

RICCOPUB00243
02/03/2016

RICCO
pp 00243-00325

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION RICCO

Reference: Operation E14/2586

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 2 MARCH 2016

AT 10.05AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Yes, Mr Moses.

MR MOSES: Commissioner, could I provide to the Commission, we just prepared this overnight, these are additional documents that relate to Ms Mishra and which set out exchanges between her and the individual, Greg Perfrement, P-e-r-f-r-e-m-e-n-t, together with other emails relating to what would appear to be a purchase of property and the payment of bills relating to those properties which were located on her server, on the Council server in respect of her email system. I seek to provide them to the Commission and also tender them.

THE COMMISSIONER: Have they been - - -

MR MOSES: No, they haven't been provided to the Commission.

THE COMMISSIONER: No, no, I was going - - -

MR MOSES: Oh, have they? I'm told they have been provided to the Commission.

THE COMMISSIONER: No. I was going to ask have they been provided to Mr Viney.

MR MOSES: No, no.

THE COMMISSIONER: Well, subject to what Counsel Assisting says, I'm happy to receive them but at some stage Mr Viney's attention should be drawn to the documents.

MR MOSES: We're either happy to do that or the Commission can do that.

THE COMMISSIONER: All right.

MR MOSES: But these are documents I'm told that were provided to the Commission under a notice last night? Last night, yeah. Thank you.

THE COMMISSIONER: So have you seen them, Mr Thangaraj?

MR THANGARAJ: We're going through them. I don't envision there's a problem, but maybe they shouldn't be tendered or tendered subject to Mr Viney having - - -

THE COMMISSIONER: Yes, well, my impression is that he should be given some notice so that there's an opportunity to meet them, but at this stage, Mr Moses, I'll mark them for identification.

MR MOSES: Thanks, Commissioner.

THE COMMISSIONER: MFI1.

#MFI 1 - FOLDER OF SUMAN MISHRA DOCUMENTS VOLUME 2

THE COMMISSIONER: Yes, Mr Thangaraj.

MR THANGARAJ: Mr Subeski.

10

MR JOHNSON: Commissioner, can I just announce my appearance. My name is Johnson. I'm appearing for the witness, Baccam, later this morning, in lieu of - - -

THE COMMISSIONER: Yes, Mr Johnson, yes, leave is granted for you to appear.

MR JOHNSON: Thank you.

20

THE COMMISSIONER: So is that in lieu of Mr Titmarsh, is it?

MR JOHNSON: That is, that's correct, yes.

THE COMMISSIONER: Thank you.

Yes. Has Mr Subeski been told about the effect of a section 38 order?

MS SATHANAPALLY: Yes, Commissioner, he has, and he seeks that declaration.

30

THE COMMISSIONER: Thank you.

Mr Subeski, I need you to appreciate the limits of the section 38 order. The section 38 order protects you from the use of your answers against you in any future civil or criminal proceedings, but it does not protect you if it should be found that you've given false or misleading evidence to the Commission because if that were to be the case, your answers could be used against you in a prosecution under the ICAC Act. Do you understand that?

40

MR SUBESKI: Yes, I do.

THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

**PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT
ALL ANSWERS GIVEN BY THIS WITNESS AND ALL
DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS
DURING THE COURSE OF THE WITNESS'S EVIDENCE AT THIS
PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN
GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO
10 NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT
OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR
THING PRODUCED**

THE COMMISSIONER: Do you wish to be sworn or affirmed, Mr
Subeski?

MR SUBESKI: Sworn.

20 THE COMMISSIONER: Sworn. Can we have the witness sworn, please.

THE COMMISSIONER: Yes, Mr Thangaraj.

MR THANGARAJ: Mr Subeski, could you give the Commission your full name, please?---Aleksa Subeski.

10 And just a very brief work history?---I finished school '78 and after that when I was working overseas and after that I come to Australia and work as electrician and air condition mechanic till now.

All right.

MS McNAUGHTON: I'm finding it difficult to hear the witness, Commissioner.

20 THE COMMISSIONER: Yes, sorry, could I just ask you to speak up a bit, Mr Subeski?---Yeah, sure.

Yes?---Yeah, sure, no problem.

MR THANGARAJ: How did you meet Mr Goodman, Mr Gary Goodman? ---Ah, I had a friend but he had the factories in the same complex at that time and I was fixing some power points and all that stuff for a friend of mine and we were hanging there and then I met Mr Goodman.

30 All right. And how did you first obtain work for Botany Bay Council? ---First time I think it was around 2011, something like that, as much can remember.

All right. And how, how did that happen?---It was some jobs for the cameras and Gary Goodman called me and we attend there to do the job and putting the cables and all that stuff.

Cables, did you say?---Yeah.

40 Right. Did you, were you busy at work at that time or were you looking for work?---Always we are looking for work. I wasn't much busy at that time but that's, we're always looking for work.

Right. Now, you had an involvement with a number of companies either as an owner or a director or a family member was a director of Alex Electrical Air Conditioning Supplies & Services?---Yes, sir.

That's a company that you owned?---Yes.

And the next one is Iced Air MKD. That's another company you owned?

---Yes.

Now Jovane was a company owned by your son-in-law?---Yes.

Did you have any ownership in that company?---No.

All right. And Green Thumb Landscaping and Gardening, that's a company you owned?---Yes.

10 And you were a director of various companies of these – of this – that group?---Yes.

Were you a director of Jovane?---Never.

All right. Did any of those companies put in quotes or tenders for work with Botany Bay?---Once I think we did a couple of times with Iced Air. It was I think for the Community Centre and for the offices in Coward Street.

20 All right. Now I just want to take you briefly through each of those four companies and ask about the work that they did or didn't do. Alex Electrical first. Did that do any work?---Yes, they did.

And what did that do?---(not transcribable) my memory were called for the electrical or for air-conditioning work or security work.

All right. Did that company do any work for Council?---Sorry?

Did that company do any work - - -?---Yes.

30 - - - with Council?---Yes.

Did it do any work, did it do any work for other companies or other entities outside Council?---Not much. I think just a couple of other jobs - - -

Did you - - -?--- - - - because it was just short time that company what we are using it.

Yeah?---I was using more Iced Air.

40 All right. Alex Electrical only operated for – how long, how long was Iced Air operating for?---Iced Air is operating I think since '08, something like that.

Since when, sorry?---Since, actually, no, 2011. Sorry.

Okay?---I think something like that. I'm not sure. Exactly when we opened the company I am not sure.

All right. But the billing, the billing for Council – I'll come to it in more detail later but the billing for Council only occurred over a week in October of 2014. Is that your recollection?---Probably we - - -

A very short time?--- - - - didn't work before that for the Council. I don't know actually exactly.

All right?---If it is – if I see the invoice maybe I will remember.

- 10 All right. Did Alex Electrical ever put in any false invoices through Council, Botany Bay Council?---If you are calling it false in the – if you are working on some of the – another premises but they're – but it wasn't around there but Mr Goodman send us, yes.

All right. So tell me what you mean by that?---We were working the houses all around Sydney under the, what's the name, Mr Goodman's needs.

All right.

- 20 THE COMMISSIONER: Sorry, working houses. You mean private homes?---I didn't know that they are private or the Council but Mr Goodman will call us and give me the address and to do the – what is, what is the problem there to fix it.

MR THANGARAJ: Yeah. All right. So do you remember who was living in those houses?---In one he was living. In another one Ms, what's her name, Suman was living.

- 30 Right?---In another one Marny was living. It was another two houses I didn't know exactly who was (not transcribable) but the mother of Ms Marny Baccam.

Right?---And that's, that's what I can recall.

All right. And are you saying that the work that you did at those houses you billed through Alex Electrical?---It was Alex Electrical, Iced Air.

Yeah?---Yeah, it was billed.

- 40 All right?---Through Jovane also I used a few times.

All right. Is this the case then, for any time you went to a private home at the direction or request of Mr Goodman, whether it was his house, Marny Baccam's house, Marny Baccam's mother's house, Suman Mishra's house that all those bills were invoiced to Botany Council?---One invoice was I remember invoiced to Mr Gary Goodman.

Right?---The rest of that one it was to Botany.

Through the Council?---Through the Council.

And your memory is it was either Alex Electrical or Ice Air was it?---Yes.

All right. All right. Well moving onto Iced Air, what work did that company do?---Same like Alex Electrical.

10 All right. It just took over the trading name did it, effectively?---Yes.

All right?---Actually I think Alex Electrical, I just remember. For a short time by my name nothing else and the most operation they are even now to Iced Air MKD, yeah.

Okay. Did Iced Air do any work for Council and when I say that I mean, I'm not including the private homes, did Iced Air do any other work for Mr Goodman?---On the Council, yes.

20 Other Councils?---For the Council?

Yes?---Yes.

So what did Iced Air do for Botany Council?---Same, maybe replaced air-condition (not transcribable) that was in the business centre, in the Business Unit, we done some security lights, cameras in King Street (not transcribable) in the depot.

All right?---Yeah. That was the only work that we were doing.

30 And did Iced Air do any work outside the Council besides the homes - - -?
---Yes.

- - - for other clients?---Yes, yes.

And apart from the houses that we've been through, did Iced Air put any false invoices through Council?---No.

40 All right. So are you suggesting then that, are you saying then that Iced Air did some substantial work for Council legitimately?---Yes. And it was false invoices as I say but for houses, but we were working.

All right. Okay. Now Jovane was your son-in-law's business?---Yes.

We know that a very significant amount of money from false invoicing went through Jovane through Council, City of Botany Bay Council, right. Do you agree with that?---Yes, I do.

Do you agree that Jovane did not do any work for Botany Council?---Yes, I do.

All right. And - - -?---But it done some in the houses.

Okay. So if - - -?---Is some invoices there but for the jobs that we done in the houses, yeah.

10 Okay. And Green Thumb also did not do any work for Council, did it?
---No.

All right. I'll come to a bit more detail about those companies and invoices in a moment. Apart from false invoicing being done through Botany Bay Council what other abuse of Council are you aware of, abuse of Council money or resources?---Never.

Do you know of anything else?---No.

20 All right. All right. I'll come to one or two other things a bit later on?---
Yeah.

How did the idea of false invoicing first arise?---Mr Goodman he owe me some money that I lend it to him.

Sorry, what was – I didn't get the first bit?---Mr Goodman he owe me the money that I lend it to him.

He owed you some money?---Yeah.

30 Right?---And he suggested that do this, give him that invoices.

All right. Well let's go back a step then. When did he first ask you for some money?---First I think I ask him in 2006/2007 because I was struggling with the money and him and another friends of mine they helped me.

Yeah?---They lend me the money but I returned it back to, to, to them.

40 Yeah?---I think I asked Mr Goodman, Mr Goodman he asked me around – I asked him for the money 2007/2008 something like that and he asked me around 2011 or 2012 but he returned the other time. And after that he asked me again in 2013 or something like that. And he never – and I done the job but he didn't pay me at the same time - - -

All right. So - - -?--- - - - the bill was going up and up.

By the time that he suggested that you put in some false invoices how much did he owe you at that point?---I think it was in between 50 and 60,000.

All right.

THE COMMISSIONER: Did you say 50 to 60?---Yes.

Six zero?---Six zero.

Thank you.

10 MR THANGARAJ: Were you keeping a record of how much he owed you?---I was keeping from week to week like when he was borrowing the money.

All right?---And at the moment I know how much he owes me.

As of today?---As of today.

How much does he owe you today?---132.

20 132,000, right?---Yes.

When he raised the idea of false invoicing did you agree at that point?---At first I was, I was scared and after that I agreed, yes.

And why did you agree?---Because I needed my money to collect them back.

All right. By this stage had you put in legitimate invoices for Council work?---Wasn't, I don't think so.

30 No, before that time had you done any or not, you had not?---No, no.

Okay. So what was the process with these false invoices, who prepared them, where were they sent, how were they paid?---He asked me to use another name than my name.

Right?---And I ask my son-in-law can I use his company and I lie to him and told him would be good for him and people can see that he was working for the Council and all that.

40 Right?---And Gary, he told me what to write on the invoices and the, slowly the money they were coming back, like I think first time it was around 15 or \$20,000, but he was still continuing to borrow me.

Right. Well, I'll come to the further borrowing in a moment?---Yeah.

But so he would tell you what to put on the invoice. How did the invoice get to Council?---I was email them to him.

Okay, you emailed them to Mr Goodman?---Yes.

And then what account was the money going into?---They were going to Jovane.

All right?---And after then were transferring to me.

And did you have the ability to withdraw money from Jovane's account or to write cheques?---Yes, yes.

10

All right?---It wasn't cheques from Jovane.

Did you, after the false invoicing started, is that when you had access to the Jovane accounts or did you have it already?---No, after that.

Okay?---After that.

So you asked permission for your son-in-law - - -?---Yes.

20

- - - to be able to access the accounts - - -?---Yes.

- - - and to write cheques against the account?---It wasn't cheques, it was electronic transfer from Jovane to my accounts.

Okay?---And to Gary's account sometimes.

So you, okay. So you could electronically transfer, or you had access to the Jovane accounts, you could either transfer the money or do whatever you needed to do?---Yes.

30

You could withdraw cash from that account if you needed to?---A few times, yes.

All right?---Yes.

We know that sometimes you asked your daughter to withdraw cash from that account. Is that right?---Not just once, many times.

40

Yeah, no, and also to transfer money as needed?---Yes.

All right. Who decided what dollar amounts would go in these invoices? ---Oh, Gary will tell me like how much roughly to put in there, like, how much money to put that I can collect them back.

Yeah?---Yeah.

So do you remember with the first invoice, say it was 15,000 - - -?---I don't - - -

I know you don't?---I can't recall exactly how much it was.

Do you remember when that money came through, did that automatically reduce how much he owed you?---Yes. Normally when I, when I was going to receive that money I was taking, like I had a little piece of paper and I would take that money off the, off the money that he owed me.

10 All right. And did that continue until the debt was gone?---Actually debt never gone.

All right. So before the debt got back to zero, he borrowed more money, did he?---It never gone back to zero.

Yeah, that's what I'm saying, before it got to zero he borrowed more money, did he?---Yes.

20 All right. So you tell us, from the time the false invoicing started, what was happening with money being borrowed and lent?---I don't understand, sorry.

From the first time – he owed you about 60,000, 50/60,000?---Yes.

The false invoicing started?---Yes.

30 Then what happened with Mr Goodman borrowing money or returning money, what happened over the next six months or so?---Like, I received the money I think Tuesday, Wednesday, something like that, and in couple of days after he'll ask me for more money - - -

Right?--- - - - to lend to him.

And what sort of amounts was he asking to borrow?---At the beginning they were small amounts like 4,000, 6,000, something like that, but after that it gone.

To what?---Sometimes it was around 40,000, \$45,000 a week.

40 Yeah. And how, how were you getting the money to him, when he borrowed the money off you, how were you getting money to him?
---Sometimes cash, sometimes I give him the cheque, sometimes he will send somebody to collect the cheque from me, electronic transfer, paying his bills ah, ah, paying his banks, paying his loans and all that, and that would be some electronically, some - - -

All right. Do you know roughly what proportion of the money you returned to him was cash?---I don't, what do you - - -

Or you've lent him, sorry, lent him, lent him?---Yeah. Maybe, maybe 400, maybe 500,000, I don't, I can't, I can't recall.

All right?---I can't recall exactly - - -

And what - - -?--- - - - because if I was going through the year and something I think and it's hard for me to say exactly how much it was cash, how much it was in the cheques, how much it was electronic transfer, how much it was paid credit cards - - -

10

Paying bills?---Paying bills.

All right?---Loans. It is really hard for me to remember exactly.

And what was the process of withdrawing cash? Let's start with the Jovane account. Who would withdraw the cash or who were the people withdrawing the cash and how - - -?---I will, I will send my daughter or my son-in-law to withdraw the cash and, and he will pass to Gary if I'm not there or - - -

20

All right?---Yeah.

So all the cash withdrawals that we're talking about – sorry, every time you paid him cash they were withdrawals were they from either the Jovane account or later the Green Thumb account, is that right, or are there other accounts?---Green Thumb or Iced Air.

Okay?---Or if I have the cash at home I was going to give him that cash.

30

All right. And occasionally your daughters – towards the end your daughters and – sorry, your daughter or your son-in-law was sourcing cash to lend to Mr Goodman as well?---Yes. And many times they ask them – like because I didn't – to send some money to the Philippines through 7-Eleven, some – I don't know which bank is there in 7-Eleven.

Yeah?---Yeah.

40

All right. Did you ever directly transfer money to the Philippines or did your daughter do that for – at your request?---That was done through, what's the name, that 7-Eleven bank. I don't know which one it is.

Now there were times where Mr Goodman asked for money but you told him that you did not have any and - - -?---Many times.

And - - -?---Because I didn't want it to go through the, through the roof.

Yeah?---I was scared like for my money.

Is this what was happening, there were many occasions where he'd ask for money and you'd say well, when the invoice was cleared, when the payment was made for a false invoice - - -?---I can give you the money, yeah.

- - - I can either give you the money or – well, I can give you the money from that proceeds?---Yes.

10 All right?---Yeah, because it wasn't much money in my, in my accounts, like out of money that coming and paying my bills and the material and, and when he'll ask me if I don't have money many times I borrow money from another people to, just to, to save him from the trouble.

And why did you keep doing this?---With the, with the stuff what he was telling me, I don't know how much is the truth now but at that time I believe, I feel sorry for him and I wanted to help him.

But you knew that you were doing – you knew that the Council was being defrauded a very significant amount of money?---I did.

20 And so why, notwithstanding that you might have felt sorry for him, why did you agree to be – to do that?---Now I'm sorry what I done but I did - - -

No, I understand that. I'm just asking at the time why is it that you agreed to do that for him knowing – I understand you said you felt sorry for him but know how serious the conduct was why did you still agree to do it anyway?---I wanted to return my money back.

30 Right. All right?---I thought this is only the way what I can return the money back and because he was promising me the super, super from Mr Bill McCormick and all that.

That's, that's the overseas lady's husband?---Yes.

Yeah. All right?---Actually she is not overseas. She is from here.

Well, sorry, she's in the Philippines?---I don't think so.

40 Well, that's – do you know who the person was that you were sending the money to in the Philippines?---To her, to her brother when she was in Philippines.

Yeah?---To some lawyers what Gary was telling me.

Do you know her name? That's what I'm asking you?---Jenny McCormick.

Yeah?---Yeah.

All right. Do you know overall how much money you lent him?---I didn't but when I saw now these papers it's a lot of money.

All right. Right. I just want to go through a document. It's volume 22, page 17. I'll tender this separately, Commissioner, in a moment but we've got copies for everyone?---Thank you.

All right, Mr Subeski. You wouldn't have seen this but I just want to take you through some numbers?---Yeah.

10

The left-hand column is, represents the four companies that we've been through of your – of that you or your son-in-law had, you see that?---Yes, I do.

So the top one is Jovane, the next one Iced Air, then Green Thumb then Alex at the bottom?---Yes, I do.

20

All right. So we know that 2.3 million went through invoicing from those four companies through Council and we know that, if you look to the right-hand column either through payments by cheque or electronic transfer about \$950,000 went to Mr Goodman in those two ways. Right. So what's left, that gap of about 1.4 million, what's left are transfers, for example, to the Philippines, some bills that you paid directly and cash withdrawals. So I want to ask you about that gap of the \$1.4 million that's in one of those categories, did you keep any of that?---I keep the money of that gap definitely for the legitimate work what was done as I was saying the legitimate, in the houses where he send me.

30

Right?---I think I keep the money for the GST.

The GST for what?---Yes. For the invoices at (not transcribable) provided.

Right?---And for 20 per cent tax from my company that was paying on the – on that money, on the invoices what I, what I produce.

40

And I'm just told that there are some payments to Mr Goodman from December of - you see that the payments to – see the second column it's got payments to Mr Goodman of 19 December, 2014. So the payment period is much shorter so there are other payments that could be in the right-hand column for earlier periods. Do you understand what I'm saying? Does that - - -?---Actually, I don't.

Okay. I'm sorry. See the left-hand column it's got 2.3 million from the 21 December, 2012?---Yes.

Okay. The right-hand column that starts actually on 19 December, 2014. So there are other payments that went directly to Mr Goodman electronically or by cheque in that period. So the gap of 1.4 includes some

other direct transfers to Mr Goodman. So we don't – I don't quite know at the moment exactly how much cash came out but I'm interested in what you say you retained. So you kept the money for the private houses, right, the private work at the houses?---Yes, I done that, yeah.

And then tax and GST on all the false invoices, is that what you're saying?
---Yes, that's the truth.

10 Does that mean that you paid tax and paid GST on all these false invoices or did you keep - - -?---Yeah. So joined together with the rest of the work what I'm doing on the site and on other sites.

All right. So I understand that you kept the GST and you kept money for tax but did you pay all the GST and pay all the tax on those false invoices?
---All the documents and (not transcribable) when they come in the expenses and they pay them and giving them to my accountant and whatever he will tell me that's, I'm paying how much I have to pay to the tax department he sending me the, the invoice.

20 All right. So is this the position then. All the false invoices went to your accountant?---Yes.

And obviously your accountant understood that it was legitimate invoices?
---I never told him that they were false.

Yeah. I see. All right. And then part of that gap also is covered by you say legitimate work that Iced Air and Alex Electrical did?---Yes.

30 All right. And your best guess is that you gave that Mr Goodman around 400 or \$500,000 cash over those – over that period?---In my opinion, I don't know like how much it was in cash but then I'm seeing this figure, it's probably more than that. Yeah, may - - -

All right. What's your best estimate?---I don't know, I can't - - -

All right?---Maybe another 400, 500,000.

40 Well that's, that's a - - -?---I think if I go through the money what I received from the Council at that time in Jovane I can find out exactly how much it was.

All right?---Yeah.

Well, we won't do that today, but maybe sometime in the - - -?---No problem.

- - - near future we'll go through those invoices and you can work out the precise amount - - -?---No problem.

- - - as best you can?---No problem.

All right. All right. Now, I just want to briefly go through the numbers with respect to the start dates of these companies. Alex Electrical between 10 October and 16 October of 2014 put through \$38,000 worth of invoices and you say that was all legitimate?---Yes, for the job.

10 When I say legitimate, I mean you earned it, it might have been private work but - - -?---Yes.

- - - you earned the work?---Yes.

Iced Air between 4 May, 2011 and 17 September, 2014, \$312,000, and that's in the same category?---Yes, sir.

20 All right. Now, when you did work for Ms Baccam, did you tell her that the Council was paying for it?---Oh, when I was going to work always I was receiving a call from Gary to go out and do the job.

Yeah?---Yeah.

Did you speak to Ms Baccam - - -?---Like she, if she asked me again I was going to ask Mr Goodman, like (not transcribable) and he was going to instruct me, yes, no problem.

30 All right. No, no. What I'm asking is, did you speak to Ms Baccam about how the renovations would be paid?---Actually they ask me to - she ask me to find some other contractors, like the plumber and all that, and I was paying them - - -

Yeah?--- - - - and the invoices, they were going to the Council.

Yeah, no, I understand that, but she obviously didn't pay anything?---She didn't.

Did you, did you talk to her about who would be paying for the work?
---I can't recall. Maybe, maybe not, I'm not sure.

40 All right. And what about when you went to Ms Suman Mishra's house, did you talk to her about who was paying for the renovations?---Gary was sending me and she was telling me that Gary will take care of it.

All right. To your knowledge did either Ms Baccam or Ms Mishra know or think that Council was paying for the work?---I, I can't say that, I don't know.

No, that's all right. Now, Jovane, between 20 November, 2014 and 7 October, 2015, put through 1.85 million. This company was set up – sorry, sorry, this company was used because Mr Goodman wanted you to use something that wasn't owned by you?---Yes, because what he told me, people in the Council, they know my name and is better to use another company.

All right. And this, and that kept going at about, at an average of \$150,000 a month until 7 October last year?---Approximately, yes.

10

And is it your understanding that that stopped because of the ICAC investigation?---Yes, I know.

All right. And Green Thumb, that was between 23 September of last year and 7 October, 2015, so a very short period of time, only two weeks, also ending when the ICAC investigation became known, for 132,000. This overlapped with Jovane. Why was a second company set up to put through - - -?---That's what Mr Goodman told me.

20

All right?---To open another company and some, some of the invoices that wasn't paid, like of Jovane (not transcribable) Green Thumb and I don't know what he was shuffling to tell you the truth.

He was what, sorry?---He was shuffling the invoices and sometimes they were paid and they were overlapped to another week and - - -

Shuffling the invoices?---Yeah, shuffling the invoices.

30

All right. All right?---Once it happen I think they pay one invoice twice and I had to redo it and I can't remember exactly what happened but I remember that it was dispute.

All right. All right. Did you ever lend money to Jenny overseas?---Yes, I lend her here and overseas, but on the instructions of Mr Goodman.

So was that then part of the debt that he owed you or was it, or was it debt that owed by, it was owed by Jenny?---No, debt by, by Mr Goodman.

40

All right. Do you remember roughly how much you lent to her?---I can't recall. I can remember only once then, but (not transcribable) because they have to get super back off Mr Bill I think is her husband - - -

You understood that that's - - -?--- - - - to return the money to me.

Yeah?--- - - - and they needed some money to pay to the Taxation Department or to the lawyers of hers, I think it was 22,000 at one stage, and another cash after that, it was electronic transfer to her account, they were asking me because they needed that cash quickly for the solicitors.

All right. All right. Have you ever lent money to Marny Baccam?---Under the instruction of Mr Goodman, yes.

All right. Do you know was there any reason that you knew she needed the money or Mr Goodman just said can you do it?---Once I was told that she, she borrowed the money from the bikies and they're threatening to him, to her. That actually happened a few times.

10 You don't know if that's true?---I don't know, no, no.

Yeah. All right. Do you know roughly how much you lent to her?
---No, but at the end now I know that she owes me 7,000 plus 5,500, something like that (not transcribable)

So does that mean that that's separate to what Mr Goodman owes you?
---That's under his instructions because like, she'll ask me to lend her money, I will say no, I can't do that one.

20 Sorry, she asked you directly to borrow money, did she?---Yes, and I couldn't give her the money.

Right?---And Gary will call me after that, yeah, no problem, lend her the money.

All right. So when you say she owes you 7,000, what do you mean by that?
---She still owes me 7,000 on the last money but it wasn't repaid through the invoices.

30 Right. So do you mean - - -?---I asked Gary a few times and it was, like, staying like that.

Well, was Mr – did you understand Mr Goodman owed you that money or Ms Baccam owes you that money?---I don't have nothing with Mr Baccam, you know, everything was coming from Mr Goodman to me.

All right?---Actually will ask me but again I was following the orders from Mr Goodman.

40 All right. Did you lend any money to her sister?---No.

There's a transfer of, or a cheque for \$4,000 to her sister. Do you remember that or do you know anything about that?---If she went to cash the cheque, maybe, but I give that money to Marny or to Gary, if I give them the cheque.

All right. When you provided money to – when Mr Goodman asked you to lend money to Ms Baccam, how did you give her the money?---Cash,

cheque, electronic transfer, direct deposit to her account, I think it was NAB.

How would you decide, sorry, how would you decide which way to do it?
---Whatever they will tell me.

Right. Do you know roughly the total of that?---No, I'm sorry.

10 Okay. Did you ever receive a mobile phone from Mr Goodman?---I think I did, but I never used that.

All right?---Yeah.

Do you, do you remember what phone, what sort of phone it was or do you remember receiving an - - -?---Samsung I think S6, something like that.

Right?---S6, yes.

20 Okay. And why did he – why did that happen, did you ask for it or did he?
---I asked for it.

And why did he, why did he give it to you?---Because I was, my phone was broken down the bottom and (not transcribable) rubbish phone, but that's how it happened.

Okay?---Yeah.

So you asked him and he gave it to you?---Yeah.

30 Why didn't you use it then if you asked for it?---Because I was still using the old one, I couldn't transfer all my details to, to the new one.

All right?---Yeah.

Have you still got that phone?---I think I've got it at home.

All right?---I'm not sure, I'm not sure.

40 All right. Green Thumb was opened about six or eight months ago?
---I believe so.

All right. And maybe a bit longer than that. Did it do any work for anyone outside, did it do any work?---No.

All right. And you're a director of that company?---Yes, I was.

All right. Nothing further.

THE COMMISSIONER: Any questions?

MR THANGARAJ: Oh, sorry, I should just tender that document.

THE COMMISSIONER: Oh yes, the chart. That will be Exhibit R18.

10 **#EXHIBIT R18 - COMPARISON OF COBB PAYMENTS TO
SUBESKI'S OR GLIGOROV'S VS PAYMENTS ATTRIBUTED TO
GOODMAN**

THE COMMISSIONER: Any questions of Mr Subeski?

Yes, Mr Overall.

MR OVERALL: Thank you, Commissioner.

20 I'm representing Mr Goodman. I've just got a few questions about the loans
that you gave to Mr Goodman and to other people associated with Mr
Goodman. Is there any documentary evidence of those loans?---Actually
I've got the electronic transactions and - - -

Sorry?---Electronic transactions, I can get them from my, from my bank
accounts.

No, I'm talking about – there's a lot of money borrowed, wasn't there?
---Yes, it was.

30 And normally when you borrow money you would be aware that you enter
into some sort of agreement?---The money that was borrowed every week
and it was going to, under his instruction - - -

I didn't ask whether it was borrowed every week, I was asking you is here
any document or written contract of loan?---Is not.

You've obtained loans from other organisations, for example a bank, in the
past?---Yes, I do, yes, I do.

40 And you've always had to sign loan agreements?---I also borrowing the
money from my friends and I'm lending the money to my friends and I
don't write anything, sir.

So you have no evidence, no written evidence of loans?---I've got evidence
that I lend them the money, yes, I give them the money.

You have no evidence signed by the borrower that a loan was ever given to
him.

THE COMMISSIONER: Mr Overall, I'm just curious about where this is heading. You see if you've got instructions that these loans were never advanced then I think you need to put it because I don't really want all these witnesses to come back on the basis that they simply sit here being asked whether or not they have evidence of loans as opposed to whether or not they can be accepted on that particular matter. Is it going anywhere other than they don't have any written evidence of these loans?

10 MR OVERALL: Well, Commissioner, I was more concerned with the evidence of, of the loans rather than whether or not they were actually made. I need - - -

THE COMMISSIONER: Well, are we just arguing about the amount, are we?

MR OVERALL: Yes.

THE COMMISSIONER: Right. Go on.

20 MR OVERALL: A lot of the money was repaid in cash?---Yes, and probably if the ICAC give me my phone and if we can ask to provide all the messages what I received from Mr Goodman it will be probably exactly how much money it was given in cash or, because everything was going through the messages or phone calls or sometimes man-to-man.

So you do have some evidence of borrowing and repayments?---Yes.

Emails and text messages?---Yes.

30 And do they cover all the cash repayments?---I think so.

No further questions, Commissioner.

THE COMMISSIONER: Yes, Mr Moses.

MR MOSES: Sir, are you comfortable in the witness box, are you comfortable there?---Sorry?

40 Are you comfortable there?---Not at all.

Not really. You've been a witness in court before, haven't you?---Sorry?

You've been a witness in court before, haven't you? You've had a couple of court cases?---Court cases?

Have you been in court before?---Just for driving.

Just for driving. Okay. Hmm. Were you expelled from the Macedonian community?---That wasn't court.

That wasn't court, was it?---No.

Oh, okay. Are you sure about that?---I think so.

Did you appear in the Supreme Court?---In the Supreme Court?

10 Let's, let's focus?---Yes, I did, regarding, yeah, regarding that, yeah.

Yeah. You were a defendant in a case, weren't you?---Defendant?

Yes?---Yes.

Yeah. You were expelled from the Macedonian Orthodox Community of Australia. Correct?---Yes.

20 There was a judgement of Justice Gzell on 30 January, 2013, in which your expulsion was upheld and you were ordered to pay the costs, weren't you?
---The costs to who?

To the plaintiff, the Macedonian Orthodox Community?---I never receive any invoice so far.

No?---No.

30 None so far. Okay. You were expelled because you misled them as to the contracting parties for a job that was to be done, correct?---That was an accusation but I say no and everything was going to the soccer club because I was the President of the soccer club.

Listen, sir. It was alleged in that case, wasn't it, and this was upheld by the Judge that you had misled them in relation to who was doing the contracting work for them, correct?---That's what they were accusing me, yes.

40 And you were also alleged to have been aggressive when confronting people when they questioned you about this, correct?---Just the CEO that (not transcribable) of that community.

I'm sorry?---And it's to only me against that person.

Okay. Yeah. Okay. Now certainly in 2012 when all this going on you understood what corruption meant, correct?---(No Audible Reply)

You were alleged to have said, weren't you, at one of the meetings "You are all dishonest and corrupt and you should go to prison". Do you remember that being alleged you said that?---In which meetings are you asking me?

Well, we can do it the hard way. Do you remember that evidence was given in the proceedings that at the meetings which had been called in 2010 you said words to the effect of you are all corrupt and should be locked up, especially that little prick", and you pointed to a person?---Yes, that's true.

And then you said "I'm going to kick the shit out of you". Do you recall that?---After he accused me, yes I did say that.

10 Yeah. So I mean you accept, don't you, that if you're dishonest or corrupt you should go to prison, correct?---Me to go to prison for what?

No. If somebody is dishonest or corrupt they should go to prison?

MR THANGARAJ: Object.

MR MOSES: I withdraw, I withdraw.

20 THE COMMISSIONER: That's a contentious matter, Mr Moses?---I can't understand.

MR MOSES: It's a matter, it's a matter for somebody else, I think. You've also given evidence, haven't you in the Migration Review Tribunal?---Migration Review?

Well, I mean you've purported to be the sponsor haven't you in two applications that went to the Migration Review Tribunal?---I don't understand the question, sorry?

30 Okay. Did you try and sponsor your nephew to come into the country that led to a court case in 2002?---Yeah. I tried to sponsor my nephew - - -

Your nephew to come from Macedonia to this country. Do you remember being in a court case in 2002?---I sponsored my, my nephew to come into Australia and he still remain in Australia, he's Australian citizen.

No?---I don't know, I don't recall any, any - - -

40 You don't recall anything, no?--- - - - any court case against me regarding sponsoring my nephew.

All right. You don't recall commencing a case to review the decision of the Minister for Immigration not allowing your nephew into the country?---My nephew he is here.

So I'm just asking you - - -?---I don't, I can't, I can't understand.

You don't remember, you don't remember, doing that?---I don't remember, I do remember that I sponsor my nephew and my nephew he, he is here and he's working same like what I do with his own company.

What about Alex Electrical, do you recall that being an unsuccessful sponsor applicant and that you then commenced proceedings, that is, that company commenced proceedings in the Migration Review Tribunal?---I don't remember, I'm sorry.

10 You don't remember?---I don't remember.

You don't remember and do you remember - - -?---I don't remember.

Do you remember the Tribunal declining to allow that application by you because it was held that your company didn't have sufficient funds or assets to sponsor somebody?---I don't remember but maybe, I'm not sure.

Have you got a memory problem, you don't remember these cases?--- Maybe I do have a memory problem.

20

Okay. Well so - - -?---But I don't remember that, but he asked me - - -

Okay?--- and – I don't know why you're asking that?

Well we'll come to that. Don't worry about what I'm asking you. Now let's go through a couple of these companies. Jovane Pty Limited, you've heard evidence, because you've been sitting here for most of the time, that it received approximately \$1.8 million of Council money, correct?---That's what I heard, yes.

30

And well, you know, don't you, that invoices were issued which were false by that company, correct?---Yes, I do.

Yeah. And were you the person who created the false invoices?---On instructions from Mr Goodman, yes.

Did Ms Baccam help you prepare false invoices from time to time?---No.

She never did?---Never.

40

So you were the one who created the false invoices?---On the instruction from Mr Goodman he told me how to do it, yes.

He told you how to do it?---Yes.

And how did you do it?---Excuse me?

How did you do it? You said you'd - - -?---He will tell me, he will tell me what to write and I was writing that on.

Well writing or typing how would you do it?---Typing on the, on the computer.

Do you know how to use a computer?---Yes, I do.

10 Okay. So you prepared the false invoices?---Yes, I did.

Each and every time?---We done that (not transcribable) yes, every time. Only when I was overseas I instruct my daughter to do that for me.

Okay?---And Mr Goodman was going to tell probably how much money or whatever it is.

So he would tell you each and every time what to put in there?---Yes.

20 And you would follow his direction?---Yes.

And then who would send the emails to?---Sorry?

Who would you send the invoices to?---To Mr Goodman.

Only to him?---Only to him or maybe Ms Baccam, I'm not sure about that, I think only to him what I, what I can remember.

Okay. I'm just going to show you a folder?---No problem.

30 So behind tab 1, is that you sending this email?---Yes, it's me.

To Mr Goodman and Ms Baccam?---Yes.

And the invoices that appear behind that email, these are false?---Yes, they are.

You never provided that work or the services, correct?---Or maybe they were in the houses, I'm not sure exactly which one it is.

40 You just don't know?---Yeah. It is in the houses where I was working or false invoice totally.

Okay?---Yeah.

And the money that came in on payment of these invoices, where did it go? So the \$1.8 million that came in, where did it go, who took the money?---As I explained to the gentleman down here, most of them except the tax and the GST they were paid to Mr Goodman with, with the new loans.

So it went - - -?---Or if he'd send money or whoever it is to collect the cheques, they were going there under his instructions.

Well let's go back. The money that was paid for these invoices did they go into a bank account operated by Jovane Pty Ltd?---Yes.

They did?---Yes.

10 So the money went into that account that is in the top right-hand corner?
---I, I don't know the exact number of the account but probably it is, yes.

And would you give money to Mr Goodman out of the money that came in?---Sorry?

The money that came in, what would you do with it?---The money when it come in, Mr Goodman probably the next day or the day after he was asking for more money.

20 So you would then give money to him, would you?---Yes.

Well how do you know how much money you've given to him?---I was always writing every day how much money he was collecting it.

Okay?---On a piece of paper and say if it is \$40,000, he would tell me to send me an invoice for \$40,000 plus the 20 per cent company tax and the GST.

30 And you would give it to him, would you?---Sorry, didn't hear what says?

You would give him the money, would you?---The money was to him or whoever he would send. He was sending different people to collect the cheques or he would send different people to collect the cash from me.

Commissioner, could, up on the screen volume 3 come up just as an example page 46, volume 3. Is that your handwriting?---Yes, it is.

40 And on page 47, \$10,000 to Mr Goodman, is that your handwriting?
---Yes, it is.

And again, page 48, that's your handwriting?---Yes, it is.

And then page 49, the 50,000, page 49, I'm sorry, is that your handwriting?
---Is it 50 or 5, I'm not sure, I don't know.

Okay. Next one page 50, 20,000, your handwriting again?---Yes, it is.
Yeah.

Are these cheques that you were giving to Mr Goodman money that you were giving to him that came from the defrauded Jovane's money?---Yes. Definitely.

Okay. So the source of this money was the money that was stolen from Council through Jovane, correct?---Correct.

10 Okay. And then, Commissioner, could we go then to volume 3, page 51. Now these are amounts going to Ms Baccam at page 51, is that your handwriting there?---Yes, it is, sir.

And if we could just jump to page 105. That there is an amount going to Ms Baccam again under your handwriting. Is that correct?---Yes, its.

Just explain to me what is the word that appears under Marny, what's that? ---Sub or something. I'm not sure.

20 Subcontractor or - - -?---Maybe it was for the money but for subcontractor what I used it. Yeah, it could be.

Okay. But again shall be assume the money you were giving to Ms Baccam was money that you were giving to her at the direction of Mr Goodman? ---Yes.

And this was money that had been stolen from Council through Jovane Pty Ltd. Correct, is that right?---Stolen. I, I didn't intend to steal anything of the Council but - - -

30 You put in false invoices?---Yes. If it is - - -

And you took money - - -?---If it is that's stealing, yes.

Of course it's stealing?---Yeah.

You know that?---No problem.

You know that?---If you're staying stealing, yes, but I was - - -

40 Yeah?--- - - - giving that money to - it's not my money but I lend it to

We can call it stolen, we can call it theft?---Whatever you want - - -

Whatever you want to call it?---Whatever you want to call it, sir.

Okay. Now apart from Ms Baccam and Mr Goodman there was also at page 144, volume 3, Commissioner, if we could go to that, 1-4-4. There was this amount to Mrs McCormick?---Yes.

\$4,100?---Yes.

And who directed you to do that?---Mr Goodman.

Mr Goodman again. And again this came from the money stolen from Council?---Yes.

Thank you. Now in your records, that is Jovane Pty Ltd, did it put in tax returns?---Sorry?

10

Did Jovane Pty Ltd, do you know whether it put in tax returns?---I don't know. Probably they did.

I'm sorry?---I don't know but probably they did.

Well, you said that your son-in-law is the person who is the director of that company. Correct?---Yes.

You're not a director?---No.

20

No. So in terms of the payments of money that were coming into Jovane Pty Ltd, do you know how it was being recorded in the books of Jovane?---I don't know but I think that they pay the money. They pay the - - -

I'm sorry?---They pay the tax. I don't know.

You think your, you think your, your son-in-law – is it your son-in-law you said?---Yes.

30 Yeah. You think your son-in-law paid tax on money he never got?---I think (not transcribable) just the money for the GST. It was the money.

Well, what were you doing with your cut?---Sorry?

What were you doing with your money?---What do you mean my money?

Well, the money that was stolen from the Council what did you do with it? ---They were going in my account and I was giving back to Mr Goodman and whatever - - -

40

You gave it all to him?---Sorry?

Did you keep anything?---Sorry?

Did you keep any of the money - - -?---Yes, I did. As I say on the invoices I was loading another 20 per cent on the top of the money what Mr Goodman received from me for my tax, for my company tax.

So like - so you kept, you kept 20 per cent of the money that was stolen?
---20 per cent of the money but (not transcribable) invoice it – like if Gary,
say this week collect 40,000 off me.

Ah hmm?---I was going to put 20 per cent on top of that for the company
taxes and I was going to invoice the Council for that 40,000 plus GST.

That's very confusing. So let's, let's take this through the steps.
Mr Goodman would call you and say I need \$40,000 this week. Correct?---
10 It wasn't 40,000 in one go. Say it will be five, six, four.

That's okay. Let's say he - - -?---Or - - -

Okay?---Or if I give to Marny or - - -

Okay?--- - - - or to Mrs Cormick (as said).

Okay?---Say he, he borrow from me 40,000 this week.

20 He borrowed from you?---Yes.

Okay. So he borrowed from you 40,000 in one week?---And he will tell me
to - - -

This is an example?--- - - - invoice the Council.

Tell you to invoice the Council?---Yes. And I was telling him Gary, if I
have to invoice the Council I have to pay tax on that and I was, I was going
to put say 48,000 to a few invoices and plus GST to Jovane.

30 So what do you get out of it?---Sorry?

So what do you get out of it?---I was hoping to get more money back from
the money what I lend him before that.

THE COMMISSIONER: In other words you were chasing the money that
you already lent him?---Yes.

40 MR MOSES: So you were facilitating the theft of money from Council to
enable him to pay back to you, you hoped, money - - -?---Yes, I did.

- - - that he had loaned you. But, but you know that just sounds stupid don't
you. I mean let's, let's go, let's walk through this. You're saying that he - -
-?---Thank you for calling me stupid, sir.

Well, listen, sir. Focus on this. You say \$40,000 he asked you for. You
would then say to him okay, I'm going to write out an invoice for that
amount - - -?---He was going to tell me what to write - - -

Yes, that's okay?--- - - - on the invoice and how much it - - -

You, you write it out?---Yeah.

10 And then you give the money to him, is that right? Even though you had already loaned him money that he hadn't paid back to you, you are there giving him money that – and you are already owed money by him. That doesn't make sense?---I was, I was giving him money. After the money he was paying me through the invoices because I didn't have any money to give him more.

All right. So when did he repay the money – so you'd give him money that's stolen from Council and then would he give you the money back that was a loan that he owed you – how would he pay you the money back?---He would pay the money through the invoices.

I'm sorry?---Through the invoices he was trying to repay the money.

20 Okay. So the false invoices you would issue would include a cut for you as to the repayment of the money that he owed you?---Just for the company tax.

Well, what about - - -?---And the GST.

What about you just told the Commissioner that it was also part of the money to repay you, correct, do you recall saying that moments ago?---I was trying to repay – to get my money back.

30 Okay?---You understand what I'm saying?

So - - -?---But I didn't get – from 60,000 and at the end it come to – that he owes me 130,000 how, how – 132,000 how it can be that money back to me.

Let's go back?---How can I get the money.

Let's go back one step?---Yeah.

40 How much money did you borrow him?---At the beginning?

No, all up?---Before the invoices?

All up how much is the debt?---At the moment?

Mmm?---132,000.

Thank you. And at its highest how much was the debt?---That's the highest one.

Okay. So are you - - -?---Actually 134 and he returned me 2,000. That was after the ICAC investigation.

So are you saying to the Commissioner that you helped steal \$1.8 million from the Council in order to – your motive, your motive was so that you could be repaid and you’re still sitting here today - - -?---Yes, I do.

- - - still owed that same amount of money or higher?---Yes, I do.

10

Correct?---Yes, correct.

That’s your evidence?---That’s my evidence.

And you didn’t keep one cent for yourself out of the money that was stolen from the Council?---I didn’t.

Is that your evidence?---Yes, it is.

20

Okay. Do you want to stick with that evidence?---Yes, I do.

Okay. Now in relation to the other companies, let’s, let’s go through them quickly if we can. Alex Electrical invoices. I want to take you through some of those invoices. This is volume 3, page 12-15, Commissioner. If the witness could be shown those. Now those invoices that have just come up on the screen, these are Alex Electrical. Did you prepare those invoices?---Yes, I did.

30

Are they legitimate invoices?---Sorry?

Are they legitimate invoices, that is, was the work performed that is set out on the invoices, sir?---As I said before it could happen to be other Council work or in the houses.

Well, you don’t know sitting here today. Is that your evidence?---I, I can’t exactly tell you which one it was for the houses around or for the Council.

40

Okay. And who did you send these invoices to?---I think to Marny Baccam or to Gary Goodman.

Okay. So these invoices, and just so it’s noted for the record for the person representing Mr Goodman, these appear to be allegedly signed off by Mark Goodman. Did you ever come into contact with Mark Goodman?---Only once I met him and that was it but I never – I have seen him but I never worked together with him.

He never asked you to do work?---No.

So in respect of the work that you undertook that was always through Mr Goodman?---Yes.

Gary Goodman?---Yes, sir.

Or Ms Baccam?---Yes, sir.

Okay. And when is the last time that company put in a tax return?---I'm not sure. I have to look in my papers.

10

You're a director of the company?---Yes, I am.

When is the last time you put in a tax return that you can remember, sir?
---About that company I don't remember.

You don't remember?---About that company?

Yeah?---I don't remember.

20

Okay. What about Green Thumb Landscape and Gardening, if we could go to volume 10, Commissioner, page 35. Is that your handwriting?---Yes, it is.

And that sets out invoices for that entity. Correct?---Yes, sir.

And if you just go to the right-hand side it's got, "Plus Marny." Do you see that?---Yes, I do.

30

Is that for money, is that money that you gave her?---Yes, I did.

And what about Marny house, what does that say, 2,000?---That means I was working at the Marny house or I sent somebody to work down there.

And what's the next one, Suman's house?---Suman's house, yes.

Mishra, yeah, yeah. And Gary's house?---Yes.

Okay. And under there, "Done and sent." Done and sent to whom?---Yes.

40

Well, done and sent to whom?---The invoices, the invoices - - -

It says, "Done and sent?"---The invoices at the top, they are done and sent to Mr Goodman.

And are all those amounts that are on this page, are they all supposed to be for false invoices, that is for work that was not done for Council but you were getting money from the Council?---Yes, sir.

Thank you. Is that Mr Goodman told you to do that, sir?---Yes, sir.

Ah hmm. So it's all Mr Goodman telling you to do this. Is that right?
---Yes, sir.

Ah hmm. So you're stealing money from the Council?---I don't like that word, sorry.

10 Well, it is, it's theft. You're stealing money from the Council?---Okay.

You're stealing money from the Council for work that you haven't done for the Council because Mr Goodman tells you to do it. Correct?---Yes, sir.

Why would you do that?---Because the money that he owes me was big money for me.

20 But you're stealing more money from the Council than what he owes you and you're not getting a cent from it?---Because I was thinking that I will receive my money back.

Really. Okay. So if we then go to page 45, volume 10, this is an example of the account held by that entity, Green Thumb Landscaping, and you'll see there substantial amounts of money going into that account from Botany Council, in effect I think it's the sum of \$132,682, which is not far off from the money that you say he owed you. And is it your evidence to the Commissioner that all of the money that came in from the Council – and just see whether you want to stick to the same answer as before on the other company – are you saying in respect of this company all the money that came in that had been stolen from the Council, you paid out to Mr
30 Goodman, Ms Baccam or Mrs McCormick?---As I said, probably the money - - -

Ah hmm?--- - - - but I was keeping 20 per cent, they're not paid back to them.

Say that again?---The money for the tax - - -

Yeah?--- - - - and GST probably they're not paid to them.

40 Probably they are not?---Yeah, probably not.

When you say probably - - -?---You, you asked me - - -

- - - they, they were, they weren't?---You asked me this what happened 2014 and it was so many invoices it's very hard for me to remember exactly which one it was, sir.

Which one what was, they were all, they were all - - -?---What you're asking me, what you're asking me, are they all paid to them or it is paid for the tax or for the GST, it's very hard for me to answer, sir.

Hard to know which, which money - - -?---Yes.

- - - you kept and which money you gave to them?---Yes.

Mmm?---Definitely.

10

Yeah, okay?---Because so many invoices, it's very hard, sir.

Yeah, so many. Now, just remind me, sir, in terms of the entity Jovane, I think you said that's your son-in-law's company. Correct?---Yes.

Yeah. And what's the name of your son-in-law?---Jovan.

Sorry?---Jovan Gligorov.

20

Do you want to spell that for us, please?---J-o-v-a-n - - -

Ah hmm?--- - - - Gligorov, G-l-i-g-o-r-o-v.

Ah hmm?---I think. I, I, my English is not that perfect.

Ah hmm?---Sorry about that.

30

That's okay. And have you told your, have you told your son-in-law that you used his company to commit a fraud on Botany Council - - -?---No, never.

- - - to the extent of 1.8 million?---No, never.

No. So the first time he'll hear about this is after your evidence today. Is that right?---No, after the investigation, yes.

So you told him already?---After, after the ICAC.

Yeah?---Yeah.

40

What, what did you tell him?---That I was using company, his company for, to collect my money back from Gary.

To collect your money back?---Yeah.

But you've just told us that in fact you didn't collect your money back from Mr Goodman?---I didn't, I didn't.

You didn't. Mmm. Okay. How many employees does Alex Electrical have?---(not transcribable) you mean at the moment?

Yes?---Two, and including me, three.

Yeah. Has it ever had any more than that?---Sorry?

Has it ever had any more employees than that?---Yes.

10 How many employees has it had at the height of its operation?---I think four and I'm using subcontractors.

Okay. And how many properties does that company own?---None.

None. And so just to remind me then, the property where you conduct the business from at [REDACTED], that's a small rural property. Who owns that property?---My daughter and my wife.

20 Your daughter and your wife own that property?---Yes, they do.

Is that, is that where you live?---Yes, I do.

Mmm. Okay. And - - -

MR THANGARAJ: Sorry, could that be suppressed?

MR MOSES: Sure.

30 THE COMMISSIONER: Yes. The address will be suppressed under section 112.

Yes, go on.

MR MOSES: Thank you, Commissioner.

And Green Thumb Landscaping and Gardening Pty Limited, how many employees does that have?---None.

40 No employees?---No.

Ah hmm. Has it ever had employees?---No.

No. And that business also has, doesn't it, as its registered address, the [REDACTED] property. Correct?---Yes.

Mmm. And you can't remember when that company last put a tax return in too, I think you said. Is that right?---Yes, that's right.

Okay. And Iced Air MKD Pty Limited, that also operates at [REDACTED], that's its registered address?---Yes, it is.

Ah hmm. How many employees does that company have?---I said before, three including me.

Is that the same as Alex Electrical?---Yes, it is.

Thank you?---It's the same people.

10

Thank you. But just operating through a different company name?---Yes.

Okay. And Jovane Pty Limited, how many employees does that have?
---I don't know.

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

What does it do?---Ah, they're doing the optic fibre telecommunication, that's what I know.

20

And its registered address is also at [REDACTED]?---I don't know, I think so.

Well, it is?---Thank you.

Okay. And sorry, what did you say your, your son-in-law's name was?
---Jovan.

30

Okay. Thank you. And what's the name of your accountant?---George Markovski.

Where is he based?---In Bankstown.

And you've told Counsel Assisting he wasn't aware of the fraud that you were committing on Council when you were putting in your financial statements to him. Correct?---Yes, sir.

40

Okay. And you don't know for a fact what tax returns have been put in by Jovane Pty Limited?---I'm not sure I'm sorry.

So tell me, when you were keeping money for tax that Jovane was paying to Mr Goodman, where did you put the money for tax that Jovane had to pay?
---That Jovane (not transcribable) Jovane, to that account.

I'm sorry, say that again?---It was going to Jovane, to trust account, depends which one it was, yeah.

So it was going into the trust account?---Yeah, of, of Jovane, yeah.

Sorry, Commissioner, can we just go to volume 14 of the brief at page 20. Page 6. The bank account that was held by Jovane Pty Limited, was that at the ANZ Bank?---I'm not sure.

You're not sure?---I think so, yeah.

Well, the 20 per cent that you were keeping for tax, you say, and you tell the Commissioner this under oath - - -?---The 20 - - -

10

- - - where did the money go?---The 20 per cent of, when they were coming to Jovane they were going directly to Alex Electrical or Green Thumb or Iced Air.

Say that again?---Only, only the GST, only the GST money was staying with - - -

Jovane?---Jovane, yes.

20

And all the other money was being dispersed - - -?---Yes.

- - - into the other three companies?---Yes, sir.

And that money that was dispersed into the other three companies, you can't say for a fact sitting here today what part of it you gave to Mr Goodman and Ms Baccam and Ms McCormick and what part you kept, can you? You can't sit here today and explain with any certainty what money went to them and what money stayed with you, can you?---As I said, from the invoices when they were done for the Council it was 20 per cent on the top of the money that they were given - - -

30

I'm going to ask you a - - -?--- - - - that was kept for the company.

I'm going to ask you a question again, now. Of the money that was stolen from the Council you don't know for a fact, do you, sitting here today, you can't give the Commissioner an amount of how much you kept and how much was given to Mr Goodman, Ms Baccam or Ms McCormick, that's correct, isn't it? You can't say?---If I can see the whole figure we can probably calculate and then I can tell you, sir.

40

But you don't know, do you?---At the moment, I don't know.

No. Thank you. Sorry, you mentioned something about people who would pick up cash and cheques, who would pick up the cheques from you for Mr Goodman?---Many people.

No, many people, give us some names. Who were the people who would come to pick up the cheques for Gary Goodman?---Marny, Marny's sister and Gary - - -

No, one moment, Marny Baccam, Marny's sister, what was her name?---I don't know her name.

Well how do you know she was the sister of Marny Baccam?---Because I've seen her at the house where Marny lives.

10

Okay?---That I was working.

So Marny Baccam's sister, anybody else pick up the cheques for you?---Lately it was Sam - - -

Sam Alexander?---I don't know his surname.

20

Okay?---Raj, no, Akmol, Anmol, I think. The young, the young boy from Bangladesh or, no, no, no, no, he was from somewhere, Bangladesh or something like that. I'm not sure, I'm sorry.

Okay. And would Ms Baccam pick up cheques for Mr Goodman?---Probably. Many times, under, under the orders of Mr Goodman, yeah, she would come and I'll give her the cheque or cash depends.

What about the cash, the cash that you say you gave to Mr Goodman?---Yes.

30

How much are the amounts in cash you would pay him?---Sometimes it was 20,000 cash from my home.

How much?---20, 30,000, depends.

From your home?---Yes.

What you keep cash like that - - -?---Yes, I do.

- - - sitting at home?---Yes, I do.

40

And - - -?---When the customers they pay me in cash if I get them an invoice I keep that cash overnight or for a day or two (not transcribable)

So you would give him cash?---Cash, yes.

So you'd give him your own money?---Yes, I did.

You would give the man that owed you money, your own money, correct?---Yes, I did.

Okay. And would you give it to him in an envelope, how would you hand it over?---By hand.

By hand. Okay. Did you give cash to Ms Baccam?---Yes, I did.

Yes. How much? How much amounts would you give to her?---Sometimes three, sometimes four, sometimes five, depends on what Gary would've told me to give to her.

10

Would you ever give her the large amount of \$20,000 in cash to give to him?---I don't remember that I give her 20,000 when he send her but to Gary, I think I did once, 20, once. I get cash 22,000. They call me urgent, it's, it is urgent. I went to Bankstown ANZ and I put 22,000 because they needed it for the solicitor to give to Ms McCormick. It was happening many times.

20

So just to understand this. The cash would come from two sources, either money that you had at home with you or you would go to the ANZ Bank in Bankstown, is that right?---Yes.

And you would withdraw cash out?---Yes. And also, not just Bankstown, Chester Hill too.

Which branch?---Chester Hill.

What bank?---Chester Hill.

30

What bank?---ANZ.

Okay?---I borrow a few times (not transcribable) urgent from other people to lend it to him.

And who would you approach to give money to – were you lending money to him or were you giving the money to him?---I was lending it to him.

40

Well, see – I'm trying to understand this you see. You've told the Commissioner, this is becoming very confusing. You've told the Commissioner that the money that was stolen from the Council you were giving it to him, correct?---Lending it to him. Because he was - - -

Oh, you were lending – so the money you were stealing you were lending to him?---Yes.

Okay?---Because he was repaying me the money that I lended to him, he was repaying them to me through the Council and next day he's going to ask me to lend him more money. That's how all that was - - -

Is that your evidence?---Yes, it is.

Yeah. Okay. And apart from the four companies we've spoken about, do you have interest in any other companies?---At the moment?

Yeah?---No.

No. And how many properties do you own?---Me?---

10 Yeah?---Personally I don't own any property.

Personally don't own any properties?---No.

The [REDACTED] property were on the title for that property at one stage?---No.

Never?---Never.

20 No. And you own no other properties in your name?---Sorry?

You own no other properties in your name?---No, because I lost the money through the business in 2003, something like that. And I had to sell my share to my wife at the time because I wasn't able to, to get the loan.

Why was that?---Sorry?

30 Why was that?---Because three companies they went into liquidation, they didn't pay me and I lost 400,000 and I lost another 140,000 because I was (not transcribable) the money for another company for the lawyers.

Okay?---Yeah. I lost around (not transcribable) something like that and I couldn't, and I had to sell my share to my wife at that time.

Okay. Commissioner, if I could tender the folder of documents that I provided earlier.

THE COMMISSIONER: Yes, that folder is Exhibit R19.

40 **#EXHIBIT R19 - FOLDER OF ALEKSA SUBESKI DOCUMENTS**

MR MOSES: Commissioner, I don't think I need to do it now, but I'll provide to the Commission the three judgements that I refer to earlier during the cross examination of the witness as well, if it please the Commissioner.

THE COMMISSIONER: All right. Thank you. Mr Subeski, could I just ask you, you've indicated in your evidence that you saw the scheme

whereby you were to issue false invoices under Mr Goodman's direction as a way of getting the money back that you've already lent to Mr Goodman. And you went on to say that you kept lending him money because you felt sorry for him. Well, just a minute. My question is this. Didn't it ever occur to you at some point that he was not telling you the truth and that you were never going to get your money?---He was coming with lots of stories to me and I believed him of many of things. Like the first story it was that he's giving that Ms McCormick, helping Ms McCormick with money. He needed the money for the operation of her sister or her daughter, I'm not
10 sure in the Philippines and that they're going to return back his money when her husband's super will be released. That is around \$2 million, what he told me. And when I spoke to him lately he said oh, he's going to return even the money to the Council (not transcribable) and collecting them for me. That's what I did understand and I believed that I would collect my money.

Well I appreciate that he told you lots of different stories but we're talking about a period of two years that this, or longer that this dragged on and you're saying that at no stage did you become suspicious about all of this
20 money going to other people supposedly and none of it coming back to you?---I was (not transcribable) we had a few times arguments like when he was meant to call me and I was angry at him. I was telling him and again the next day I was, I was helping him.

Does anyone else have any further questions of Mr Subeski?

MR THANGARAJ: Just one question.

30 THE COMMISSIONER: Yes, Mr Thangaraj.

MR THANGARAJ: Mr Subeski, did any of the four companies do work at the airport, legitimate work at the airport?---Yes, they did. I said, Alex, Iced Air, and Alex Electrical, they did

And what did they do at the airport?---At the airport, inside the airport, no.

Well they did do - - -?---Replaced the air-conditions and the security lights and where the whatsaname is, where the offices are.

40 The offices, are you talking about the, are you about talking about Council Business Unit?---Yes, yes.

Yeah. Sorry. What I what I meant was - - -?---And also - - -

- - - the actual airport. Did you do any – did any of the four companies do any work at the airport?---No, never.

Okay?---Never.

So if there are invoices for Iced Air or Alex Electrical at say airport then they are false invoices?---Yes. They were probably done at the houses.

The private homes?---The private homes, yes.

All right. Okay?---Yes, sir.

10 Because of Mr Subeski's evidence I have not needed to play any of the numerous telephone intercepts between him and Mr Goodman however, for the benefit of the other parties a bundle of that material will be tendered in due course and put on the website. Given that he's not formally being released until Mr Goodman's position is clearer, the parties will have access to that and if any of them have any questions as a result, that can be asked.

THE COMMISSIONER: All right. Thank you. You have nothing Ms Sathanapally?

MS SATHANAPALLY: No.

20 THE COMMISSIONER: Thank you Mr Subeski you may step down. Whilst you're excused for today, I can't guarantee that you won't be asked to come back but we'll see how that goes.---Not a problem, thank you Commissioner.

THE WITNESS STOOD DOWN

[11.30AM]

30 MR THANGARAJ: Marny Baccam Commissioner.

THE COMMISSIONER: Just take a seat please Ms Baccam. Mr Johnson, has your client been told about the Section 38 procedure?

MR JOHNSON: Yes, and she does wish to raise that general objection, Commissioner.

40 THE COMMISSIONER: Right thank you. Ms Baccam, could I just make sure you understand the limits of the Section 38 order, it means that you are protected that use of your answers against you in any future civil or criminal proceedings but it doesn't protect if it should be found that you've given false or misleading evidence to The Commission because in that case, your answers could be used against you to prosecute you for an offence under The ICAC Act. Do you understand that?

MS BACCAM: Yes.

THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this

witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

**PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT
10 ALL ANSWERS GIVEN BY THIS WITNESS AND ALL
DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS
DURING THE COURSE OF THE WITNESS'S EVIDENCE AT THIS
PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN
GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO
NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT
OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR
THING PRODUCED.**

20 THE COMMISSIONER: Do you wish to be sworn or affirmed, Ms
Baccam?

MS BACCAM: Sworn.

THE COMMISSIONER: Could the witness be sworn please.

MR THANGARAJ: Ms Baccam, could you give The Commission your full name please.---Marny Baccam.

How did you obtain the job at Botany Bay Council?---I know Gary, I did have a (not transcribable) with Gary when I first met - - -

10 Sorry, can you just speak up or speaker to the microphone please.---I know Gary and then Peter Fitzgerald that's how I got a job in Botany.

How did you know both of them?---I went a Mounties Club one night, I met Gary there and then were friends since then and then I met Peter Fitzgerald through Gary and then they need someone to work in the airport and then so, that's why I go and try.

All right.

20 THE COMMISSIONER: Did you say you met him at the club?---Yes, Mounties.

MR THANGARAJ: Mounties.---Mounties Club, we went out one night and then Gary was there and so I met him there.

All right. Did you have an interview for your job?---Um, I have interview to meet Ryan, the manager of the Airport Business Unit that he only give me to try for one week if, for two week, if I can't do the job so I won't have the job.

30 All right.---So I did try with him.

And when did you start?---I actually start work 2006.

At Botany Council you're talking about?---Yeah.

40 And what was your role there?---At first I was doing only admin job like um, doing work schedule and then when the supervisor pulled the invoice and I just take to the council and then just filing all the documents, that's about it.

And why did you leave, you stopped working at the Council, you stopped working at the Council?---Yeah, because I was suspended.

And what was the reason for that?---Because of false invoice.

All right. How do you know Josephina McCormack?---We were friend and then we used to go out of a lot friends and I met her in the club, which is we

go for dinner then we were having gambling together and she end up owe we money, that's how Gary get to related to her. I lent her \$20,000 out of my credit card in 2013 and then because she show me that she had a cheque from her husband's super and then she will give me the money back and plus the interest. So I thought that I earn some money so I gave her the money.

And was she in Sydney when you gave her the money?---Yes, she was in Sydney.

10

How did you give her the money?---My credit card St George Bank.

THE COMMISSIONER: Do you mean to say that you withdrew \$20,000 - - -?---We do like a, bit by bit, she only come up with some story that she borrow money and I told her, you know, I told her she had her husband's superannuation money from \$1 million or something and then um, she would give me the money back plus the interest. So I thought I make some money, so I gave it to her bit by bit.

20 All right. Can you tell us, what was the interest that she was going to pay on the money?---She said that she will help me, she will give me 10% which is \$2,000 out of \$20,000 all in one bit or two bit, that's what she said.

Ms Baccam do you know what interest you pay when you withdraw cash monies on a credit card?---Well, at that time I wasn't think clearly, I thought that.

It's around about 17 % isn't it?---Yeah, that's right.

30 And she was going to give you 20% while you were paying 17 - - -?---20, 20%.

MR THANGARAJ: Commissioner, you might at cross, she said 10% within a week?---Yeah, even, she want to pay back in two, three week, that's what she said.

THE COMMISSIONER: All right. So she was going to give you the money - - -?---Extra money.

40 I see.

MR THANGARAJ: Did you any friends that also lent money to Ms McCormack?---Yes, Kim and then um, my other friend she had a massage(?) in Kellyville, she was calling me after I lent her money, it been going on for two years and all the problem and then she said she went to court and she win the money. She showed me the document, I really need \$3,000 today and you know, on Monday I will, I give, I give your friend a

cheque and then she can cash it and give her five hundred extra. And then I was - - -

Just slow down.---And I thought it was true but I saw the court document that she show me and then I went to my girlfriend and lent her money.

10 And how much did your girlfriend lend?---\$3,000 and Jenny was write a cheque out for \$3,500 and tell her to cash it on Monday. And then on Monday come and then my girlfriend went to the bank and there's no money in the bank.

All right. Now how was that money provided, was that cash or a cheque?
---Cash.

20 All right. Tell me about, tell us about Ari Landscape Solutions?---Yeah, at first, I was um, Malcolm Foo the supervisor at Airport I said, there's a tender in Centennial Park, Marny why don't you go and get it and then you know, if you don't know the job I can help you because there's good a money there because there's a cleaning and then, like a cleaning barbecues and toilet and then landscaping and then you have the contact and then you can have a job you can employ your brother and sister. I had a think about it, I thought it was good idea and then I set the company up and then I went to the solicitor and then I went and set the company up and the solicitor said, you can't form the company only person, you have to have the second person. I rang Gary, Gary I said I was to do this business with Centennial Park, can I put your name in, into the company and he said, yeah, which is I did.

30 Well, if you needed a second person, couldn't you have used one of your family members who was going to be part of the business?---No, I can't rely to my brother and to my sister because they are unemployment.

Are you saying that Malcolm Foo suggested that you - - -?---Yes, just me, yeah.

That you form a company and that you - - -?---If I have a company than I can put the tender in Centennial Park to get the contract to do some work.

40 Right.---Yeah.

Were Council employees allowed to have private companies which tendered for Council work?---Well, I was, I wasn't happy at work, if I get that thing I was (not transcribable) - - -

THE COMMISSIONER: No, stop, you have to listen to the question. It's not responsive to the question. The question was, does Council allow Council employees to have private companies that tender for work that is being - - -?---That time I wasn't understand, I thought I can.

MR THANGARAJ: Why did you think you could?---I just don't understand I thought that if you know, if I leave work then I can do some, some other work.

Sorry, were you going to stay at Council - - -?---No, if I get that tender I would leave work because I didn't earn much money anyway.

10 Right. What was the tender worth, do you think?---Um, cleaning the Centennial Park and then do some landscaping like watering all that yeah, cleaning up all the um, water (not transcribable)

How much did you think the company could tender for, what was the level are we talking?---Malcolm was telling me that he talk to Tony (not transcribable) about - - -

Sorry, spoke to who?---Tony (not transcribable) the manager at Centennial Park that about \$250,000 contract a year they're paying.

20 And did you, did Malcolm Foo tell you what he thought the profit might be on a tender of that level?---Yeah, he said I would earn, earn good money. He didn't tell me exactly.

Did you have an understanding of what sort of money you could make by doing that?---Well, if I employed my brother and sister they're helping me so I don't have to pay them that much because they live with me, yeah.

30 Yeah, but did you have an understanding of how much profit you would make?---150,000 a year, yeah.

150,000?---And the expenses would be 100,000, yeah.

All right. Did you – what sort of relationship did you have with Malcolm Foo at that time?---I worked with him in the Airport, yeah.

Did you know him before you worked at Council?---No, no. I work with him so for quite a few years.

40 Did you wonder why he was suggesting this to you?---Because he think that I can do it.

Well, what did it involve, did it involve just labour, did it, watering and cleaning?---Only labour there, only labour, only just make labour, yeah.

So no skilled work?---No. That's why if I had this company set up as a landscaping, maybe I can put a tender in, but at the end they don't, I don't have (not transcribable) get it anyway, didn't happen.

Sorry, why, why did you – did you put in a tender?---No. I (not transcribable) because Malcolm said to me that when Tony Gander tell you to put a tender I will tell you, and then it didn't happen because Malcolm didn't think that I didn't have, you know, whatever, I didn't have experience enough so it wouldn't – "I don't think you'll get the tender," that's what he told me.

10 Sorry, are you saying that he suggested that you put in a tender and he also said he didn't think you had the - - -?---When he talked to Tony Gander he said that Tony Gander didn't get back to him and he said that I haven't heard from Tony Gander, I don't think you get the, you're good enough to put in a tender, so that I let go, I don't think happened, yeah.

THE COMMISSIONER: Ms Baccam, this was a tender for Centennial Park, was it?---Yeah, ah hmm, yeah.

Landscaping?---Landscaping and cleaning.
And cleaning?---Yes.

20 You would have to have heavy machinery to do that work, wouldn't you?
---Yeah.

And you would have to have labourers who were skilled in landscaping, building retaining walls?---At first it was only to clean all the toilet and then the barbecue and all that.

30 So it was just a cleaning contract to start off with?---And, and, yeah, and cutting and watering the trees and all that, but it didn't happen anyway because I didn't have experience.

MR THANGARAJ: Well, I understand it didn't happen, but I'm wondering if what you're telling us is the truth?---Yes.

Are you saying that the cleaning contract and this work that you're telling us was valued at around a quarter of a million dollars per year?---Yes, it is, yeah.

All right. And - - -?---That's what Malcolm told me.

40 And it could all be done without any equipment, could it, the work you're talking about?---Well, at first if I got the contract Gary said that he would help me to do it.

Sorry?---If I get the contract he said he would help me to do it.

Who said he would help you?---Gary.

Well, when did you talk to him about that?---Well, I talked to him when the time that I was ringing him, I was telling him that I need to set up a company to get a tender for Centennial Park.

Yeah?---And he said that is good idea, he said, “If you need help I will help you.”

Well, what did you think you needed to be able to tender for that work?
---Well, I don't understand but because I listened to Malcolm, he told me, so
10 --- -?

But what were you going to do, you and your brother and your sister were going to perform - - -?---Yeah.

- - - a quarter of a million - - -?---Yeah, and Malcolm, he, he actually work in Centennial Park, he knows all the job, he told me that, you know, I can help you.

THE COMMISSIONER: Ms Baccam, have you been to Centennial Park?
20 ---Yeah, I've been.

You know there's a lot of toilets there, don't you, and bathrooms?---Yeah, a lot, yeah, yeah.

And the three of you were going to take on a contract to clean all the toilets, were you?---Well, if we need it I have to employ somebody else, yeah, because we have to work seven days and I - - -

Well, did you have any idea how many people you would need to carry out this contract?---But, well, I didn't understand, that's why I just why I just told, you know, if I get it would be good money.
30

What you're telling us is that it was never a serious proposition. What you're telling us is that this was really a company that was set up - - - ?---That's why, that's why - - -

Excuse me, let me finish. You are telling us that this was a company that you set up, you knew nothing about the number of people you would need, you knew nothing about the kind of machinery you might need, you knew nothing about the scope of the - - -?---I know a little bit - - -
40

Let me finish. You knew nothing about the scope of the works that were to be undertaken, you never put a tender together, you never sought any help from anybody such as Mr Goodman, even though he offered it, and you never went anywhere with it. It was just a waste of time, was it?---Yeah, that's right.

Right.

MR THANGARAJ: And Mr Foo ultimately said to you, well, you're not qualified to do it anyway?---Yeah, I didn't get.

Well, are you sure that Ari Landscape solutions wasn't set up by you in order to run false invoices through the Council?---No. At first it wasn't, it was for Centennial Park and then it, it (not transcribable) and it come to desperate that Gary had to send this money to Philippines for Jenny all the time.

10

All right. We'll get to that, but what I'm asking you is, between the time that Malcolm Foo first spoke to you, you say, and suggested this, how long was it before he told you you would not get it?---Well, it'd been a while because Malcolm said, oh, I talked to Tony Gander already, he will ring me, he will ring, and then - - -

Sorry, did he speak to Tony Gander - - -?---Yeah.

- - - before he raised it with you or after?---Before, before.

20

Right. And what did he say, what was - - -?---And then he said - - -

- - - the first conversation you had with Malcolm Foo about this?

---And Malcolm said, "You have to have the company to do it, otherwise you can't put the tender."

Let's just go back to the first time that Malcolm Foo raised this with you. What do you say that he said?---I said, "Well, is good idea, maybe I should do that," that's what I told him.

30

No, no. What did he say to you, the very first time?---He said, "Oh, Marny, do you know in April, sometime in April there will be tender come up in Centennial Park for the cleaning and watering and/or in Centennial Park and he contract is going to be 250,000 a year, you should get the contract and then you can do some work and employ your brother and sister."

So he said you had to put in a tender, did he?---Yeah, had to put the tender.

40 What, and he told you what figure to put in, did he?---No, he, he didn't say what figure but he, he said that you have to own the company to put the tender in.

No, no, I know you're saying that, but the whole point of a tender is, you put it in and the levels will be - - -?---They would choose it - - -

- - - considered?---- - - anyway, which company, is a few company to put the tender in anyway, I know that.

Sorry?---They would pick whatever company will suit that. At first I didn't understand, I thought that if you put the tender in you would get it at the end, they got a few company put it in and if you're not good enough, they have to choose it.

So they were going to consider whether you were good enough, were they?
---Yeah.

10 So how would you show anyone that you were good enough to do any of that work?---Yeah, what happened is, I can't show it because I only just have a new company and they want the experience job, they want to see the bank statement that whatever you done some work before, so I didn't have that sort of thing then I said, no, I, I didn't - - -

Malcolm Foo had been at the council for some time by this stage, hadn't he?
---Yeah.

So had you?---Yeah.

20 You knew full well that if a quarter of a million dollar tender was going to be provided, Council would want to use someone who had done this before?
---Yeah, that's right.

You knew that before. If anyone had raised with you, you would have known that immediately?---I've got to take my chance to do it, maybe I get it, so that's it, yeah.

Well, Ms Baccam, in light of that evidence I suggest that what you've just said did not happen - - -?---Yeah.

30 - - - and that in fact Ari Landscape Solutions was set up in order to put false invoices through Council?---After that we did, yeah.

THE COMMISSIONER: No, that's not what's being put to you. It's being put that none of this explanation that you've given is credible and that you and Mr Goodman set up this company for the sole purpose of allowing false invoices to go through it for your own and his financial benefit. That's what's being put?---No, not at first, it wasn't true at all.

40 MR THANGARAJ: All right. Well, when you went and saw the solicitor and you set up the company - - -?---Yeah.

- - - how long did it take for the company to be set up, did he do it immediately, within a couple of days?---Can't remember exactly, probably two weeks.

All right. And then in that time you didn't ring him and say, don't worry about it, right, I don't need this company anymore. So - - -?---No, that time I didn't, I haven't heard from Centennial Park.

Well, that's what I'm saying. So how long before you heard back from Malcolm Foo? I think you said it took you some time before he got back to you and said don't worry about it, how long was that?---Ah, I can't remember actually. It happened in March or April, I can't remember, so
- - -

10

Yeah, but was it – are we talking about a few weeks or a few months, how long before you decided Ari Landscape Solutions would not be able to do this work because it would not get the tender?---I think only just after one week or something that Malcolm come and tell me that I don't think you can put a tender in.

Yeah?---I wasn't sure, I didn't, because Tony Gander said that you have to have all the bank statement and what you've done work before and what, that's what he said.

20

All right. Well, how long was it after that then that you decided to put the false invoices through for Ari Landscape?---I can't remember. (not transcribable) Jenny McCormick for a while and Gary said he need to send the money to Philippines.

Yeah?---And then I said no. Gary (not transcribable) I need you to make up the invoice, I need the money to send up to Philippines. I used to argue with him a lot that I don't want to.

30

Yeah. That's not – we'll come to that but what I'm asking you is from the time that you decided not to go ahead with Ari Landscaping how long was it before you decided to do the false invoicing?---I can't remember. I'm sorry, I can't remember.

Well, when you - - -?---Just I have been so stressed I can't think.

When you decided that there was no point putting in a tender did you ring the solicitor to say don't worry about it anymore?---No, I haven't gone to the solicitor to put the tender. I was going to - - -

40

No, no, no, not the tender, the setting up of the company. You had a – you told us you used a solicitor to set up the company?---Yeah.

He told you you needed a second person. You say that's the reason why Mr Goodman became involved or with respect - - -?---I only know after – I think I only know that and I didn't put a tender in after I done the Ari Landscaping already set up one week I think.

So the false invoicing just happened to start within a week or two of Ari Landscaping being set up?---I can't remember (not transcribable)

Well, I'll give you some dates?---I think so, yeah.

See the company was set up on 9 September, 2014?---Yeah.

Your first false invoice was dated 18 September 2014?---Yeah, not long, not long after I know from (not transcribable) yeah, that's right.

10

THE COMMISSIONER: How did you work out which firm of solicitors to go to for the purposes of setting up this company?---I just look at whatever company or solicitor I just go because I thought any solicitor can do this.

What, you just chose one at random?---Yeah, in Fairfield near where I live.

And you paid the solicitor money to do that, to set up the company?---Yes. Yes.

20 How much did you pay the solicitor?---I can't remember. 800 and – I think it's \$880. I'm not sure exactly but it's about around that.

And did you pay all that money?---Yes.

Yourself?---Yeah, myself, yeah.

MR THANGARAJ: By this stage you'd already sent the 20,000 to Jenny had you?---No. This was – Jenny owe me before all this happen. That what I'm saying?---Since 2013. Yeah.

30

By the time – all right?---Yeah, yeah.

The solicitor was John Fasha?---Yeah, that's right, yeah.

F-a-s-h-a was it?---Yes, yeah.

At Fairfield?---Yeah.

40 All right. Now you were owed \$20,000 from Jenny. Your girlfriend was owed money from Jenny at this stage still was she?---Sorry, what, what do you mean?

At the time you set up Ari Landscape Solutions Jenny owed you \$20,000? ---Yeah, already.

Is that right?---Yeah, yeah.

She owed your girlfriend some money?---Yes.

Did you – did Mr Goodman know Jenny at this stage?---Yeah, he knows that – he know, he know quite well, yeah.

All right. Has he lent – do you know whether or not he had lent her money by this stage?---Yeah. I, I know he lend her money but he helping her and then I don't know exactly but I know – I don't know, I don't know exactly how much or anything in that stage, yeah.

10 Well, I know you don't know exactly but how much did you understand roughly Mr Goodman had given to Jenny or lent to Jenny or her family before Ari Landscape was set up?---I don't know because Gary doesn't tell me exactly.

Okay. How much did you understand?---Would be quite a lot I believe.

What does that mean?---I'm not sure, you know, because Gary never have -
- -

20 50,000, 100,000, 10,000?---Probably 100,000 already I think.

Okay. So by the time Ari Landscape was set up, between you and – sorry, let's go step by step. Ari Landscape, the directors were to be you and Mr Goodman. The false invoicing started about a week later?---Yeah.

By this stage between the two of you, you were owed over \$100,000 or around \$100,000 by Ms McCormick, by Jenny?---I only lend Jenny 20,000.

30 Yeah, I know. I said between the two of you?---The rest is Gary.

Yeah. Between the two of you, you were owed a lot of money by Jenny at the time Ari Landscape was set up?---Yes.

Right. Ari Landscape had two directors, you and Gary. Is that right?---Yes.

The false invoicing started a week later?---Yes.

40 And you had this hopeless prospect of a tender that you were unqualified to provide - - -?---Yes.

- - - at Centennial Park?---Yes.

All right. Now Ari Landscape did no work at all for Council did it?---No.

And did you tell anyone at Council that you and Mr Goodman were the owners of the business?---No.

Was Mr Goodman an owner of the business or just a – or the name or just a director?---Together I think. I'm not understand.

Well, it didn't make any difference anyway did it?---Yeah.

All right. So you started putting invoices through Council for payment for Ari Landscape?---Yes.

10 Where did the name Ari come from?---Just set up, yeah, just the name.

All right. All right. Well, I'll come back to that. But about \$195,000 ultimately went through Council, right?---Yes.

All of it was false?---Yes.

And all of it was shared between you and Mr Goodman?---Yes, yeah.

20 All right. Now what was the process with preparing the invoices?---I prepare the invoice, yes.

And how did you – and what did you do with them?---And email to Gary or bring it to the Council.

So you either emailed it or hand delivered it did you?---(No Audible Reply)

Now who decided what went onto the invoices?---Sometimes Gary would say you do it or sometime he tell me.

30 No, who decided what went into the invoice, so the description of work for example, who would decide that?---Sometime I decide, sometime Gary decide.

All right. And what about the dollar figures?---Well, in that stage I borrow money everywhere from Gary. Sometime it would go on the (not transcribable) because he had problem with sending money to Philippine. I don't know exactly what he do with the money and I believe he send it all to Jenny because he doesn't tell me exactly.

40 Yeah, that's not – I'm not too worried at the moment about where Mr Goodman may or may not have sent his share of the money. I'm asking who decided how much would be on each invoice?---Gary.

All right. Now we know that you put through invoices for Ari Landscape. What about Garden, any company with the name Garden in it?---Garden what, I'm sorry?

Did you put any invoices through, did you put any invoices through for any other company besides Ari Landscape?---No, no.

All right. I'll come back to that. Did you do anything – did you or Mr Goodman do anything to cover up what you were doing, did you do anything – did you destroy any documents or delete any emails?---Yeah, some of them I deleted, yeah.

What did you do?---I – after I send it I delete it, yeah.

You delete the emails?---(No Audible Reply)

10

Right. And what about the originals of the invoices, what did you do with those?---It's only the Council got the copy of it and I didn't keep a copy.

Yeah, but you destroyed the originals didn't you?---I – no, it was only printed one out and then sent it.

All right?---Or I sent it by email. I didn't print it out to keep it.

20

Did he ask you – did Mr Goodman ever ask you to put your stamp on these invoices?---What is - - -

Put your stamp on them, what does putting a stamp on it mean?---Yeah.

What does that mean?---Stamp?

Yeah, stamp, put your stamp on them, did you ever - - -?---Yeah, to prove to pay, yeah.

30

Okay. So you put on a stamp - - -?---Yeah.

You stamped on the invoice - - -?---Yes.

- - - approved to pay?---Yeah.

And then did you sign it?---At first I sign a few and then at the end Gary signed it.

All right. So what it meant was you printed out a document?---Yeah.

40

You then stamped it. It looked like it had been properly approved?---Yeah.

And then you scanned it and emailed it to Mr Goodman?---Yeah, that's right, yeah.

What did you do with the original?---I don't keep it.

Okay. So you destroyed the originals?---Yeah.

All right. Now with respect to the 195,000 what happened to that money and I don't mean what did Mr Goodman do with his share but the invoices went in, which account did they go to, where was the money paid?---To the Ari Landscaping account which because I had access to it.

Okay. So you set up a company – a bank account for the company?---Yeah, like that.

10 And you did that when?---I think after that the, the – I got a document to prove that to be a company.

Right?---Yeah.

And then you used those details to set up the bank account?---Yeah.

And who had access to that account?---I did.

And did Mr Goodman have access to it?---No.

20 Okay. So the money went into that account and then what would you do with that money?---I would go into the bank and withdraw and give some to Gary and then I keep some.

Okay. So the withdrawals were all cash, were they?---Yes.

Was there any electronic transfer of money or cheques written against the account?---No, no.

30 Okay. Now what about you approving invoices, did you approve invoices for Jovane Pty Ltd?---I can't remember. Sometime ago Gary was emailing me the invoice. I pay so many invoice, maybe thousands of invoice, which is my job. I can't remember exactly, I think I remember Gary emailed me three invoice at first, what money it is I can't remember and then I rang him up, what is this invoice and he told me just pay it. And then I did pay it, that's about it. I don't know anything at that time. I just thought it's normal invoice for Council to work or whatever, I don't know at that time.

40 Well part of your job was to put through the payment, was it? If an invoice came to you was it part of your job to actually pay it?---When the invoice was emailed to me or emailed to Mark or emailed - - -

No, I'm talking about generally. A general - - -?---Yes, yeah.

Yeah. Sorry. Okay, sorry?---Yeah. I, Mark would approve it and I put through the – I processed the invoice, yeah.

So when you say processed what does that mean, what were you doing?---I put the order, I fixed, if the order number was not right I fixed the order

number and then I put in the system and then send it to the Council that Sharon would pay that.

And someone would then pay?---Yeah.

So your job was to say this is ready to pay?---Yeah. Yeah, that's right.

And whoever received it they didn't look at it anymore they just paid it? ---Yeah, because, yeah.

10

All right?---Because most of the time it would be approved from Mark or Mark (not transcribable) job or Chloe, most of the invoice, yeah.

So generally you would receive an invoice that had been approved by someone - - -?---Yeah. The supervisor.

And then and you would check some numbers?---Yeah.

And then send it off to - - -?---Yeah. To the Council, yeah.

20

For payment, all right. Now did you have any authority to approve invoices?---Before no one ever tell me that I have approve or no approve. Since I've been working there I'm the one who paid the invoice, I'm the one who signs. Since Peter Fitzgerald and then Mark Goodman came along and then I think sometime last year Gary was authorised you're only allowed to sign invoice under \$2,500. But since I working there no one ever tell me (not transcribable) I'm the one who do the job.

30

Well what was the highest invoice that you think you approved, actually stamped and approved for payment?---Sorry?

What was the largest invoice that you ever approved?---It's probably under 10,000. If big amounts I have to get Mark or Peter John one of my ex-boss to sign it, to approve it.

Right. And did you know, did you, were you told that you could approve invoices up to a certain figure?---Yes.

40

And what figure was that?---Only last – only 2004 figures were 2,5000, yeah.

All right. Were you told at some stage that you could approve invoices up to - - -?---But before then no one tell me, I would sign 10,000 but more than that I have to go Mark or - - -

All right. Were you ever told by Gary Goodman that you had authority to approve invoices above \$10,000?---No, no. I never have any approve to do

all that. Since I worked there I don't know my job, all invoice come, I'm the one who pay and the one who sign (not transcribable)

Were you approving then invoices for Jovane above \$5,000?---At one stage I was, yeah.

10 Okay. And how much was that?---I can't remember. I can't remember. I think it's about maybe two or three invoice, I seen it at first and then I rang Gary, what is this invoice, you know. He said just pay and then I did, that's it. I can't remember exactly, no.

Right. When you say "just pay it" does that mean approve it and send it off?---Yeah. Approve and send off to the Council, yeah.

All right. So a few times you approved invoices for payment for Jovane?---Yeah.

But you can't remember how much they were?---Yeah, no.

20 How does someone identify the fact that they approved it? Do you put your initials on it, or sign it or have a particular stamp?---Yeah. I sign with my name, yeah. I sign with my name.

So if an invoice has your initials on it or you signed it that means you approved it, did it?---Yeah, yeah.

30 So that might just be an MB type thing or it might just - - -?---No, Marny. I always said Marny, Marny. I put my name in Marny and then you know when I put the invoice. I didn't even sign I just put my name Marny.

Typed or handwritten?---Yeah.

Which one?---Right hand.

Handwritten?---Yeah, hand written, yeah.

40 Okay. And then you would scan it would you?---I don't scan it I have to send original one. I copy it and I keep it in my file and then the original I have to send the Council to pay. I send it to Sharon.

Right. And what if an invoice has MB written on it, what would that mean?---MB, I never sign MB, I don't think so.

No, typed?---I can't remember.

MB typed on it?---No, I never.

Okay. All right?---I never type.

Okay. I'll show you something in a bit, a bit later. Apart from those few for Jovane, did you approve any other invoices?---I sign all the company who come through the airport. There's a lot of company, a lot of invoice. I sign approximately maybe more than a 100 invoice a week.

All right. I should've clearer. Did you approve any other invoices that you knew were false?---(No Audible Reply)

10 I mean when Mr Goodman asked you to approve Jovane specifically - - -?--- That time I don't know exactly what it's all about, no, that time.

Were you concerned that they were – well let's, I'll go back a step. The invoices for Jovane that you approved, was that after Ari Landscape had started putting in false invoices?---I can't remember, I think before, I'm not sure.

20 Okay. But you knew at some stage didn't you that the invoices coming in from Mr Subeski were false invoices?---Yeah, some of them I knew, yeah.

And you knew that - - -?---I only knew – but I don't know about Jovane. At that time I don't even know what company about Jovane.

Well, you knew invoices from Alex - - -?---Yeah. I knew some of them - - - - - were false invoices, didn't you?---Some of them, yeah.

And when did you first learn that, do you say?---What do you mean, sorry?

30 When did you first know that Alex was putting in false invoices?---I can't remember exactly. Because every time I see that invoice I would ring Gary. Gary what is all this invoice? And he said, "Don't worry, just pay it". I presume he's my best when I did it.

All right. So when you ring Gary, when you saw what on the invoice?--- When I see some invoice that been emailed to me which doesn't go through Mark and I rang Gary and I said "Gary, what is all this invoice"? And he said "That's all right, pay, just pay".

40 All right. Okay. So the genuine invoices were supposed to come through Mark Goodman, were they?---Yeah. Sometime come through Mark, sometime, before it all come to me and then when Mark become a manager it come through Mark. Because Mark said they come through him, yeah.

So it came through Mark Goodman to you?---But some invoice it came to me direct, yeah.

From who else?---From Gary or from – sometime Alex would send me the email, yeah.

Alex?---Yeah.

So any emails that – any invoices that came to you from either Alex, and you knew it was Alex Subeski, didn't you?---Yeah.

You knew the name?---Yeah.

10

Any invoices that came from Alex Subeski directly to you or from Gary Goodman directly to you, you understood they had not come through Mark Goodman?---Well, if Gary tell me to pay, I pay.

No, no, no. Well we'll get to that. Sometimes Mark Goodman sent you invoices?---Yeah.

Other times Gary Goodman did?---Yeah.

20

And other times Alex Subeski did?---Yeah.

So if it was coming from Alex Subeski or from Gary Goodman you knew it had not been approved by Mark Goodman, didn't you?---Yes.

Right. And you knew that Alex Subeski was putting in false invoices to Council, right?---Well, Gary told me just pay.

No. I know why you paid?---Yeah.

30

But you've us – you agreed a few minutes ago that you knew that Alex Subeski - - -?---Yeah. I knew, yeah.

- - - was putting in false invoices and you can't just put it in as an individual - - -?---And Gary told me not to show to Mark.

Yeah. Okay. Well, all the more reason, if Gary Goodman said don't show Mark - - -?---Yeah.

40

- - - you knew there was a problem with it?---Yeah. That's right.

And the fact that it was coming from Gary or it was coming from Alex, you knew that Alex Subeski invoices were false invoices, right?---(No Audible Reply)

And that's why you rang Gary and he said just pay it?---Yeah.

Okay. So you knew that you were submitting false invoices when you put in invoices that were Jovane or Alex Subeski, didn't you?---Yes.

Right.

Right. When you were asked, you came here in some a couple of months ago to asked some questions privately and I'll ask for a suppression on this to be lifted at page 225 line 41 to 226 line 5.

10 THE COMMISSIONER: Yes, the Suppression Order under Section 112 made on that occasion is lifted to the extent of the indicated portion of the transcript.

SUPPRESSION ORDER UNDER SECTION 112 MADE ON THAT OCCASION IS LIFTED TO THE EXTENT OF THE INDICATED PORTION OF THE TRANSCRIPT BEING PAGE 225 LINE 41 TO PAGE 226 LINE 5

20 MR THANGARAJ: And you were asked, have you ever submitted invoices, false invoices to Council in any other company's name other than Ari Landscape Solutions?" The question was repeated and you said, a couple of times you said, "No." That wasn't correct was it? You were not telling the truth when you answered that question?---I can't remember what other company (not transcribable) which is Ari Landscaping.

Well, we've just been through Jovane and Alex Subeski.---Yes.

30 You knew at the time that you submitted those invoices that they were false, didn't you?---I knew it after but it knew it before, yes.

Right. All right.

THE COMMISSIONER: Ms Baccam, when Mr Gary Goodman said, "Don't show it to Mark," this is before you've approved the invoice for payment, you knew that meant that it had to be a false invoice because Mr Gary Goodman didn't want Mark to see it?---Yeah.

So you had to have known at the time that it was a false invoice?---Yeah.

40 All right.

MR THANGARAJ: Which means when you came and answered the question I've just read out, you deliberately lied about that, didn't you? --- (No audible reply)

The question I just read out - - -?---I didn't, at first I didn't know about Jovane because Gary was hiding to me until all this investigated and I heard all about it then I know. Before I never actually knew it, Gary just said, I

swear I didn't know about Jovane at first. Gary didn't tell me. I know about it as (not transcribable) that's about it. And then when Gary tell me to sign and I did sign it and then after all this investigated, I heard about Jovane, I didn't even know. Only a few invoice came to me, only may be three, I think at long time ago.

All right.---I can't remember exactly what, how many invoice.

10 Can we play a call session number 1224 please.

TELEPHONE CALL 1224 PLAYED [12.12PM]

MR THANGARAJ: All right. Now - - -?---That's only time I saw that invoice, yes.

20 Whether it's one or more at the time when you signed an invoice or invoices for Alex through Jovane you knew that they were false invoices, didn't you?---Yes.

All right. All right. Now Gardens2envy, who are they?---Um, there's a guy who had a contract in airport.

Who was the guy?---Robert, doing all the gardens in the airport.

30 Now, were you putting in any false invoices with the name Gardens2envy?--I can't remember every - I talk to Robert that it was all - I think three time I don't know because Robert tell me to put in. Three time, yeah, three invoice because he'd been working there he got a contact - - -

Sorry, Robert who?---I think he's the guy who own the Garden Envy, his name's Robert I think.

Do you know his surname?---No, I never knew his surname.

All right. Is it Robert Floudas?---I never heard of his name.

40 You never heard of him, okay, all right. So what did he say?---Yeah, I did, I put (not transcribable) he said to put to his invoice, yeah, I did.

So this is another example is it, of an invoice coming directly to you, not from Mark Goodman?---No, most of the thing would come through Mark. I only sign the Garden Envy invoice just when Mark not there.

Okay. So what are you saying, did Mark Goodman ask you to do it?---No.

To sign the Gardens2envy invoices?---Well, when he's not there, I send it to pay because he had to pay every week.

Right. So why was Mark Goodman not there?---Sometime he would be go missing and all that, usually Tuesday I have to send the invoice, yeah, I only Tuesday I sign.

Right. But why can't you wait for him to, I'll go back a step. If he wasn't there, are you saying you approved the invoices?---Yes.

10

Well, then what if it was a \$50,000 invoice?---Well if, if \$50,000 I wouldn't sign, I leave it for him.

Right.---But only this um, only this Garden Envy because he need to get paid because he didn't have much money which is Mark know about it, he got to get pay every week and I only have to take the invoice every Tuesday to Sharon if they pay Tuesday she won't do it because they close on Wednesday morning and then he won't get paid.

20

All right. Did you have any role in preparing the Gardens2envy invoices? ---Yes.

What did you do?---Um, he put yeah, whatever like a, some job that he done he not done and I put through, yes.

Beg your pardon.---Yeah, I put false invoice through that.

You put false invoices through Gardens2envy?---Yeah, and Robert know that.

30

Right. And sorry and Robert - - -?---Know.

How does Robert know?---Because I told him.

What did you talk to him about?---I said I put through the invoice - - -

Can you just speak up sorry.---Because some time he put, one time he was buying all the garden things from me so I could put through them, yeah.

40

Sorry, can you just tell us the conversation.---He buy all the gardens thing.

He bought equipment did he?---Yes.

And - - -?---And he put the invoice through us, yes.

And what was the description of the invoice?---I can't remember it said supply um, labour and material, yeah.

Right. Supply labour and materials?---Yes.

So it sounds like supplying things that you're using like soil or something like that or flowers but in fact he was buying equipment to keep for himself, is that what you're saying?---I don't know, no, he didn't keep for himself um

10 Who kept the material, who kept the equipment?---He only just, just say because the invoice wasn't true so he had to put that yeah, we put that, yeah.

So, okay, you told us you put through false invoices for Gardens2envy, what was false about it?---Because when, when he buy some, sometime he would buy some pot or plant and then I did ask him and then I put the invoice through, yeah.

Right. But what was the false part?---The false part because he didn't go to the Council and I'm using that, yeah.

20 Oh sorry. So he would buy, he would as you, he would buy pots or plants to use on other jobs but he would bill to Council?---Yeah.

Right. And what did he say to you, why did you believe that's what was happening?---Well, I don't know I just believe because he got the invoice come through (not transcribable) vegetable because he work there, I don't know how many years and Malcolm said that's all right, you know, to pay this to pay that and it's up to the supervisor as well, I just pay.

30 Sorry, let's just go back a step. Did you prepare invoices for Gardens2envy?---Yes.

All right. You had Gardens2envy invoice template in your email didn't you?---Yes.

And so you could prepare one whenever you wanted to, if you wanted to, you could have?--Yes.

And that invoice was sent to you from, by Gardens2envy, the blank template was sent to you by Gardens2envy wasn't it?---Yes.

40 Who sent it to you?---Um, I can't remember her name now.

It was a lady was it?---Yeah, it was.

And why was that sent to you?---Because I'm the one who pay the invoice every week.

But why were they sending you a blank template?---Sometimes she was too busy. Send by mistake. She make too many mistake that, that lady. I can't remember exactly but she sends too many invoice wrong.

THE COMMISSIONER: Do you mean to say that - - -

MR THANGARAJ: She sent - - -

10 THE COMMISSIONER: Do you mean to say that you had a blank invoice template so that you could correct invoices that came in from them that were wrong?---Yeah, sometime I correct it for them because the amount is - - -

But you'd correct the original invoice you wouldn't need to do a new one would you?---I don't understand. I can't - - -

20 Ms Baccam, let me make it clear. None of this makes any sense. Why would you have a blank invoice template for a firm that was doing work for Council and that was submitting invoices with descriptions work on it that presumably only they would know, why did you need a blank template?---I can't remember what's that, I can't remember about the blank invoice.

You can't remember what?---I can't remember the blank invoice.

You've just agreed with Counsel that you had one?---Yeah, it was in my - - -

Now we're asking you why?---It was in my computer but I never - - -

Yes, why?--- - - - done anything with that.

30 We're asking why?---I don't know. I never done anything about it.

MR THANGARAJ: Did anyone from Gardens2envy give you money?---No.

Did they give to your knowledge Mr Goodman money?---I don't know. I don't know.

40 Well, what seems to have happened is you've - I'll show you some documents. That might make it easier. Volume 9, volume 9, page 40 please. 40. Who was the lady from Gardens2envy, do you remember her name?---I can't remember now, yeah.

Was it Lindsay someone - Lyndal sorry?---Lyndal, yeah. Yeah, Lyndal, yeah.

All right. Can you tell whether this invoice was prepared by you or prepared by Gardens2envy?---Prepared by Lyndal this one because she was doing garden in my house, yes.

She was doing the work in your house was she?---Yes.

So if it has MB on the invoice number does that mean that's you?---(No Audible Reply)

Right. So every invoice that has MB that's work that Gardens2envy did for you at your house?---Yes.

10 So it's not Council work?---Yes.

And there were quite a few. There's at least, I think there's about eight of those. Is that right?---Yeah.

So this is a series of jobs that Gardens2envy did at your house but the invoices that were prepared were prepared for Botany Council and you approved them did you, did you approve these?---Yes.

20 Did you tell Mark Goodman about these?---No.

Did you tell Gary Goodman about them?---He knows, yes. Some of them is – was buying the pot and things for him as well. He knows.

All right. So some of these were – these payments were either for you or for Gary Goodman - - -?---Yes.

- - - privately?---Yes.

30 And they're the false invoices you put through?---Yes.

All right. Who decided what sort of description of work would be put in there?---Lyndal would send it to me I think.

Supply of additional labour?---Yeah.

Supply of materials?---Yeah.

They're all very vague these documents, these descriptions?---Mmm.

40 Did Lyndal know that – to your knowledge did Gardens2envy whether it was Lyndal or Robert, did they know that this was your private house - - -? ---Yes.

- - - and not a Council house?---Yes, they, they went there, yeah.

They went there. All right. So did they know to your belief that Council was paying when it should not have been paying?---I think they know, yeah. I'm not sure.

Right. All right. How much do you think this added up to?---I don't know.

There was some money deposited into an account of yours by Gardens2envy?---Yeah, that time I was borrow Robert money. That's why. I was – I came back from Thailand I got problem. I even – because I wait for Jenny money to pay me back and (not transcribable) and I'm in trouble so I borrow Malcolm Foo money and I borrow Robert money, yeah.

- 10 So the money that you borrowed off Robert - - -?---Yeah. I think I remember borrow two - - -

- - - did you repay it?---I haven't paid yet \$2,000 and I haven't paid Mal yet either because I wait for Jenny money.

Can that document just be brought back up please for a moment. Did Malcolm Foo know about this – did he know that the Council was paying for private work at your house?---I don't think he know, no.

- 20 Why is his email address on the invoice?---I don't know. Because when he email to Malcom, Malcolm would give to me that did you do this job and that job? I said yeah, it's me so - - -

Sorry, sorry, what was that?---Malcolm would come and ask me that is that – this – did this job it belong to you? I said yes.

When you – belong to you, what does that mean?---It mean I, I did this job, I asked Robert to do this job, I approve it.

- 30 Are you saying that Malcolm Foo came and asked you effectively is this a legitimate invoice?---But some of the invoice Malcolm don't even see.

Yeah. I'm just, I'm just - - -?---They (not transcribable)

Don't worry about the other ones. I'm just asking about this one for the moment. It has his email address on it. It has Malcolm Foo's email address on it. Do you see that?---Some of invoice I can't remember. I don't know what - - -

- 40 Why is his email address on a false invoice?---I'm not sure.

Was this email to Malcolm Foo? It says bill to Malcolm Foo and it has his email address. Why was it sent to Malcolm Foo if this was - - -?---Maybe it belong to Mal because I don't know. Some invoice I pay I didn't know. I wasn't sure.

Look, Ms - - -?---I can't remember.

Ms Baccam, you and Gardens2envy had an arrangement where Council would pay - - -?---Only sometime.

Yeah. Council would sometimes pay for private work at your house and Mr Goodman's house, right?---Yes.

Was Malcolm Foo part of that, did he know about that?---Sometime he know, sometime he doesn't but - - -

10 What did he know?---- - - this invoice I don't know why it go to him.

What did – forget about this invoice. What did he know?---He know Robert work for my – at my job – at my house, yeah.

All right. And he knew Council was paying for it did he?---I think so, yeah.

You think so. Why do you think so?---I'm not sure that he know or not because I don't tell him.

20 All right. Can we play this 1-1-4-4-6, please.

AUDIO RECORDING PLAYED

[12.28pm]

MR THANGARAJ: Can we go back to the first page, please. Is this the situation. Mr Goodman's saying to you, "What deal have you done," because you set up your own arrangement - - -?---No.

30 - - - for false invoicing?---What happened is, I remember that now because Robert want to pay all this invoice and then Mark wasn't there, then I got, I got instruction from Mark, I put (not transcribable) and then Mark can't took it to Gary to get it paid (not transcribable) that's what the problems are. I remember this invoice. And when I saw the blower, whatever it is, the invoice come and I pay, I thought it was using for the Business Unit and then I find out later, that's why I tell Gary when they do this.

Do what?---"I already pay, why they order another one?" That's what I said to him.

40 Well, why did they order another one?---Yeah.

Why did they order another blower?---Yeah. I said - - -

Why did they?---I don't know because I don't use them because it's Malcolm, Malcolm's job.

All right. At the very end of that call, if you could go to the last page, when Mr Goodman said, "I think Mal wanted it himself," I think he's talking about the blower, what did you understand that he meant when he said, "I think Mal wanted it himself?"---I, I don't know that for fact because I can't get - - -

I know, we're not, I'm not asking you if you knew it for a fact, I'm asking you, this is a conversation between you and one other person, I'm asking what you understood by the last sentence in that call?---Yeah.

10

What did you think Mr Goodman said when - - -?---Yeah.

- - - you're talking about three blowers, you're asking why more blowers have been bought than necessary and Mr Goodman says, "I think Mal wanted it himself," what did you understand that meant?---Yeah, probably Mal wants it because he talk to Gary, he never talk to me.

All right. Did you understand that - - -?---Yeah.

20

- - - it was Mr – did you understand that to mean that he thought Malcolm Foo wanted it for himself privately?---Yes.

Right. So the reason why more blowers were being ordered than was necessary was so Malcolm could take one home. That's what you understood, is it?---Yes, I think.

Right.

30 Yeah, I'll tender those two calls. The first one was 1224, the second one, 11446.

THE COMMISSIONER: Sorry, 114?

MR THANGARAJ: 46.

THE COMMISSIONER: 46. Those two calls together will be Exhibit R20.

#EXHIBIT R20 - TRANSCRIPT SESSION 1224 & 11446

40

MR THANGARAJ: Apart from Mr Goodman and Mr Foo, was there anyone at Council that knew you were putting in false invoices through Gardens2envy?---I don't think anyone know, no.

Did anyone, anyone else at Council know that you were – that Council was paying Gardens2envy to do work and provide materials to you and Mr Goodman privately?---Robert and Lyndal, she was there, and I don't - - -

Anyone at Council? I'm not talking about Gardens2envy, did anyone at Council other than Mr Goodman and Mr Foo - - -?---I don't know, I don't know.

All right. All right. Now, how would you arrange – sorry, I withdraw that. When a false invoice was being put through for Ari Landscape, when would you decide to do it?---What do you mean?

- 10 Why would it happen, why would a false invoice be put through Ari Landscape?---It's what I said is he become desperate for money to send to Jenny and then Gary made me borrow money from people, he could not afford to pay back, then he told me to put invoice in and I pay people back.

All right. Sometimes you wanted to put in invoices as well, didn't you?
---Yeah, I do.

- 20 So does that mean that any time you or Mr Goodman wanted money and you thought you could get away with it, you put through an Ari Landscape false invoice?---Yes.

All right. And you would then decide how it was split, how the money was split for the invoice?---Depend what Gary need.

Yeah?---And then he give me whatever, yeah.

So depending on what he needed, depending on what you needed, you'd put through false invoice?---Yeah.

- 30 And you would determine who got how much?---No, I don't determine that. Sometimes - - -

No, when I say you, between you and Mr Goodman you would decide of that false invoice how much he got and how much you got?---I think always I would get 40 per cent, he got 60 per cent.

I beg your pardon?---I would get 40 per cent and he would get 60 per cent, average, in average.

- 40 Average?---Yeah, in - - -

How much, what did you say?---Like normal, sometimes Gary, depend, he would give me 1,000 or 500 or whatever or sometime I would get more than him. It depend what I need. I can't remember.

What you need?---I can't remember exactly, yeah.

All right. Well, roughly of the almost \$200,000, how much do you think went to him and how much did you keep?---Oh, I don't know, I can't tell you exactly.

I didn't ask - - -

THE COMMISSIONER: Well, I thought you said a moment ago that it was usually- - -?---40 I get, maybe 90,000.

10 - - - 40 per cent to you and - 40 per cent to you and 60 per cent to him?
---Yeah, I would get 90,000, yeah.

MR THANGARAJ: All right. Who was the cheque lady?---(No Audible Reply)

20 The cheque - you spoke to Mr Goodman sometimes saying you had to repay the cheque lady. Who's the cheque lady?---Because um, that's um, one, one of the lady that she, we call her cheque lady, she was lending money for interest and then Gary always make me to go and borrow and then I have to pay her back.

To save on the interest?---Yes.

Was she - what, she was lending cash at - - -?---Yeah.

- - - at Mounties, was she?---Yes. And then we'd pay 3,000 because she would pay 10 per cent, 300.

30 And how long did you have to repay it?---One week or two week.

So this was someone at Mounties lending money to people playing pokies, charging 10 per cent per week?---Yes.

And so you were getting - - -?---I think five per cent per week and maybe two week is 10 per cent.

40 So five - - -?---It depend on like if Gary would need urgent money so he would pay, yeah, he would say that if you need urgent money so you pay the interest.

So whenever you, whenever one of you owed this lady who was a loan shark money, you would try to pay that back because of the interest?---Yes.

All right. Now - - -

THE COMMISSIONER: I'm just wondering, Ms Baccam, I understood you to say that the total amount that you lent to Ms McCormick was \$20,000. Is that right?---Yes.

And yet you said that you would have received about 90,000 from the false invoices?---No, this, this one I was lend her before this Ari Landscape. I lend her since 2013 - - -

Yes, I know that. Just concentrate?---Yeah.

You said you'd lent her \$20,000?---Mmm.

10 You said that you received something like \$90,000 in relation to the false invoices?---Yeah.

So the amount that you were receiving from the false invoices had nothing whatsoever to do with the money that you had lent to Ms McCormick, did it?---No, no.

No?---No.

MR THANGARAJ: You just - - -
20

THE WITNESS: But Gary did, Gary send her, yeah.

MR THANGARAJ: Yeah, but the two of you took out money whenever you felt like it. Agree?---(No Audible Reply)

All right?---But Ari Landscaping, sometime I would give Gary the whole lot of money, whatever the invoice put in - - -

Yeah, I'm not talking - - -?--- - - - and send it to Jenny.
30

We're not talking about who got - - -?---Some of the Ari Landscaping send it to Jenny, yeah.

But whenever you wanted money, you put in a false invoice through Ari Landscape?---Yes.

All right. Now, you've - did Mark Goodman find out about these Ari Landscape invoices?---One stage he did, yeah.

40 And what happened? Well, firstly, how did he find out?---I think, I don't know, just through my scan, maybe I left the invoice in the table, I don't know, and one day, in one morning Mark was asking what is all this. I said, "Well, you have to ask Gary."

What was what? So let's just be - just go through it slowly. He asked you what was what?---What is those invoice. And I said - - -

Right. An invoice for Ari Landscape, was it?---Yeah.

Right?---And he, then I said, "You have to ask your brother."

Right. And did you say anything else to him?---No, nothing.

Do you know whether or not he did speak - - -?---And - - -

- - - to his brother?---No. And I did say to him, I already told Gary I'm to stop doing this and then that's what I said to him.

10

You said that to Mark, did you?---Yeah.

Well, you wanted it stopped, did you?---Yeah.

Well, why didn't, why did you, why did you keep taking money yourself if you wanted it stopped?---Yeah, I just can't get away with it every time, I know that. Sometime I say that I don't want to do it and then I do it anyway, every time Gary rang and he make me do it and - - -

20

Well - - -?--- - - - I can't say no.

I understand what you're saying, but some of this, some of these times you put in invoices because you wanted money?---Yes, sometime.

If you really wanted to stop, why were you keeping to doing that?---Because I got a pressure that I borrow money for Gary and he could not pay it back, I have to do this to pay it back.

30

So you did it to offset the debt he owed you. Is that what you're saying?
---Yeah.

Sometimes. All right. Well, what did Mark Goodman say when you said, "Go and talk to your brother about it?"---He didn't say nothing.

Well, did he tell you to stop doing it?---Yeah, he told me to stop, yeah, he said, "Stop doing it then."

40

Well, did you tell him - - -?---And he said, he says, yeah I remember then, he said, "Stop doing it because I don't want to lose my job here." That's right.

All right. Did you, how did, did he know that they were - I withdraw that. He knew that Ari Landscape was not doing any work for Council did he?
---Yeah, at first he, yeah - - -

How did he know that?---Because it's never had any job there that's why, yeah.

So did you discuss with him that it was a false invoice?---No, I didn't say nothing he, he just told me to stop and that's it and then I talk to him about it, that's it. He didn't say nothing after that.

Did you, when you were discussing this with him, was it obvious or was it discussed that you were approving these invoices?---Yes.

Right. And obviously he had not approved any of these invoices?---No, no.

10 And what normally would happen is, he should be approving the invoices not you?---Yes.

That was another reason why there was a problem.---Yes.

And he'd never heard of the company, right?---(No audible reply)

And the company in fact had never done any work for Botany Bay Council? ---Yes.

20 And apart from telling you that he didn't want to lose his job and to stop it, did anything else happen?---Nothing.

Did he say you had to repay the money?---No, no.

All right. Did Mr Goodman ever talk to you about his brother finding this out?---Yeah, he told me, yes.

What did he say?---And he said, no, no, actually I rang him, Mark knows about it Gary, you better stop.

30 Right. And what did Mr Goodman, what did Gary say?---Okay, that time (not transcribable)

And did it stop?---No, because we got this Jenny problem and keep doing it.

Okay.

40 THE COMMISSIONER: Did you ever tell Mr Malcolm Foo after he made this suggestion about tendering for this cleaning contract at Centennial Park that you had set up a company called Ari Landscape?---No, I didn't, I said I was going to set up the thing and then, you know and we go and then, I told him after that, I got it, he said, "No, Marney, I don't think you've got the tender."

Yes, but I'm not asking that. Did you tell Mr Foo that you had in fact registered a company by the name of Ari Landscapes?---Yes.

You did tell him that?---I said I have the company but I didn't say what name it is.

Did you tell Mr Foo that about what was happening with Gardens2envy?---
Some time I did mention something but most of the time I didn't.

I'm not asking if you did it every time, did you tell Malcolm Foo or to your knowledge did he know that Gardens2envy was doing work at your house?
---Yes.

10

All right. When did you being a romantic relationship with Mr Goodman, Gary Goodman that is?---At beginning of 2006.

Has it been, was it on and off?---It was for two years and then it was on and off until 2009.

And it finally finished in 2009 did it?---Yeah.

And you remained friends since then, did you?---Yeah.

20

All right.

THE COMMISSIONER: Was that, did you begin the relationship before you started working at Council?---Yes.

MR THANGARAJ: Is this when you knew him from Mounties?---Yes.

All right. Has he supported you with money for renovations or paying bills?
---Yeah, he is, he pay my bill some time, yes.

30

What sort of bills was he paying?---Phone bill and - - -

Is that a mobile phone bill, a land line or both?---Some time land line, yes.

Right.---And mobile phone paid through work I think.

So the Council paid your mobile phone bill. Were you entitled to a Council phone?---Well, I got the phone since I working there and no one ever tell me I not allowed to have a phone, I didn't know.

40

All right.---No one ever said anything that I don't have the phone, I'm not allowed to have the phone.

All right. Who gave you the phone originally?---Gary.

Okay. And the bills just, you never saw a phone bill for a mobile phone did you?---No.

Did you use it for private purposes, the mobile phone?---I probably do sometime yes.

Well, did you have two mobile phones?---No, only one.

Okay. So, the only mobile phone you had was through Council and you had that for how many years?---Since I work there.

10 Well, how long did you have it for?---2007 I think, yes, since 2007.

So about eight years you had it for?---Yes.

Were you must have made thousands of private phone calls in that time?---Yes.

All right. Did you ever pay back, were you ever required to pay back money for private calls on your mobile phone?---No.

20 Do you understand that it was Council policy to pay back private phone calls for mobiles?---I never know, no one ever tell me that.

All right. Mr Moses might ask you about that. Did he pay your electricity bill?---Yes, sometimes, yes.

All right. Now what's Al Furat, what's company's that?---Doing printing.

Yes. And what was the arrangement you had with them?---Doing some work, doing some work like printing.

30 Yes. Printing what?---Printing all the, all the work and sometime (not transcribable) airport and doing the book.

Sorry, printing for what?---Um, I'm not sure flyers I think and um, we doing some art work one time and then um, he doing, doing some vehicle book or whatever it is, sometime I order from him, yeah.

All right. So Al Furat was doing legitimate, some legitimate Council work, is that right?---Yes.

40 Did they do any work for you privately?---Um, there was printing some of the racing cards and all that, yeah.

Racing cards?---Yeah for Gary, yeah, one time, yeah.

Okay. So they did some printing work for Gary?---Yeah.

Did they do any printing work for you?---Yes.

What work?---Can't remember what it was.

What work did you ask them to do for you personally, private work not Council work, private work?---Um, doing some um, what is it, business card and doing some folder like, for the concert for charity, yeah.

Right. So business card saying what?---Business card for restaurant, for other, for other business I was going to do but I didn't happen (not transcribable) for the education.

10

Right. So, all right. So you had all these other private uses, you used Al Furat?---Yes.

And you put invoices through to pay all those bills through Council?---Yes, yes.

Right. So, Al Furat, invoice Botany Bay Council for work, for you and Mr Goodman privately, is that right?--- (No audible reply)

20 Is that right?---Yes.

You used descriptions of work that hid that, that pretended it was Council work, is that right?---Yes, some of them yes, some of them is work (not transcribable)

No, I understand that, I'm talking about the private work.---Yes, yes.

You approved the invoices?---Yes.

30 And they were paid?---Yes.

All right. And again, you deleted those records, didn't you, as well?--- (No audible reply)

And would you ask Mr Goodman if you could put through invoices to cover those or did you just decide to do it on yourself?---Think sometime I do on myself and then some other time I ask him, yeah.

40 All right. How many false invoices went through for Al Furat do you think?
---A few, I can't remember.

Well, how many, five, ten, twenty?---Probably ten.

All right. What was the total amount of the - - -?---I can't remember, it's been a while back because we, yeah.

Were the invoices that covered your private work, were they separate invoices or were they built into the invoices?---Built into the invoice.

And how would you do that, would you tell Al Furat to put all the work on the same bill and address all the work to Council in the same way you did to Gardens2envy, is that right?---Yes, yes.

And who were you dealing with at Al Furat?---Name Sam.

Sam. What's his surname?---I can't remember, I don't know his name.

10 Sidic?---Sidic, yeah.

And how did you know him?---I know him through that when I come to the club, yeah, I know him there.

You also know him from Mounties do you?---Yes.

All right. And how did he get work at Botany Council?---Because he ask me, he was doing some printing if I need some work can you give to him, yeah.

20

All right.

THE COMMISSIONER: Apart from Mr Goodman paying your phone bill and your electricity bill, has he contributed to other money towards your personal expenses?---Only some time when I needed Gary would give me money, only some time, yeah.

30 What about your house where you live?---Well the house where I live, Gary paid the mortgage because I was looking after his uncle and then (not transcribable) pay for that loan and Gary refinance it so he have to pay the mortgage.

So you live in a house that Mr Goodman paid for?---Well it was, it was my idea, it was my house. Gary and me and bought it because I could not borrow the money in that time.

All right. So let's go back to the beginning. When did you buy it?---2006, yeah, 2006.

40 2006?---Yeah.

And so you bought it with the bulk of the monies provided by Mr Goodman, is that right?---I did put, Gary put – I put 20,000 and he put 30,000, yeah.

So you contributed 20,000?---Yeah.

He contributed 30,000?---Yeah. The house was supposed to be in two name and then I could not borrow the money, yeah.

Right. So whose name is it in now?---Gary. It's always been Gary, yeah.

So your name's not on the title?---No.

And he pays the mortgage?---Gary pay for it, yeah.

10 Do you pay any rent to him?---Sometime I give him a bit here and there.
Lately I think in 2014, I give him a bit, you know because he hasn't got the
money, yeah.

Yes, but that's not rent. What I'm asking is do you pay some kind of - - -?---
No, I don't pay rent, no.

No?---I only help him to pay sometime.

So he pays the mortgage?---Yeah.

20 He pays your bills?---Yeah.

And you don't pay him any rent. Is that the position - - -?---Yes.

- - - up to the present day?---Yes, yeah.

MR THANGARAJ: What happened on occasions at least or at least once
with Al Furat was that the invoice was put in that was completely false,
right?---Yes.

30 And so the person that you were dealing with Al Furat, sent you an invoice
that didn't reflect any work at all let alone private work, right?---Yes.

And that happened more than once?---Yeah.

And what the arrangement was was that it would be split three ways?---Yes.

Right. So and how much was each – so you were supposed to get some,
Gary Goodman was supposed to get some and the owner of Al Furat was
supposed to get some?---No, only me and Gary, yeah.

40 Only you and Gary. Well I just said - - -?---No, no. He got it and then only
me.

Beg your pardon?---Only me and him, yeah.

Whose him?---Sam.

Oh, Sam, sorry. Only you and Sam got money on those, for those ones?---
Yeah.

Right. So did Mr Goodman get any of the Al Furat false invoices?---No.

He just got the benefit of the free printing, did he?---Yeah.

All right. Can we play 5098, please.

AUDIO RECORDING PLAYED

[12.53 pm]

10

MR THANGARAJ: All right. You were trying to get someone else a credit card, were you?---No, no, no. Office, Officework card.

Sorry. An Officeworks card and why did you want that person to get an Officeworks card?---No, I didn't want her to get it because she asked me for it, one of the new girl working there and I tell Gary, I (not transcribable) to lend her my card just to go and get things from the Officeworks.

20 All right. Do you know about how much money you got from the Al Furat false invoicing?---No idea.

Who set up this false invoicing with Al Furat, whose idea was this one, was this yours?---Yeah. Some was my, some was him.

No, no, the idea to use Al Furat to put false - - -?---It was my idea.

30 It was your idea. Which other companies did you do that with? We know about Jovane, you've told us about Gardens2envy, Al Furat, what's next?---I can't remember.

You can't remember?---(not transcribable) only that now, that's no more, yeah.

Just those?---Yes.

All right. Was this the arrangement you had with Mr Goodman, not only and I'll play this if I need to but - - -?---What is it, what company is it?

40 No, no, no. I'm just asking you about something generally now. You asked Mr Goodman for money, you say, well I need to pay, for example, the cheque lady in this case, need to pay the cheque lady, I'll put these, you know, this invoice and sometimes Mr Goodman would say, or at least on this occasion he'd say, we'll put in another invoice if you want?---Yes.

So he was saying, he was basically giving you permission to steal more money through this false invoicing if you wanted to?---Yes.

And on that occasion you actually said, well actually that will pay, effectively that will pay it and the arrangement was – it was decided on that occasion not to put in - - -?---Yes.

- - - a further invoice?---Yes.

All right. Okay. I'm going to another topic, Commissioner.

10 THE COMMISSIONER: Well we might take the luncheon adjournment and will resume at 2 o'clock, thank you.

LUNCHEON ADJOURNMENT

[12.59pm]