Yeah.
30

Yeah. Okay. Can I go back then if I can to the properties. Just on the Green Square property, what's the current position with that property? I was unclear from the answers you gave the Commissioner.---It's got 10 per cent deposit on it.

Where did that money come from?---Gary Goodman's superannuation.

The 124,000?---123,000.

40 Ah hmm?---And I paid the rest, I had - - -

So it worth how much?---We purchased it for 1.345 million.

Right. That's what you paid?---I haven't paid nothing.

You haven't paid anything?---Just, just 10, 'cause the completion is in five, four or five years.

And where are you going to get the money from?---I'll borrow 100 per cent on it.

Where?---I borrow it from the bank.

You're not going to borrow 100 per cent, you just told the Commissioner 10 per cent of it came from his super fund?---Yes, I mean 10 per cent is already there and the rest will have to borrow it.

10 Have you put in an application for that?---No.

You haven't?---No.

No. Okay.

THE COMMISSIONER: Do you know when the property's due for completion?---Yeah, 21 I think, 22.

MR MOSES: 2021?---Yeah.
20

Is that right. Okay. And these properties you've mentioned to the Commission, you haven't got any of them on the market at the moment, have you?---No.

No. Correct?---Yes.

Okay.

THE COMMISSIONER: Sorry, can I just ask you about the property that
30 you say was financed through your self-managed super fund. Do you contribute to the superannuation fund that's available for Local Government employees?---Yes.

So you contribute to that fund and you also contribute to a self-managed fund, do you?---No, I don't, it, it, you can nominate it to go directly to the self-managed super fund.

All right. Well, I'll start again. Do you make contributions to a fund that's
40 available for Local Government workers?---No.

You don't?---No.

So your superannuation contribution goes to your self-managed super fund?
---Yes.

And does that mean that your employer contributions also go to that self-managed super fund?---Oh, sorry, sorry, I don't contribute, my employer contributes now, it goes to my self-managed super fund.

So you make no contributions at all? So the employer contributions go directly to your self-managed super fund?---Yes.

MR MOSES: So all the money that was used for the purchase of the Melbourne property came from the employer-funded superannuation fund. Correct?---Yes.

10 Do you have a self-managed super fund?---This one in Melbourne.

I'm sorry?---The Melbourne property one.

With Local Government employees isn't there a super fund for Local Government employees?---Yes.

Is that the one that your money went into?---Yes.

20 Yeah. So what self-managed super fund are you talking about?
---Self-managed super fund is the one, the property that I bought in Melbourne, that's, all the money that - - -

But it's not the - - -?--- - - - I had in super fund was transferred to that, rolled over to self-managed super fund.

So you transferred it to that property?---Yeah.

When did that happen?---Last year in September.

30 September 2015?---Yes.

But when did you purchase the Melbourne property?---Melbourne, are you saying Melbourne aren't you?

Yeah?---Yeah, 2015.

You purchased it in what year?---2015.

In what month?---September.

40 And the Canberra properties?---Canberra is November.

2015?---2015.

After you had been suspended from Council?---Yes.

And you went ahead and purchased them?---It was already, I already purchased, like signed the contract maybe six months ago.

Mmm?---Yeah.

But you still went ahead with it?---Yes.

Okay. And did you tell the bank you'd been suspended?---I already had the pre-approval before I got suspended.

Okay. And yeah, okay. You were sacked of course from your position. Correct?---Yes.

10

And the reason you were sacked, behind tab 17, let's go to that, was because you failed to attend and interview with Synch Solutions who were conducting an investigation for Council. Correct?---Yes.

And your position was that you didn't want to come and answer any questions about it. Correct?---Yes.

The reason is of course because you'd known you'd done the wrong thing. Correct?---No, I was advised by my solicitor not to attend it.

20

Okay. I'm sorry?---I was advised by my solicitor not to attend it.

Mmm, okay. You filed an unfair dismissal claim, didn't you?---Yes.

Mmm. And what happened with that?---Nothing.

Yeah. It's gone away, hasn't it?---Yeah.

30

Yeah. Now, I'll just ask you some questions about Cabcharges and fuel cards. Actually before I get to that, I just want to ask you this. In your desk in a file after you had been suspended there was a number of invoices for companies which were at your desk and I'm just going to mention them to you and you can tell me whether you know why they were at your desk. These are, Commissioner, invoices which have companies that appear on notices that ICAC has issued. The first is Elias & Sons Smash Repairs. Is there a reason why invoices for Elias & Sons Smash Repairs were at your desk?---I don't know. Was it cost, maybe it was there for me to cost it.

40

You don't know?---No.

Okay. What about Cube DNC?---No, I don't know.

I'm sorry?---I don't know.

What about the Truck Service Centre, invoices for the Truck Service Centre were there. Do you know why they were at your desk?---No.

What about Iced Air MKD?---No, I don't know.

I'm sorry?---I don't know.

You don't know. Well, you've been here, or sorry, and Cabcharges. You've been here listening to the evidence, haven't you?---Yes.

And you're aware that Truck Service Centre, that was just a fabricated invoice that seems to have been prepared by Mr Goodman?---Ah hmm.

10 Correct?---Yes.

Did you help him do that?---No.

Okay. Did you help him prepare any fabricated invoices?---No, I didn't.

You knew that he was fabricating invoices though, didn't you?---I don't know, I'm not 100 per cent sure whether he was.

20 We've been through this. Telephone intercepts which the Commission very fairly played to you, there was no holding back, they played them after you resisted telling the truth. On there you're saying you know about fabricated invoices. Correct?---I've said it on the phone, yes.

Yeah, okay. You said it because you knew about it. Correct?---Yes.

Yeah, okay. What invoices were fabricated by Mr Goodman to your knowledge?---To my knowledge.

30 Yeah?---I think Jovane.

Sorry?---Jovanes.

That's the Truck Service Centre invoices, the Wetherill Park Fabrication Company?---No.

No?---No.

Well, which ones?---Jovanes.

40 Jovanes. Okay?---Jovance or something like that.

Jovance?---Yeah.

That's the Christian name of one of the witnesses who came to give evidence. How do you know that he fabricated those invoices, Mr Goodman?---I saw the invoices. I don't know if he fabricated the invoice.

You saw them, yeah?---The invoice says Jovanes, something like that.

Yeah. And you knew that Mr Goodman had fabricated those invoices?
---No.

Well, you suspected he had?---I suspected.

Why?---Just office rumours.

I'm sorry?---Office rumours.

10

Well, you keep saying rumours, so I'm going to keep you here until you say, where did you hear them from? You didn't obviously just hear a voice in your, in your brain, where did you hear the rumours from?---From the office.

No, not good enough. Who did you hear the rumours from. Name a person whose words, whose mouth said those words. Who said that?---(No Audible Reply)

20

Give us a name, because that person will be questioned too no doubt by the Commission. Who told you that?---(No Audible Reply)

Give us a name of a person that you want to say told you that so they can be asked whether you're telling the truth?---(No Audible Reply)

Come on, this is your chance, Ms Mishra, come on?---He wasn't sure that it was a fake or fabricated invoice.

30

Who told you?---Mark Thompson.

Who?---Mark Thompson.

Mark Thompson told you?---Yeah.

Thank you. When he tell you this?---He didn't tell me that's it's fake invoice. It was just invoice happening every week and he said it looks like it's - - -

40

When did he say that to you?---Last year.

When?---I don't remember, it's like, could be end of the year.

Well, it must've been before the telephone intercepts. So you were talking about it in telephone calls to Mr Goodman. When did Mr Thompson tell you, because Mr Thompson's represented here by a lawyer. When did, do you say he told you this?---I don't exactly know when he did tell me.

You don't know?---No.

Was it before the telephone intercepts since September?---Probably, yeah.

I'm sorry?---Probably.

Well not probably, you don't know when he told you?---No.

No idea, just sometime last year?---Yes.

10 And where were you when he told you this?---In his office.

In his office. Where was his office?---In the Council chambers.

Okay. Was anybody else present?---No.

And what did you do with this information, apart from calling up Mr Goodman and trying to blackmail him, what else did you do with the information?---Nothing. I don't know if it's -- I can't prove it's not, because - - -

20

Can't prove it?--- - - - I'm just alleging him.

Well, Jovanes Pty Ltd, do you know Jovanes Pty Ltd that there were \$1.8 million worth of invoices paid to that entity?---No, I don't.

Were you aware of that?---I don't know.

Were you aware that those were all false invoices for work that was not provided?---No, I don't. I didn't know. I didn't know.

30

And do you know that this was facilitated by Mr Goodman probably with the assistance of Marny Baccam?---No, I don't know.

I'm sorry?---I don't know.

No. You don't know?---No, I don't know.

No. So let's get this right. Mr Thompson said this to you and apart from trying to threaten Mr Goodman with the information you told nobody else within Council about it, correct?---Yeah.

40

Is that right?---Yes.

Thank you. Now just with fuel cards, were you responsible for fuel cards? ---Responsible as in?

Well, you tell me?---Ordering it.

Yeah?---That's all I, I did.

Yeah. And you ordered them?---(No Audible Reply)

And you monitored their use?---No, I didn't monitor their use.

I'm sorry?--- No, I didn't.

Well who did?---Gary did, I think.

10

Gary did?---I don't know who did. Gary, probably would know.

Commissioner, could the witness – could we show the witness volume 20 of the ICAC brief?

THE COMMISSIONER: Yes.

20

MR MOSES: It commences at page 1. So page 1 through to 16, just have a read of them so that you're not confused. You seem to be all over this in terms of the cards being sent to you and you note who they're going to whether it be Goodman, he seems to get multiple cards which you just seem to put they're going to him or Peter Fitzgerald, Senior. So I just want to know in relation to those items of Mr Goodman, because you seem to issue quite a few to him. Just read them and I'll ask you some questions. Commissioner, could I just resume my seat for a moment?

THE COMMISSIONER: Yes, certainly.

30

MR MOSES: Thank you. Would it surprise you to know that Mr Goodman had ten BP cards, two Shell cards and four Caltex cards issued, which came through your hands?---They're not all active cards. He was losing cards and if you go check - - -

He was losing cards? He was what?---If you go check some of the cards are not valid not active. They're not active.

Yeah. He was losing some of them?---He was, he lost his wallet a few times, I remember.

40

Yeah. Did he have multiple cards? You know that, don't you?---(No Audible Reply)

He had multiple cards at the one time, didn't he?---He had - - -

You know he just didn't have one card?---He's got a Caltex and BP, yeah.

Just one of each?---Yes.

At the same time, nothing else?---Well, I don't know. I'll have to see the list which the list I - - -

Well, this was your job to check it, wasn't it? Like these were coming in, like it's not Christmas time. Cards are coming in, where did you record - - - ?---This is not my job.

10 But, ma'am, they're coming to you. Okay. And that is your name on the letters or not?---Yeah. I'm only ordering them and allocating them. I'm not - - -

The cards are coming to you, correct?---Yes.

Okay. And they are coming to you and what do you do with them?---It's in the folder and if someone requested them they take the card.

Well, okay. You're going to do it the hard way. With page 1, GG, is that your handwriting?---Yes.

20 Okay. So that shows that you were handing it to him, correct?---Yes.

And page 2, is that you Gary?---Yes.

Okay. So the cards come into you, you then direct them as to where they go, correct?---That card, whoever it belongs to, it goes to them.

Yeah. Of course?---Yes.

30 And were you recording somewhere who had which cards when they came in? So the card comes in from Caltex, did you record card from Caltex issued to Mr Goodman?---I just put in on this sheet.

You handwrite it?---Yeah.

Yeah. So you did not know how many cards you were giving to him?---No.

No?---If some cards are not active you can't use those deactivated cards.

40 THE COMMISSIONER: Apart from giving these to Mr Goodman did you maintain a register whereby the fuel cards by number were allocated to individual Council employees so that you knew who was using the fuel cards?---Yes. There was a list done in the folder itself.

So you maintained the list and it was in a folder?---Yes.

And so you - - -?---The list was made – I think someone, I think for audit purpose or some reason I had to prepare a list and that list was done manually and it was on my desk in the folders itself.

Well, regardless of whether it was for an audit or not, I mean you – I understood you to say that you were, you were in charge of assets at Council which included the fuel cards?---The fuel card was originally not my job.

MR MOSES: But it was.

10 THE COMMISSIONER: Whether it was originally your job or not, you said at the beginning of your evidence that that was within your area of responsibility, which meant that at some point when someone at Council wanted to know who had the fuel cards they were going to come to you to find out, weren't they?---Yes.

So you had to maintain a list of card numbers and allocate against that card number the name of the Council employee who was using it?---Ah hmm.

Is that right?---Yeah.

20 And where did you get that information from, from Mr Goodman or from somewhere else?---No, from the folder, from the cards folder.

Well, sorry. Who compiled the cards folder?---I had the cards folder.

So how did you ascertain the name of the Council employee who ultimately had the card allocated to them?---It's when we issue the cards, the names would go on the paperwork on the paperwork in the folder.

And that was - - ?---The card details and everything.

30 They were records kept by you?---Yes.

Thank you.

MR MOSES: So Ms Mishra, in period October, 2014 to September, 2015, would it surprise you to know that Mr Goodman had four BP cards that he was out there spending on?---(No Audible Reply)

40 Ms Mishra, would it surprise you to know that he had four BP cards during that period?---Yes, I'm surprised.

You're surprised?---Yes.

So which is it, you were incompetent in the job that you did as the asset manager or you were dishonest and gave him those cards when you knew he shouldn't have had them?---Maybe I was incompetent.

Maybe you were incompetent or maybe you were dishonest?---According to your statement here I'm incompetent.

THE COMMISSIONER: Does this coincide with the period of time when you were in a relationship with him?

MR MOSES: Yes?---This is '14, '15.

THE COMMISSIONER: No.

MR MOSES: Well, it's - - -

10

THE COMMISSIONER: I think what Mr Moses - - -

MR MOSES: It's 2014-2015. You were in a - - -?---Yes, but you have to understand that some of the cards wouldn't be active. Only maybe one or two are active.

MR MOSES: No, I can assure you four of them are active, ma'am. Four of them were active during that period. You – you don't know what was going on with the cards do you?---No.

20

Is that right?---I don't know now.

Okay. Well, just be careful how you answer questions. You don't know which cards are active sitting here today. Correct?---No.

No. Okay. Now just go to page 9 of the document, volume 20. You see, ma'am, I'm sorry about the questioning but you understand what's happened here is a lot of Council money, rate payers' money has been stolen. It's a very serious issue. You understand that don't you?---Yes.

30

Yes. Hardworking people's money has been stolen. Do you understand that?---Yes.

Okay. So page 9. And the Council wants to get it back. So with Peter Fitzgerald Senior you gave him this card on 6 November, 2012. Do you see that?---Yes.

And you – that's you Suman under Gary's instructions?---Yes.

40

So he's now directing you who to give cards to?---Um - - -

Is that right?---That card - - -

I'm asking you did he - - -?--- - - - already belonged to him.

Did he direct you to give it to Peter Fitzgerald?---It's a new card.

Did he direct you to give it to Peter Fitzgerald?---No.

Well, it says here given under Gary's instructions?---It's expired card and it's a renewal of – he already had a card.

I'm sorry, were you fantasising when you wrote that down, under Gary's instructions, were you just making that up or - - -?---No.

Okay. So Gary told you to do it. Correct?---(No Audible Reply)

10 Gary told you - - -?---To give him the replacement card.

Yes?---Yes.

Peter Fitzgerald Senior, was he employed by the Council at that time?---But he has got a card.

I'm asking you the question and please answer it. It'll be much easier if you just answer the questions. Was he employed by Council at that time, Peter Fitzgerald?---No.

20

Sorry?---No.

Thank you. Thank you. Now when cards were reported – when cards were said to be lost did you report them as lost – when Goodman told you, Mr Goodman told you that is wallet had been stolen or the credit card had been lost and reported it to you did you contact the credit card company? ---Yes. The credit card company or - - -

Well, BP?---BP.

30

Did you contact them, Caltex?---Yes.

Okay. Thank you. And you knew the difference between restricted and unrestricted cards?---(No Audible Reply)

You knew the difference between cards that were only for fuel and cards that were unrestricted?---Yes.

Correct?---Yes.

40

Because from time to time the Deputy General Manager would send you an email telling you what to order and what should be with restrictions and what should be with fuel only. Correct?---That's right.

I'm going to show you an email dated 14 September, 2014 in which you're asked to order cards by the Deputy General Manager and you inform her that you have. If I can provide that. That's not in the folder. If I can ask the witness be shown this I can provide it to the Commission. This one

here. Is it on the ICAC documents? I'm not sure if it's in the Brief, Commissioner. We, we haven't located it. It wasn't located in the Brief.

MS McNAUGHTON: If there's a spare copy I'd be grateful for one of those.

MR MOSES: Yes, of course.

MR VINEY: Me too. Me too.

10

THE COMMISSIONER: Yes.

MR MOSES: Sorry, there you go. Sorry.

MS McNAUGHTON: Thank you.

MR MOSES: Could you give that to Ms McNaughton. Do you have that email in front of you, ma'am?---Yes.

20 And that you recall that?---Yes.

Thank you. And did you – you placed those orders?---Yes.

Thank you. And just to be clear, there is no suggestion is there by you that the Deputy General Manager ever asked you to do anything that was inappropriate in relation to those cards. Correct?---Yes.

The fuel cards. Is that right?---Yes.

30 Thank you. To be fair to the Deputy General Manager. So can I then ask you this in relation to four levels of access to the data system within Council. You're aware that there are four levels. There's the lowest. Correct?---Ah hmm.

There's data entry?---Ah hmm.

There's data entry high. Correct?---Yeah.

And then there's parameters which is the highest level?---Yes.

40

And there are only two people within Council who have that classification. That's you – or did – you and Mr Mark Thompson. Correct?---I didn't know that.

Did you have it, the highest level of access, parameters, did you have the highest level of access?---I don't understand. I don't know. I never used - -

You don't know?--- - - - parameters.

I'm sorry?---I never used those.

You never accessed the data entry system of the Council?---I did data entry system but I didn't know on what level.

10 Well, I mean I can show it to you if you want but there's records of you going into the system. You know that don't you?---Yes.

Yeah. Yeah, that's right. And you have accessed the system haven't you? ---Yes.

Yeah. And what about, what about Mark Thompson?---I don't know about Mark Thompson.

Yeah. Did you ever go into the system to change entries?---No.

20 Sorry?---No.

Never did?---No.

Okay?---What kind of entries are you talking about?

Well, for invoices and directions to payments to go from – instead of going to one bank account to go to another?---No, I didn't change that. I have done - - -

30 Did you change other things?---If the goods are not receipted properly - - -

Ah hmm?---- - - I receipted them properly by going back in the system.

So you would go into there and change it manually?---Yeah. You change it then you correct it.

Thank you. Any other questions? Can I just have a moment, Commissioner. Just one question.

40 THE COMMISSIONER: Mr Moses, do you want to tender the file note?

MR MOSES: Yes, I've omitted. The documents that I've provided if they could be tendered which is the folder first, the one entitled Suman Mishra.

THE COMMISSIONER: Exhibit R16.

#EXHIBIT R16 - FOLDER OF SUMAN MISHRA DOCUMENTS

MR MOSES: Can I just ask the witness this question. You've mentioned before a, is it a Jenny McCormick?---Yes.

This is the one that Mr Goodman is said to be in a relationship with as well. Is that right?---I don't know if he's got a relationship.

But you suspect so?---I suspect.

10

Is that person based in the Philippines?---She went to Philippines.

Is she – what background is she?---Filipino.

Yeah. And do you know whether he's bought property in the Philippines for her?---No, I don't.

Do you know whether he's transferred money to the Philippines for that person?---He – I saw paperwork.

20

Where he transferred money to her in the Philippines?--- Yes.

Yes. And that was through Western Credit?---Yes, Western Union.

Yes, thank you. I have no further questions of the witness, Commissioner.

THE COMMISSIONER: Do you want to separately tender this email, Mr Moses.

30 MR MOSES: Yes, please, Commissioner. Thank you.

THE COMMISSIONER: Exhibit R17.

#EXHIBIT R17 - EMAIL FROM LORRAINE CULLINANE TO SUMAN MISHRA DATED 15 SEPTEMBER 2014

40 THE COMMISSIONER: Who wishes to ask Ms Mishra any further questions? Yes, Ms McNaughton.

MS McNAUGHTON: Thank you, Commissioner. Ms Mishra, I represent Ms Cullinane?---Ah hmm.

Can I ask you first about fuel cards. Were you aware of a request made by Ms Cullinane in about – in the years following 2011 where she was asked to be advised of when fuel cards were issued?---Did she send me an email?

Are you aware of a request - - -?---No.

- - - by email or any other way?---No, I'm not.

Can I ask you in relation to a different issue now, in relation to meetings you've alleged with Ms Cullinane. Can I ask you clearly, do you maintain that you had a meeting with Ms Cullinane in relation to Cabcharge?--- Yes.

10 And where do you say that meeting was held?---In Barry Byrnes office.

But I suggest that that is not correct and there was no meeting with you and Ms Cullinane about Cabcharge, what do you say?---I think the meeting was part of Cabcharge inquiry.

You think?---Yes.

And why do you think that?---Because she asked me to get all the printouts of the invoices and so she could see what the total was.

20 Do you say that that meeting occurred without anyone else present between you and Ms Cullinane?---Yes.

I suggest that no such meeting occurred, what do you say?---It did occur.

30 In fact I suggest that the meetings you've had with Ms Cullinane related largely to conduct and that one of those meetings you attended was with her and also Marny Baccam and also Gary Goodman where it was said to you by Ms Cullinane that you and the others were exhibiting disrespectful conduct including swearing which was inappropriate within the Council precinct, what do you say about that?---I don't remember that meeting.

There was also a meeting between Ms Cullinane, you and Barry where an unauthorised absence by you was discussed about five years ago, do you recall such a meeting?---What do you mean by unauthorised absence?

40 That there was an unauthorised absence which was raised that was also escalated to the General Manager in due course. An unauthorised absence by yourself?---I don't remember. Is it regarding the disciplinary letter I had, is it part of that?

Well what do you say?---I suspect it's regarding that.

And what was that about?---It was alleged that I was at some other location when I was – that I was at some other location when I wasn't - - -

And what was that other location?---Garden centre.

Were you at such other location?---I was at a garden centre.

But that was raised with you, was it by Ms Cullinane?---Yes.

And was there also a conduct related meeting between you, beg your pardon, I'll withdraw that. Was there a time when Gary Goodman told you that it had been raised with him by Ms Cullinane that you had been disrespectful and unprofessional in the office and you were asked to calm down in that context?---No. No. I don't remember that.

10 And I suggest to you that it was never said by Mr Goodman that Ms Cullinane told you via him that you were not to raise questions?---I don't remember that.

Can I move to a different issue now. It's the fact, isn't it, that you participated in external training in relation to Code of Conduct matters run by the Council?---Yes.

20 And I fact you did that, did you not, in at least 2011 and 2012?---I don't remember the years, but we did do the training.

And part of that training was Code of Conduct training and part of it Botany Way training. Yes?---Yes.

And within that training it was made clear to you, was it not, how matter of concern in relation to corruption and the like should be reported. Is that right?---Yes, yes.

30 And it was clear in the first instance that where possible there should be internal reporting. Is that right?---Hmm - - -

To your immediate supervisor?---Yes.

And then if that was not appropriate or didn't garner any proper response, that that should be escalated and it could in fact be reported to an outside body. Is that right?---I think so.

40 And you did not take advantage of that training and you did not report any of your suspicions or indeed any of your knowledge to anyone in authority in the Council or outside the Council. That's right, isn't it?---Not outside the Council.

And do you say you reported inside the Council, do you?---Yes.

And to whom did you report it?---To Barry Byrnes.

And that's all?---Yes.

Thank you.

THE COMMISSIONER: Any other questions of Ms Mishra?

Mr Viney?

MR VINEY: No, nothing, Commissioner.

THE COMMISSIONER: Anything, Mr Thangaraj?

10 MR THANGARAJ: (No Audible Reply)

THE COMMISSIONER: Thank you, Ms Mishra, you may step down.

THE WITNESS EXCUSED

[3.25pm]

MR THANGARAJ: Commissioner, the original plan was to call Ms
20 Baccam next and then Mr Goodman. We'd prefer now to call Mr Subeski at
10 o'clock in the morning.

THE COMMISSIONER: Yes.

MR THANGARAJ: So if we could stop today, we'll do him first and Ms
Baccam after that.

THE COMMISSIONER: Yes. All right. I don't think we're going to get
anywhere in 20 minutes in any event.

30 MR THANGARAJ: No.

MR VINEY: Is Ms Mishra excused from her - - -

THE COMMISSIONER: Yes, she's excused.

MR VINEY: Thank you, Your Honour.

MR MOSES: Commissioner, may I just inquire through you,
40 Commissioner, whether Ms Baccam will be called after that witness
tomorrow?

MR THANGARAJ: Yes.

MR MOSES: Thank you.

MR THANGARAJ: So the plan is Mr Subeski, then Mr (as said) Baccam
and if we get to him, Mr Goodman, Mr Mark Goodman.

MR MOSES: Thank you. I thank my friend.

THE COMMISSIONER: Right. Thank you.

10 I should perhaps just indicate, given that I think yesterday I stood over Mr Overall's application to have Mr Gary Goodman stood down in the witness list, given the nature of the information which is presently to hand, that application is granted insofar as Mr Goodman won't be available this week and the matter should be revisited on Friday and we can make a further assessment at that point in time.

Yes, thank you. I'll adjourn.

AT 3.26pm THE MATTER WAS ADJOURNED ACCORDINGLY
[3.26pm]