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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION RICCO

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 2 MARCH 2016

AT 2.05PM

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

MR TITMARSH: Commissioner, could I announce my appearance, appearing on behalf of Ms Baccam in place of Paul Johnson. My name is Titmarsh.

THE COMMISSIONER: Yes, Mr Titmarsh.

MR TITMARSH: Thank you.

10 THE COMMISSIONER: Ms Baccam, could I ask you to concentrate on the questions and answers the questions. If we need to know something else we'll ask another one, but just concentrate on what Mr Thangaraj is putting to you.

MR THANGARAJ: Commissioner, could I just tender that last call, 5098.

THE COMMISSIONER: Yes. That will be Exhibit R21.

**#EXHIBIT R21 - TRANSCRIPT SESSION 5098**

20

MR THANGARAJ: Ms Baccam, you had some work done at your place by Mr Subeski?---Yes.

And to pay for those works, Mr Subeski sent invoices through to you or to Council?---To – I'm not sure send to me or send to Gary, I'm not sure, it's to the Council, yeah.

30 Could you just speak up or sit closer to the microphone, please?---To the Council, yeah.

All right. But there were occasions where, or at least one occasion where you approved an invoice that Mr Subeski sent that covered work done at your house. Do you agree with that?---Yes.

All right. Sorry, two occasions?---I can't remember.

40 All right. Have you ever borrowed money from Mr Subeski?---Yeah, through Gary, yes.

And what do you mean by that?---Gary instruct him to give it to me, yes.

What did you want the money for?---Usually it's pay off Gary's debt and some of my bill and all that, pay off the debt and - - -

THE COMMISSIONER: Pay off your debt?---My debt and Jenny's debt that I owe people money for Jenny.

MR THANGARAJ: Right. And so Mr Subeski, so whose idea was it to ask Mr Subeski for some money?---Gary.

And who got the money?---Well, yeah, I got the money, yeah.

From who?---From, from Alex sometime, yeah.

Okay. You got some cash, did you?---Yes.

10 All right. What about cheques?---Yeah, I think Gary asked me to pick up some cheques for Gary, I go and cash it in ANZ Bank in Chester Hill, yes.

All right. But there were some cheques addressed to you as well, weren't there, from Mr Subeski?---He gave me the cash cheque to cash, he never put on my account or - - -

All right. Well, how much did you borrow from Mr Subeski?---I can't remember now, instruct, but Gary (not transcribable) to pay for all that.

20 Right. Well - - -?---Because the money that I cash the cheque, I give it all to Gary.

Right. Well, but you kept - - -?---Some.

- - - some of it at least?---Maybe 1,500, yeah, sometime.

Sorry?---Sometime 1,000, sometime 500.

30 Yeah, but how much overall did you keep under this loan arrangement?  
--- Probably 12,000, yeah.

And were you supposed to pay Mr Goodman any of it back?---Until Jenny come back.

Right. It was going to be repaid that way, was it?---Yeah.

And did Mr Goodman pay Mr Subeski back any of that money do you know?---I don't know.

40 THE COMMISSIONER: What were your debts, what debts were you paying?---Debt, other debt, just borrow money a lot for Jenny, send it to Philippine.

But I thought you – a moment ago you said, “To pay off my debts?”  
---Some of my debt, only little, but mostly I borrow money for Jenny long time ago and people was after me. We wait for her to come back and never did and then it didn't happen. They was chasing me, it been over two years.

But what were your debts, you said there were your debts and debts that you owed other people for Jenny, what were your debts?---I don't have any debt. I only have debt which is I borrow for Gary. That's all my debt because I have responsibility. I have to pay for people whatever I borrow money for Gary.

Why wasn't it Gary's responsibility?---I'm the, I'm the one who go and borrow not him.

10 But you said you did it on Gary's instructions?---No, I mean other, other debt, only the Council thing with – only with Alex, yes, but I have to pay other debt to other people in the club, yeah.

Yes, but what were they for, what were the debts to the other people in the club for?---Well, I borrow for Gary.

Oh.

MR THANGARAJ: Did you borrow – are you saying that you borrowed  
20 money from other people - - -?---Yes, the Czech lady.

- - - on behalf of Gary?---Yes, the Czech lady many time.

And they were repaid through false invoicing were they?---That's why - - -

Some of them?--- - - - when I go and cash a cheque from Alex – so Alex would give me money, instruction by Gary to pay off that debt, yeah, sometime, yeah.

30 To the Czech lady?---Yeah.

But sometimes you borrowed money from her as well?---Yes. And - - -

And sometimes he borrowed money did he?---Yeah. Sometime it's through Ari Landscaping to pay back as well, yes.

Did you have a Council car?---Yes. I have – whatever the car is available in the Airport I have been driving, yes.

40 Driving where?---From work to my house, yes.

And what about when you're at home, if you want to go somewhere from home?---Sometime, yeah, I use that car, Council car as well.

Did you have any car besides the Council car?---Yes.

Right. Did your – were you entitled to a – sorry, I'll go back. Did your employment agreement include any reference to a car?---Now I know that

I'm not entitled but before I don't know. I just thought I just – no one tell me that I'm not allowed to drive Council car so I've been driving since Peter, Peter Fitzgerald was approve for that when I was working there.

Well, who said you could have a car?---Peter and Garry.

Sorry?---Peter and Gary.

10 Right. Well, let's talk about the times when Mr Goodman was there and Mr Fitzgerald was not there. You were then using a Council car?---Gary said yeah, I can drive a car.

All right. And did you have a fuel card as well?---No, I don't. I only use – sometime I use Gary's fuel card and sometime I use the Airport fuel card which is belong to Mal.

Which what? Oh, belonged to Mal Foo?---Belong to Mal Foo, yeah.

20 To use for personal fuel. Is that right?---Yeah. That's when I go to work and come back, yeah, then I've been drive the car everywhere so maybe, yeah, that's right, yeah.

All right. And did Malcolm Foo know that you were using a Council car? ---Yes.

How did he know that?---I drive to the Airport every day. We work together.

30 Okay. And – all right. Now was the Council car – you're not suggesting are you that you were entitled to a Council car, you're just saying that Gary gave you a Council car. Is that right?---Yes.

But Gary Goodman did not want anyone to know that you had a Council car did he?---Probably, yeah. I don't know that because he didn't tell me, yeah.

Well, he made it obvious to you didn't he that he did not want people to know that you had a Council car. Is that right?---Yes.

40 Yes. Is that right?---(No Audible Reply)

You just need to say it so it's recorded on the transcript?---Yes.

All right. And the reason – and, and therefore you knew that you were not entitled to have a Council car didn't you?---Yeah, by that time I knew then, yes.

All right. And when did you know that you were not entitled to have a Council car?---It's probably two years back when Gary was – had a problem with Suman, yes, yeah.

All right. So you had a Council car for two years when you knew you were not entitled to have it?---Yes.

And the Council was paying for your fuel for two years when you weren't allowed to have it?---Yes.

10

All right. And you had an e-TAG?---Yes, in the car, yeah.

Paid for by who?---Council, yeah.

All right. And who else knew that you had a Council car besides Malcolm? ---Mark know and people - - -

Which Mark?---Mark Goodman.

20 Right?---And - - -

To your knowledge did he know that you were not entitled to have a Council car?---No, I don't know if he know, no.

Okay. He just knows you've got the car?---Yeah.

All right. And who else?---People who work in the Council with me. John Dichiara and Malcolm Foo and Dave Wellington. The people – we work in the same department so they all know, yeah.

30

All right. Were you – did Mr Goodman finally ask for that car to come back?---I'm sorry?

Did he ask you to return the Council car you were using?---Yes.

And when did he ask you to do that?---When the investigators come here.

All right. Did you have a discussion with Mark Goodman about the car at all?---No.

40

Did Mark Goodman tell you that you were not allowed to use the car for personal purposes?---No.

Did he tell you that you were allowed to use it for personal purposes?---Just never said anything. Mark never said anything.

All right. Now did you ever provide a Council car to anyone else?---One time was – when my niece was want to buy the car, want to buy the car and

then I talk to Gary. Gary said one of the cars going to go to the auction and then we lend her to test the car drive and then she going to go to the auction and buy and then didn't happen and the investigation was on and it was a problem and then I think that we didn't return the car on time. It was parked in her house and then I think the police will come and get it.

So who said that a family member of yours could have a Council car?---No, she plan to buy. That car going to go to – Gary said that car going to go to auction and buy.

10

Yeah, but it hadn't gone to auction by this stage had it?---Yeah, yes.

So it was still a Council car so who said that your family could take the car for a couple of days to test drive it?---Gary.

Who said that?---Gary.

And why did you - - -?---Gary allow.

20

Why did you think that your niece could take a Council car to test drive when it was still owned by Council?---Well, I saw people before they buy – a lot of people buy Council car and then they go and test it first before they buy.

All right. Who was doing that?---I think even the General Manager was buy the car for – through the auction and she – they test it first and - - -

No, that's a Council employee. I'm talking about people outside Council? ---Okay. Yeah.

30

Who outside Council was taking or had access to a car to drive it to see if they wanted to buy it?---Do you mean who else?

Yeah. No, who outside Council, who – like your niece, she did not work for Council did she?---No, no.

So who else – who do you know that was not part of Council who took a car to test drive?---The other car was my daughter want to buy and then she test it as well.

40

Yeah?---But didn't go to the auction the same time. It was, it was to all go to the auction and went and buy but they tested by one of my daughter, yes.

All right. Well, I'll go through your family members in a moment but apart from your two relatives who else – or did anyone else ever take a car to test drive who was not employed by Council?---No, through me it's only that, only two people.

Yeah, I know through you. What about anyone else, did anyone else – do you know of anyone else’s friends or relatives who had access to a Council car?---No.

Okay. So how long do you say that your niece had the car for?---It, it went on (not transcribable) for maybe, yeah, 20, 25 days, yeah.

10 So she test drove the car for four weeks from – did she?---Because Gary said he want to take that car to the auction and then he just postpone, postpone and then the investigate happen, yeah.

So is this right, she took the car one day and she kept it until the ICAC investigation began?---Yes. Because she didn’t know.

I’m not talking about what she knew. I’m talking about you giving it to her?---Yes.

You gave it to her and she kept it for 25 days or so?---Yes.

20 And the reason it was returned was because of the ICAC investigation? ---Yes.

So you’re just saying are you that that was going to auction?---No. Gary told me.

Right?---Gary planned that. All the car Gary planned to go to the auction.

30 Were there any documents filled out to tell the auctioneer which cars were coming for auction?---No.

What happens when a car is going to auction, do they take a photo of it and put it on a website, what do they do?---No, I think one guy he – from the auction would come and get all the car, yeah.

Right. And when would that happen?---They get it through the Council I think.

40 So it was already decided the cars would be sold had they – was it?---Yeah. Because they will get the car every four years, all the own cars or - - -

Yeah, no, I understand that, but it had already been decided?---Yeah.

When you say the auction was postponed and postponed - - -?---No, Gary did. He planned it and didn’t happen.

Right. So you’re saying that’s what he said, is it?---Yes.

And in the meantime your niece just kept driving the car?---Yeah.

And where did she live, what suburb or area?---Somewhere in Cabramatta. I can't remember the street.

No, I'm not worried about the street. And where did your daughter live, what area?---Gosford.

Right. So how did the car get from Botany to Gosford?---I take that there.

10 You drove it up there, did you?---Yeah, to show to her.

And how long did your daughter have the car for?---Ah, probably two weeks.

And was that also, did that also end with the ICAC investigation?---Yeah. No, she, she, she brought it back before the investigate, yeah.

20 When did she bring it back?---Actually I went and get it because there's something wrong with the car.

Sorry, well, did she bring it back or did - - -?---No, I did go and get it because - - -

You went and got it from Gosford?---Yeah, because something wrong with the car, yeah.

And when was that?---I can't remember, just before this happened.

30 Did you know about the ICAC investigation when you went and got it?  
---I can't remember this one, I can't remember.

Did Mr Goodman ask you for the registration number of the car that your daughter was driving?---Yeah, he did.

And why was that?---I can't remember that time, it was going to go to the auction I think, yeah.

Well, wasn't it the case that - - -?---Was a plan to go to the auction, yes.

40 Wasn't it the case that registrations were paid at a particular time and the details of the registration needed to be known so that those payments could be made?---Um, I can't - - -

Was Mr Goodman asking you for the registration number so that Council could pay for the registration?---Yeah, yeah, that's right, yes.

Well then why would he do that if it's going to auction?---Because you know the cars are going to the auction there but you have to have registered and if you don't register the car then you can't (not transcribable)

But he was happy to allow the car to remain in Gosford during this period, was he?---He wasn't ready to go to the auction yet, he had to register, yeah, that's right.

10 And are you saying that your niece or your daughter were proposing to buy these cars?---Yes.

It's not the case is it that Mr Goodman just allowed your family members to have these cars - - -?---No, they - - -

- - - and ICAC investigation happened to come along?---No, they were planning to buy, to go to the auction, yes.

All right. What about Cabcharges, did you have a Cabcharge card?  
---No, I don't, I have, I don't have - - -

20

Did you use the vouchers?---Yes, sometime when I use them, yeah.

Did you use the vouchers for personal purposes?---Well, when I go to hospital and all that from Airport I did, yes, I did.

Okay. But you were not entitled to use the Cabcharge vouchers then, were you?---Yes.

30 Is that right?---Yes.

And you knew at the time you asked for the vouchers that you were not allowed to use them for that purpose?---Yes.

All right. Now, you wanted, you asked Mr Goodman for three Cabcharge vouchers for Ari and to be left in the letterbox?---Yes.

What was that about?---That's when he took me to the eye hospital, yeah.

40 Right. But what's Ari, what was that name, is that a person?---The taxi guy from the Airport that if someone want to go somewhere they're using him. He, he's um, I think he got a car, car, like a taxi in the Airport, yeah.

Right. And who knows him?---Well, I know him, Mal know him, I don't know who else.

How did he get work at – how did he get the work from Botany Council, do you know?---I'm not really sure at the start, I just know him, that he was always in the Airport.

Who else knows him, do you know?---Who else ah - - -

Sorry?---I don't know that one. I know Malcolm know him. I know him through Malcolm, I don't know (not transcribable)

And how would you work out how much to pay him?---Because the distance, yeah.

10 Would you pay, well, how would you, how would you – was there a far, a meter?---Fare, yeah.

And did you always pay the meter or did you pay some other amount?  
---Some other amount.

What other amount?---Because he charged like \$75 to go to the city and then come back is \$150.

20 Yeah. And how much would you pay him?---150, yeah.

Did you know of any other misuse of Cabcharge vouchers or cards?---Who else?

Yeah, used it improperly, either inside Council or outside Council?---Well, when I was working there but I used to give it to, to all the staff, sometime I give to the staff Bruce going to pick up the car from the, from somewhere or  
- - -

30 No, no. I'm talking about improper use of Cabcharge cards and vouchers, not how they were normally used?---I know that um, I didn't know before (not transcribable) Jenny used Gary's Cabcharge.

Yeah. And what did she use it for?---That time I wasn't here, I was in Thailand, and Gary said that she had to come and clean his feet, he got really bad feet that time, he just had, before he had operation and he had the wound and then Jenny used to come to the workshop and clean his, clean the wound of his feet.

40 Right. So to get to his house to help him - - -?---Yeah.

- - - the Council was paying for that. Is that right?---(No Audible Reply)

And how often was she going to his house?---I'm not really sure, I wasn't there.

Do you know of Mr Goodman giving his Cabcharge card or vouchers to anyone else, who shouldn't have had it, that is?---I don't know, I don't know.

All right. Do you know anything about him cancelling a Cabcharge card?  
---He only tell me lately, actually he tell me lately when the investigates happen, he said that when he look at the figures of the Cabcharge is too much and then he actually get Suman to ring up and cancel I think.

Why?---Because he thought there's something wrong with it.

Right. Did you ever use an Officeworks card?---Yes, I do.

10

And did you use it for things that you shouldn't have used it for?

---Yeah, only a little bit, yes.

Like what. Sorry, only what?---But most of the thing I use it for work, but I using sometime, yes.

And what was the use that was made that was not proper?---I actually work at home, I buy one computer that I was working at home that day, those time, and one laptop, yes.

20

So you bought a laptop and a computer for yourself, did you?---I do it at work at home, that time I work, the Council work at home, I take the work home, yes.

Yeah, okay. Well, who said you could buy a computer and a laptop or did you just buy it yourself?---I just buy myself.

You bought it yourself. All right. Well, you were not entitled to use Council money to buy yourself a computer and a laptop, were you?

30

---Yes.

Is that right?---Yes.

And you've still got those things, do you?---Yeah.

And you use it for whatever you want?---Mmm.

All right.

40

THE COMMISSIONER: What Council work were you taking home?

---I take the invoice home to put in, to keep the record that what, what, what invoice already send to the Council, what invoice that haven't sent, and then I use to summarise it how much the total and all that, yeah.

But that was your, that was the job you were supposed to be doing during the day?---Yeah, I know.

Well, why were you taking it home?---Once stage I was sick, I was sick over seven week then the job was piled up. I was had swine flu so then I took the work home, yeah, I can't catch up with the work.

MR THANGARAJ: Did you buy anything for Mr Goodman that you should not have?---Yes, I did.

What's that?---I can't remember. Sometimes he would get the paper, the pen, the whatever, the stationery, yeah.

10

Well, how do you know that there was a problem with that?---I used to meet him up at Officeworks and then he just bought what he need and then I pay for it, yeah.

Well, you don't know if that's Council work or not?---Yeah, I'm not sure.

Well, I'm asking you did you buy anything for Mr Goodman that you should not have bought?---Yeah, I do.

20

What?---I can't remember, a few things, Sat Nav, that then he was asking me, and some, what do you call, iPad.

Right?---One iPad and printing, one printing.

A printer?---Yeah, a printer, yeah.

And these all went to his house, did they?---Yes.

30

Right. And how do you know they went to his house?---I just guessing, I don't know for sure.

All right. Did you ever see them at the office?---I don't work with Gary, I work in the Airport, he work at the Council.

All right. Well, if it was for Council I assume – sorry, you don't even work in the same building, do you?---No, no.

So if it was for the office it's unlikely that you would be buying hardware for the office?---Mmm.

40

Is that right?---Yes.

All right. Now, what else did you buy for him that you shouldn't have? ---I can't remember, this is a while back. I buy all the thing for the people from there but I just can't remember.

All right. Well you bought his wife a laptop, didn't you?---Yeah. I did at last, yeah. That's before, I think that's the last one, I think, yes, yeah.

And he told you that he wanted you to buy a laptop for his, for Dianne?---  
Yes.

And did you buy that?---Yes, I did.

Did you give it to him?---Yes.

10 All right. And you used the Officeworks card to do that?---Yes.

Right. And the arrangement was that she would go down and chose one and  
you would go and pay for it?---Yes.

And is that what happened?---Yes, that's right.

Did you misuse the fuel card?---(No Audible Reply)

Did you misuse a fuel card?---I, I used, yeah, I use Gary's card, yes.

20 What did you use it for?---Sometime would buy the milk and bread for him  
or cigarette, yes.

Or what?---Cigarette for Gary.

Cigarettes?---Yeah.

All right. So you bought things for him personally, what about yourself.  
Did you buy yourself anything?---Sometime I would buy some little thing,  
grocery, yes.

30 You'd buy some groceries for yourself, did you?---Yes. On a little bit, yeah.

Okay. How often would you do that?---Not often, no. Maybe - - -

Who did you understand was approving the payments on the fuel cards?  
---Pardon?

40 The fuel card, a bill would go to Council for the use of a fuel card - - -?  
---Yes.

- - - at some stage, who did you understand was approving that payment?  
---I have no idea. In the Council I have no idea because it is not my  
department, yeah.

Did you ever ask to borrow a BP card from Mr Goodman so you could use  
it?---Yes.

And then you used it for your personal use?---Yes.

Okay. And obviously you knew at the time you weren't allowed, you were not allowed to do that?---Yes.

Okay. All right. Were you ever driving anyone else's car? Did you ever drive Ms Cullinane's car, Council car?---One stage, yeah. Just before that Nissan go to the auction and it was in Gary workshop and then I was driving maybe for one week and then Gary said bring to my house because someone want to come and take to the auction. Yeah. I did, one week, yes.

10

All right. Sorry, did you say Ms Cullinane's car was at the workshop?  
---Yeah.

Why was it there, do you know?---Because someone would and come and pick up to go to the auction, yes.

So when you say the workshop, which workshop are you talking about?  
---Gary's workshop.

20

So are you saying that cars would be kept at Mr Goodman's workshop when they were on their way to the auction?---No, no, only some car. I don't know how it happened, it was there. Someone must drive it there and then I just need the car and then I said Gary use his car and then I was – used to go to work one week and then Gary told me bring that car, that car got to go to the auction and bring the car to my place. And because someone going to come and get it. So that's when I park at Gary's house and leave the key inside then someone come and get it to go to the auction, yeah.

30

Well if someone was coming to get it from the auction why wouldn't they just get it from wherever it was?---I don't know. Because that time I was driving that car, yeah. I was driving that car.

THE COMMISSIONER: Ms Baccam, can you explain to me why the Chief Financial Officer at Council had anything at all to do with the allocation of Council cars?---I'm sorry - - -

40

Wasn't there someone at Council who was in charge of management of the assets of the Council or a fleet manager, car fleet manager, someone - - -?  
---I don't know if you ask me because I was working in the airport, I'm far away from Council, I don't know what they're doing. I have no idea.

You know Ms Mishra, don't you?---Yes.

Well wasn't she in charge of Council assets?---I don't even know because I hardly talk to her, she work at the Council building and I work at the airport.

Was there anyone at the airport who was responsible for the allocation of Council cars?---I don't know. I don't know.

You've got no idea?---No, I have no idea, no.

Were you an administrative assistant the entire time that you were employed at Council?---Yes. My job is just to look after the invoice, that's all. I don't know any other job.

MR THANGARAJ: Did you misuse a Campbells' Cash and Carry card?  
---Yes, sometimes.

10

In what way?---On the Christmastime we had to go and buy something for the party and sometime Mal would ask me to get it whatever he, someone leave, leave the airport or doing the birthday and all that, they need something I'll go and get it for them.

Well is this to use at Council?---Yes. In the airport. Yeah. I took it over to the airport, yeah. Because every time we had the barbecue, sometime we would have a barbecue for people from the airport or someone leaving or someone go there important, so we go to Campbell and get the thing, yes.

20

Yeah.

THE COMMISSIONER: That wasn't the question that was asked of you. You were asked if you misused the Campbell card, misused it, not - - -?  
---I never have Campbell card.

- - - whether you bought - - -?---I never have Campbell card.

Just a minute?---I only go there - - -

30

Just a minute. The question wasn't whether you bought things for use at Council, it was the misuse of the card for your own personal reasons. That was what was asked of you. Did you do that?---Yes.

Thank you.

MR THANGARAJ: All right. What did you do?---Sometime I go and buy thing for the airport. Maybe some little thing I take, yeah.

40

So you bought things for the airport and at the same time you bought your own things, did you?---Yes.

And you put it on the same payment?---Yeah.

How often were you doing that?---Maybe once in three months, whenever they need it in the airport. Once in two months.

Is this the case. Anytime you were asked to go and use the Campbells' card you took the opportunity to buy some things for yourself?---Just a little bit, yes.

All right. What sort of things were you buying for yourself?---Probably toilet paper and tissue, yeah.

So you were buying things that you needed that were available at Campbells' Cash and Carry when you went there for Council?

10 ---(No Audible Reply)

All right. Just you need to say yes for the record?---Yes, yeah.

All right. Was Sharon Dale doing your job at Council, sorry, at the – you were at the Business Unit was she doing the same job as you but at the Council office?---I was prove all invoice and gave it to her. I don't know what role her is. You know she work in the Council. She the one who pay all the invoice. I only approve the invoice.

20 So she had a different job to you, hers was - - -?---Yeah. She had a different job to me.

Okay. And what about – when invoices came in, I'm not talking about the false invoices, but when invoices came in, legitimate ones, was there some process that you understood by which people would check whether the work had been done or whether the goods had been provided?---Well, if the job belong to Malcolm, Malcolm come check it and he prove it, he said, yes, that he done this job. And if a job belonged to either supervisor they check it and then come to Mark and Mark prove it then give it to me to process to pay.

30

So is you understanding that the system was if there was an invoice, the person who approved it had to check whether in fact the work had been done?---I'm sorry?

Are you saying that if an invoice came in for payment, the relevant supervisor would have to check whether the work was done?---Yes.

40 And how would – do you know how they would check that?---Well, I don't know. I just ask Mal did you do this work or did you get this, this invoice, I would ask, then Mark, Mark would approve it. And then Malcolm would give it to Mark and Mark approved to pay it, I'm just paying.

All right?---I don't know what they do.

Okay. So is it your understanding that every invoice was supposed to be approved by a supervisor to confirm that either the work had been done or the goods had been provided?---Yes.

THE COMMISSIONER: What about the invoices that you were approved to pay, the ones that you set up to 10 or was it up to 50,000, I can't remember? The ones that you were allowed to stamp, approved to pay under your delegation. Did you go and find out whether those invoices, those services had been provided on each of the invoices?---I'm sorry, I don't understand?

10 You had a delegation as I understand it to approve invoices, didn't you?---  
Yes.

And you could just stamp approved to pay on the invoice?---Yes.

Well did you go – did you look at the invoice and work out what part of Council was said to have received the services and speak to the person to make sure that they received those services?---Yes.

You did?---Yes.

20 In each case?---Yes.

MR THANGARAJ: And who, sorry, who would you speak to?  
---Yes, speak to Malcolm or Mark or whoever supervisor.

No. No, no.

THE COMMISSIONER: No, that's not what I asked.

30 MR THANGARAJ: What the Commissioner was asking you is there were invoices approved by other people and there were some invoices approved by you, right. How would – for the ones that you approved, how would you check whether or not the work had been done?---So I don't ask nobody what – whatever the (not transcribable) I just send it, yeah, I know.

THE COMMISSIONER: So of the invoices that you personally approved, you didn't speak to anyone - - -?---No.

You just automatically approved them?---No.

40 You had no idea whether the services had been provided or not?---No.

MR THANGARAJ: Well, what was your job then to approve? Apart from putting a stamp on something to say approved, what did it actually involve?  
---Because I already know what, what I've paying this and for a long time I know is a bad one or wrong one.

Yeah, but Jovane was being paid for a long time. That doesn't mean that it's a genuine invoice. How would you – how – are you just saying if there

were invoices had been coming in for some time you approved it?---You mean Jovane invoice?

Or anything. No, the ones you did approve. Not the false ones. We're talking about the other ones?---No, it come to Mark Goodman gave it to me.

No, we're talking about – you told us already that there are some invoices for low amounts – say there was a few thousand dollars that came to you for approval - - -?---Yes.

10

- - - it had not been to a supervisor then. Is that right?---No, no, I – every invoice I would ask Mark – if I don't understand I ask Mark or ask Mal, yeah.

When you say if I don't understand, how would you understand?---Because some invoice I would not know what job they done so I go and ask Mal and Mark.

20

So how many invoices do you think you approved where you had not spoken to either Malcolm Foo or Mark Goodman?---Probably a few, yes.

How many, roughly how many?---Probably 100.

100?---Yes.

All right. Let's talk about those 100 invoices?---Ah hmm.

How many of those were false invoices?---I would not know.

30

Okay. Well, half, most, almost all, how many?---I don't think it's a fake invoice, no, I don't know. I don't know now many. I don't know because I don't know what - - -

No, no, when I say false I mean the ones you knew were false like the ones we've already discussed this morning, how many of those were of that 100 or are you talking about 100 genuine invoices?---I talking about 100 genuine invoice, yeah.

40

Okay. So of the 100 genuine invoices that you approved how did you check whether or not any of those goods were provided or the work was actually done?---I know because the fake invoice it was only me doing it.

THE COMMISSIONER: But that's as far as you knew?---So other thing it was come from Mark and Mal so I didn't check because they the one who check.

But the point is, Ms Baccam, if you never clarified with anyone that the work had been done or the services had been provided you wouldn't have

any idea whether those invoices were genuine or not would you?---Well, I ask Mal and Mark.

Oh, we're going around in circles?---They know all the work.

MR THANGARAJ: Okay. What did you understand the financial delegation to be for Mark Goodman?---I don't know.

What about Gary Goodman?---Gary Goodman.

10

How much could he authorise?---You mean to pay the invoice?

Yes?---I think it's up to 50,000, yeah, in the – in my system it's up to 50,000, yeah.

All right. Now you said that your financial delegation – that you had that financial delegation because Mr Gary Goodman said you could. Is that right?---I don't understand that question.

20

You had a financial delegation authority. You could – you said that you could approve invoices up to a certain amount. I think at one point you said it was – not here today but I think earlier you might have said that you could authorise up to 50,000 but you didn't do anything above 10,000. Is that right?---No.

Is that right?---No.

30

So you never understood you could authorise anything above 10,000. Is that what you're saying?---No, never. Before I never and then two years ago and then I did I know then I'm not allowed to do that. I always go to Mark, yeah.

All right. So what was your delegation?---2,500 I'm allowed to approve.

All right. Okay. Nothing further.

40

THE COMMISSIONER: A moment ago you said that in your system Mr Goodman was approved, was delegated to approve up to 50,000. Where was that information when you say in your system?---Well, because if I put in the system if the amount is over 50,000 it wouldn't go through.

I see.

MR THANGARAJ: Sorry, I should have asked you this. What's the name of your niece that had the car?---

Can you spell it please?--

And the – your daughter’s name that had the car?--- [REDACTED].

And can you spell that please?--- [REDACTED].

Okay?--- [REDACTED] yeah.

All right.

THE COMMISSIONER: Yes.

10

MR DUNNE: Yes, Commissioner. Ms Baccam. Ms Baccam?---Yes.

My name is Mark Dunne. I appear on behalf of Mark Goodman?---Yes.

I’d like to ask you some questions about your earlier evidence concerning Exhibit 20. If that could be brought up please, Commissioner.

THE COMMISSIONER: Yes.

20

THE WITNESS: I’m sorry, I can’t hear you.

THE COMMISSIONER: That was the call, two calls 1-2-2-4 and 1-1-4-4-6.

MR DUNNE: Yes, it’s the second one.

THE COMMISSIONER: The second one?

MR DUNNE: The second one, Commissioner.

30

THE COMMISSIONER: Mr Dunne, do you want to come closer to the witness?

MR DUNNE: Yes, all right.

THE COMMISSIONER: There’s some room at the bar table next to Mr Overall’s instructing solicitor. Do you need it played, Mr Dunne or we just - - -

40

MR DUNNE: Sorry?

THE COMMISSIONER: Do you need it played or will be just - - -

MR DUNNE: No, no, just - - -

THE COMMISSIONER: Right.

MR DUNNE: And if you just excuse me. Commissioner, I asked for a copy of it shortly before lunch and that wasn't able to be provided. If I could just scroll through to the second - - -

THE COMMISSIONER: Yes.

MR DUNNE: All right. Now, Ms Baccam, you will see that this transcript relates to a telephone call that occurred on 25 September?---Yes.

10 At about quarter to 7.00 I think?---Yes.

And in that telephone call you discuss Mark Goodman being upset about a particular invoice. Perhaps if we go to the first page. Yes, thank you. Down the bottom. You said it has to have an order number because Mark says that you always have to have an order number?---Yeah. What happened is Mark - - -

No, no, please just answer the questions.

20 THE COMMISSIONER: Wait, wait for the question.

MR DUNNE: Is that correct?---What is it I'm sorry? I heard again.

Sorry. It's the last two lines?---Ah hmm.

"Mark says we have to put order number to whatever job is done"?---Yes.

Is that right?---Yes.

30 Now it's correct isn't it - - -?---Yes.

- - - that Mark Goodman often got upset about invoices that came to the Business Unit which either weren't supposed to be for the Business Unit and should have been another part of Council. Do you agree with that?  
---Yes.

And he also was upset if there was no purchase order number?---Yes, yes.

Thank you. Could we scroll through.

40

THE COMMISSIONER: The next page?

MR DUNNE: Then next page. Now you will see, I think it's the fourth item where you say, "Yeah," and then, "I'm the one who got the blame and Mark got the shits with me." Do you recall that?---Yes.

Yes. Thank you. Now it's - that telephone conversation is dated 25 September?---Yes.

So can we assume that your conversation with Mark happened on that day or was it the day before?---I can't remember, no. Can't remember.

But it would have been that day or a couple of days before?---It would have been that day. Yeah, I think it would have been that or I don't know. I can't remember. I can't tell you what day. I can't remember back what day. This, this conversation I talk to Gary what - - -

10 Yes, thank you. Please, if you could just please answer the questions. And when you gave evidence earlier you said that you had already told – when you spoke with Mr Mark Goodman that you'd already spoken with Gary - - -?---Ah hmm.

- - - and told him that you wanted this to stop?---Yes.

Do you agree with that?---Yes.

20 Now – and you also said that Mark Goodman said words to the effect of, “I don't want to lose my job”?---Yes.

Now can I suggest to you that the reason that Mark Goodman said to you that he didn't want to lose his job and that he wanted this to stop - - -? ---Yes.

- - - was that he wanted invoices - - -?---To stop.

- - - that didn't apply to the Business Unit to stop coming to the Business Unit?---Yes.  
30

And that he wanted invoices that didn't have purchase orders not to be approved?---Yes.

There was no intention in his discussion with you that he knew or suspected that these invoices were false, did he?---I don't understand that part.

All right. You understand that there's, that Counsel Assisting has been asking you questions about false invoices - - -?---Yes.

40 - - - which you have prepared? And earlier in your evidence you said that the only people who knew about the false invoices were yourself - - -? ---Yes.

- - - Gary - - -?---Yeah, Gary, yeah.

- - - and Malcolm Foo?---Oh, I'm not sure about Malcolm Foo knows, yeah.

Well, to be fair my notes say that you don't know of anyone other than Malcolm Foo, yourself and Gary who knew about false invoices?---No, Malcolm Foo doesn't know anything, he only know that the garden guy working at my place, yes.

And indeed Mark Goodman knew nothing about the false invoices, did he?  
---No, he don't know.

10 And when you were giving evidence earlier about the discussion with Mark Goodman, Mark Goodman that is referred to in the telephone intercept and you referred to wanting this to stop and that he didn't want to lose his job, that referred not to false invoices, did it?---Yes.

It referred to invoices that shouldn't have come to the Business Unit?  
---Yes.

And it referred to invoices that didn't have - - -?---Yes.

20 - - - purchase numbers?---Yes.

And you said to - or your evidence was that you said to Mark Goodman that he should talk to his brother, Gary?---I talk with Gary, yeah.

You spoke to Gary too, did you?---Yes.

Well, then you'd know that Mark spoke with Gary following that conversation, don't you?---I'm not sure, I can't remember.

30 And you know that Gary simply said to him that he would fix it up?  
---Yes, maybe, yeah, ah hmm.

And you would understand of course that by fixing it up, he meant making sure that invoices went to the proper departments- - -?---Yes.

- - - or had, or had purchase orders?---Yes.

And had no reference whatsoever to the invoices being false?---Yeah.

40 Yes, thank you.

THE COMMISSIONER: Thank you, Mr Dunne.

Anyone else?

MR MOSES: Yes, thanks, Commissioner.

THE COMMISSIONER: Yes, Mr Moses.

MR MOSES: Mr Baccam, I appear for the Council?---Yes.

You're a gambler?---Yes.

And you like taking risks?---I, I go to the club a lot with Gary, yes.

You're a gambler. Correct?---Yes.

10 And you're not gambling here today, are you?---What do you mean?

Well, you're not telling the truth and hoping not to get caught out. Is that right?---Yeah, no.

No. Are you telling the truth?---Yes.

Well, I want to put to you that you've lied on quite a few occasions when the Commissioner and Counsel Assisting has been asking you questions, haven't you?---I don't know, could you explain to me?

20 You don't know? We'll come to that. You understand you're here to tell the truth?---Yes.

And you understand that if you don't tell the truth, that that is an offence under the Act?---Yes.

Do you understand that?---Yes.

30 Okay. Now, let's start from the beginning. You said you're a gambler, you used to gamble quite a lot at Mounties?---Yes.

Yeah. And in fact the telephone call that we heard earlier on 25 September, Exhibit 20, there were pokies playing in the background. Correct?---Yes.

You were there playing pokies. Correct?---Yes.

And is this right, that when you were supposed to be at work you'd be sometimes at Mounties playing pokies?---Maybe, I can't remember.

40 Maybe, no, yeah. So you met Mr Goodman at Mounties?---Yes.

And he was gambling with you there?---Yes.

How much money would you be dropping into the poker machines and gambling at Mounties in 2015, per week?---2015?

Last year. Come on, tell us, how much money would you be dropping into the poker machines there?---I don't know, I didn't count.

Didn't count? Well, just give us a guess, come on, you're good with money, tell us?---I, I was win the jackpot for 23,000.

You won a jackpot?---Yes.

How much of Council's money do you recall putting through the poker machines?---I can't remember. I don't know how much, because I didn't count it I don't know.

10 You didn't count it. So it didn't really matter to you because you were using Council's money to gamble. Correct?---Yes.

Answer the question. Raise your voice?---Yes, yes.

Yes, yeah. Now, you said your personal relationship started with Mr Goodman in 2006?---No, early, yeah, yeah, 2006, yeah, that's right, yeah, 2006.

20 And you said on your oath to the Commissioner that it ended in 2009?  
---Yes.

And after that you had no further relationship with him. Is that right?  
---No, only friend.

Only friend. So when you're saying no relationship, you mean of a sexual nature?---Yeah, no.

In 2009 that was it. Is that right?---Yes.

30 Ah hmm. And that's the truth?---Yes.

Okay. Now, the property that you're living at at the moment, [REDACTED]  
- - -?---Yes.

- - - is this the, is this the case, that you can correct me if I'm wrong, you have resided there initially living there with the uncle of Mr Goodman. Is that right?---Yes.

40 Ah hmm. And that property, you entered into an agreement in 2014, is this, is this the case, but you should tell me if I'm wrong, with Mr Goodman whereby you would in effect obtain this property upon his death. Is that right?---Yes.

And do you recall telling a solicitor that you have spent about \$150,000 in renovations on the property at [REDACTED] Just because Gary told me that - - -

Listen to the question and answer it. Enough. Just listen to the question?

---Yes.

Do you recall telling a solicitor that you spent \$150,000 in renovations?

---Yes.

Where did you get the money from to spend \$150,000 - - -?---I didn't spend  
- - -

10 Listen to the question?---I didn't spend it myself, Gary paid for the  
renovation out of Mick's money, that's what I mean.

He, out of mixed money?---Yeah.

What's mixed money?---His uncle live there, we have to do the room for  
him, we have to do the bathroom for him because he's handicapped. That's  
what I mean.

From Mick's money?---Yes.

20 So when you told the solicitor that you had spent \$150,000 in renovations  
on the property, that was a lie?---I mean that I spend with Mick's money.

You spent - - -?---Yeah.

- - - Mr Goodman's uncle's money - - -?---Yes.

- - - to fix the property?---Yeah.

30 Is that right. Ah hmm. And did you pay \$20,000 in respect of the purchase  
of the property?---Yes.

Where did you get that money from?---I was had a settlement with my ex-  
boyfriend long time ago before I come along to see Gary, yes.

Really?---Yes.

Yeah. A long time ago?---Yeah, I was with Frank, I had a settlement, he  
gave me the money, yes.

40 He gave you how much money?---Gave me about 60,000.

Oh, yeah? When - - -?---20,000 in between.

When was this?---I left in, I think it's 2001 I think.

You think?---Yeah, 2001, and in 2002 when Frank give me the money we  
had a settlement.

Ah hmm. When did you pay the \$20,000 for the property, towards the deposit?---Gave to Gary, I gave - - -

When did you do that? Focus on the question. When did you do that?  
---Can't, when we bought the house, it was 2006.

When?---2006.

10 You bought that property in 2006?---Yes.

Is that your evidence, you bought it?---No, Gary, Gary bought, because I can't go for the loan because my name was on the default.

Say it again?---I can't go for the loan with him because my name was on the default, I can't borrow money.

Mmm. So you say this property was bought in 2006?---Yes.

20 Who told you that?---I can't remember actually because Gary got the contract. I was living there since the day 1 that when he bought it.

When did you move into that property?---I think, I think late 2006.

You think?---Yes. I can't remember, my mind's not – I can't remember exactly. I was living, I was there - - -

Where were you living before you moved into the [REDACTED] property?  
---Oxford Street, Smithfield.

30 And was that a property you owned?---No, I rented.

Mmm. And in 2006 you moved into the [REDACTED] property?  
---Yes, yes.

And that's, that the evidence you want to give?---I'm not sure that what year I move in but I know that after the settlement, after the thing and I, I, I did move in. No one lived there, only me. After Gary bought it - - -

40 So the uncle wasn't living there?---No, he, I live at first and the uncle only come when – he was living nursing home first and he leave there only three years ago.

No, no. When did, when did the uncle move in there?---2013. He died two years now, so 2013, yes.

2013?---Yeah.

No, no. When did, when did the uncle move in there?--- 2013. He died two years now, so, 2013, yes.

2013?---Yeah.

And you wanted this property for yourself, didn't you, correct?---Yes. It has got nothing to do with Gary, but then again you know, I can't borrow the money.

10 You wanted this property, didn't you?---It was - - -

You wanted the property, correct?---It was my - this was my property, I bought it because, yes, because I use Gary's name, that's all.

You bought it, oh, so it was all your money to buy the property?---No, Gary helping me.

Well, listen, are you just making this up as you're going along?---No. I don't make it up, it's true.

20

You understand this is very serious what's going on here?---It is true.

So what I'm going to put to you is this, right. Number one, you are a thief who has stolen money from Botany Council, do you accept that?---Yes.

And you are a thief who has used Botany Council money in order to partly purchase this property at [REDACTED] that is to put money towards it. The focus - - -?---No. No.

30 Would you agree with that?---2006, I wasn't working in Botany.

No. Well you made mortgage payments according to what your solicitor has written here and you said you assisted with the mortgage repayments?---Yeah. I pay, I help Gary to pay the mortgage, yeah.

Yeah. From money that was stolen from the Council?---No, not that.

No, okay?---From my wages.

40 From your wages. See the reason you're saying this is that you know that the Council is coming after you in respect of taking whatever assets you have to repay back to the Council funds, don't you? You know that's what is happening in the Supreme Court don't you?---No. I only helping Gary (not transcribable) money, I don't help him big money.

And what you're trying to do here to the Commission is minimise your involvement in the theft of money from the Council, correct? That's what you're trying to do, aren't you?---No.

No?---It's never been the money from the Council to pay the house, I never did. I didn't pay the mortgage, I only help Gary a little bit. And I bought the property in - - -

Only, everything's only a little bit for you?--- - - - 2006, I don't even work in the Council yet.

10 Everything's only a little for you. Okay. We'll come back to that. Now the company, you were asked some questions by Counsel Assisting in respect of the company which is called Jovanes. Do you recall being asked some questions about that?---Yes.

Now you know what that company is, don't you, Jovanes, yes?---I didn't know before now I know, yes.

Really?---Yes. At first I don't know.

20 So you only know when, when did you first know about Jovanes, the company? When Counsel Assisting asked you the question?---I did pay invoice, I saw that, that's what I told you. I rang Gary and he said just pay and then after that I know.

Was this the telephone call you heard?---Yeah, yeah.

Yes. Jovane, thank you. Jovane. So the first time you've heard of Jovane is when?---I can't remember, I pay so many invoice, I can't remember what year, I'm sorry.

30 You see, you actually created some of the Jovane invoices, didn't you?---No, I never did, no.

You never did?---No.

Never. Okay. I'm going to show you a document. If the witness could be shown a folder of documents that we've prepared. I think the Commission's been given these. If you go to tab 5, is this your email of 20 November, 2014 that you sent to Mr Goodman attaching the Jovane invoice?---Tab 5?

40 Tab 5. Is this an email that you sent to Gary Goodman on 20 November, 2014?---How far it was in that, okay.

Tab 5?---Yes.

Is this an email that you sent to Mr Goodman on 20 November, 2014?---Yes.

Correct?---Yes.

This is a Jovane invoice, correct?---Yes.

And you prepared this one, didn't you?---No, I never did.

You never – where did you get it from?---I don't know because Gary must've emailed it to me - - -

10 No, no, no?---Or maybe Alex and then I ring – that's when I ring Gary. I never done it - I swear I never done it.

Okay. I can prove it to you I never – I don't even know this invoice?

Are you finished?---No, I never done it.

Are you finished?---Yes.

20 Okay. This email attaches a Jovane tax invoice. Where did you get it from?---I don't know, I don't know. Must be email it to me and then when I rang Gary and I said what is invoice and he tell me to pay it, that's it. I never done any – I only paid invoice I never make this invoice up, never did.

You knew that the Jovane invoices were all false, correct?---(No Audible Reply)

All the Jovane invoices that were being paid - - -?---Now I know, yes, yes.

30 No, no. Don't say now you know. You knew at the time that you were arranging the payments that these were all false invoices? Come clean to the Commissioner - - -?---But this invoice I don't even – not even my signature.

No. Focus. Do you want to answer the question? If you want to deny it you can deny it on your oath, a matter for you. Okay. But answer the question. You knew that when the Jovane invoices were being paid you knew they were false, didn't you ma'am?---In that time - - -

40 You knew they were false?---No, in that time I wasn't know, I didn't know.

You didn't know?---I didn't know, yeah. In that time at first I didn't know.

You told the Commissioner that - - -?---I know after. I know after. I didn't know at the first time because that's why I rang Gary he said, just pay it. I don't know that time.

When did you know after?---The first time.

When did you know after?---A while back, yeah, I know.

When? When?---I can't remember.

You can't remember?---Yeah. I know later it was (not transcribable) because Gary never tell me nothing. I don't know.

Okay. Were you in court when Mr Subeski was giving evidence?---Yes.

10 Yeah. And you heard what he said about you and Mr - - -?---Yes.

- - - Goodman. That you would go to his home and collect money - - -?---Yes.

Listen. Just, you would go and collect money from him - - -?---Yes.

- - - that was related to these false invoices. Do you recall him giving evidence about that?---Yes.

20 Yeah. So let's go back, because you've been treated very fairly here? You've heard - - -?---That time - - -

Listen, listen?--- - - - it was only Iced Air, I know.

Iced Air false invoices?---I don't know because he was, he was working at my house that time. I didn't know about Jovane at that time. Whatever instruction I get the money, go to his house, it was Gary instruct me. I don't know anything about that.

30 Why did you think he was giving you money for?---Well Gary told me to pick it up so I go.

And it was money for you, wasn't it?---A little bit, yes.

Everything's a little bit for you. Okay. Well let's, you want to do this the hard way we can do it the hard way?---But usually I gave it all to Gary.

You gave it all to Gary, did you?---Most of the time I gave it all to Gary.

40 Most of the time?---Yes.

And some of the time you kept it?---He would, Gary would give me but - - - Some of the time you kept it?---Gary would me 1,000 that's the maximum.

You - - -

THE COMMISSIONER: Sorry, Mr Moses, I'm sorry. Just before we leave that invoice, Ms Baccam, you see that invoice refers to the domestic airport terminal 2?---Yes.

Well that was for work that was carried out ostensibly within the Business Unit of the Council, is that right?---Yes.

That's where you worked wasn't it?---Yes.

10 Well why did you talk to Gary Goodman about this if you didn't think that it was a false invoice?---Because I never seen this invoice before.

No, no, listen to the question. If you thought it was a genuine invoice why did you not ask Mr Mark Goodman to approve this invoice for payment? Why did you speak to Mr Gary Goodman?---I don't know. Because – I don't know where, I thought that Gary was email me this, this invoice and that - - -

20 No, you've emailed it to him. You've emailed the invoice to Gary Goodman?---But I want to know that where this, where did, who did email me this thing. I don't even know.

I'm not worried about who emailed it to you. You have told - - -?---I only just emailed back to Gary that's about it.

30 You have told this Commission that as far as the Business Unit was concerned where you worked, Mr Mark Goodman was the person to whom you turned when you needed to know if an invoice should be paid and that was what you did in relation to all the genuine invoices. Well this falls within that category, but you don't speak to Mr Mark Goodman - - -?--- Yeah. I know. I don't know why - - -

- - - you sent it to Mr Gary Goodman?---I don't know why I just ring Gary, yes.

Well can I suggest that a reason might be because you knew it was false?--- (No Audible Reply)

40 Is that a reason?---Maybe, yes.

Right.

MR MOSES: Thank you, Commissioner. Not maybe, when the Commissioner asks you a question answer it truthfully. You knew it was a false invoice, didn't you?---Yes.

Yes. And we go behind tab 7 of this folder, it was you Ms Baccam who asks for a new account to be established in the name of Jovane Pty Ltd.

You were the one who asked for it to be set up. You were the one for a new account number and on the very same day you're sending an invoice to Mr Goodman for it to be paid for work that was done before the account was established, correct? That was all you, wasn't it?---I never set up this thing. I don't know this how this happened. I never set up this company. I don't know.

10 All right. Okay. Go to Tab 7, email from you to Tian hi Miss, can you set up the new account below please, Jovane Pty Limited and you give an account, you even give the ABN number. Who told you to do that?---Gary, every invoice I pay, you know, Council have to set up the invoice, it's not, I didn't set that up.

Listen, you told this employee to set up a new account, didn't you?---See, you don't understand the system in the - - -

20 No, no, you don't know how to tell the truth. You told her to set up a new account, correct?---Set up a new account, it doesn't mean you set up the company. You set up the account to pay in there because all the new invoice come, if I have to pay, I have to present to Tian to set up the account.

This is the position isn't it?---Otherwise you can't say pay, I can't pay.

You're finished. This is the position, you and Mr Goodman came up with the idea of setting up this false invoicing through Jovane, correct? You arranged for an account number - - -?---No, I didn't, I didn't know anything at first, I didn't set all this up.

30 At first, okay When did you know about it?---You know the, they set the accounts up because need to pay the invoice, every invoice through the Council you have to account in the Council. When the new invoice come, you have to set up (not transcribable) that's only my job, the new invoice come, I ring Tian, that okay to set up this account to pay - otherwise you can't pay.

Your job was to get the account number for the fraud, wasn't it, that's what Mr Goodman asked you to do?---No, that's not true at all.

40 THE COMMISSIONER: Mr Moses, can I - - -

MR MOSES: I'm sorry Commissioner.

THE COMMISSIONER: No, no, that's right. Can I just observe that the email to Mr Goodman relating to the invoice on the 20 November is at 1.22pm, the witness has already acknowledged that she now appreciates that she knew at that time that it was false and the request for the account is sent at 1.26pm on the same day.

MR MOSES: 12.53pm Commissioner, down below.

THE COMMISSIONER: Sorry, 12.54 in any event, I think the inference is available whether or not the witness is prepared to agree with you.

MR MOSES: Yes, thank you Commissioner.

10 Now ma'am, let's go through some formal bits, I'm going to come back to Jovane and the monies that you received from Mr Subeski and your gambling in a moment. But let's go through some formal matters. You were a clerical assistant employed by the Council between 11 October, 2010 until October, 2015, correct?---I don't know why they got that because I work longer than that.

Okay. You were a clerical assistant?---Yes.

20 Commissioner, could the document at Volume 23 page 112 be placed on the screen.

THE COMMISSIONER: Yes, Volume 23, 112.

MR MOSES: Now, that was your employment contract there?---Yes.

And what was the salary that you were earning as at the time that your employment came to an end?---905 after tax.

And how many days a week did you work?---Five days a week.

30 THE COMMISSIONER: Was that 905 per week?---Yes.

MR MOSES: And how did you get the job?---Through Gary and Peter Fitzgerald.

Commissioner, could the document at Volume 23 at page 118 to 120 come up, this is your job application. This is your application for employment.---Yes.

40 Is that your handwriting on the document?---Yes.

And if you go to referees at page 120 you've got Jackie Signorelli at Rotor Master and Leong Seng at On Q installation.---Yes.

And a third person there, how did you know those to, Ms Signorelli and Mr Seng to be your referees?---Jackie was Joe's wife and he was running Gary, motor, the racing car, yes.

He was driving it?---Yes.

Okay. And Leong Seng, how did you know him?---He was friend of Gary long time ago.

And you say you signed this application for a job on 18 September, 2010, do you see that?---Yes.

10 And you say you were working for the Council before then?---Yes, because this one they didn't get, it was a new contract, they renewed a new contract that's why, that's been all this time but I was on contract, I worked before then.

Okay. And the person who's listed as the emergency contact is your daughter?---Yes.

Okay. Thank you.---That's when we had a new contract from the airport.

20 Now, can we go to page 129 at Volume 23, this is the position description for you, do you see that?--- (No audible reply)

The duties are at page 128. Part of your job was to manage material and sub-contractor invoices, is that right?---Yes.

And to maintain material purchasing and ordering system.---Yes.

And if you go to page 129 you knew that there was a code of conduct which the Council had for its employees?--- (No audible reply)

30 Ms Baccam?---Yes.

Yes?---Yes.

And at page 130 you signed the document that you understood the terms and conditions of your employment?---Yes.

And could, Volume 24 page 109 be shown to the witness, Volume 27 thank you, page 109. That's showing you the Council code of conduct, you were aware of the Council code of conduct, ma'am, weren't you?---Yes.

40 And in fact you had received training in the Council's code of conduct? --- (No audible reply)

Ms Baccam?---No, I haven't train.

You never received training?---No.

No. You knew it existed, the code of conduct?---Yes.

And you knew, if we go to page 124, in terms of Council resources, you couldn't use it for private purposes, you knew that?---Yes.

Now, you did use Council resources for private purposes, correct?---Yes.

You used a vehicle of the Council for private purposes, correct?---Yes.

Ma'am?---Yes.

10 How many cars to the Council did you use for private purposes?---Only one car at a time.

Only one car at a time.---Yes.

And all the fuel for that car was paid for by the Council?---Yes.

And did you use the Council cards, BP Cards for instance, to buy groceries?---Yes, sometimes.

20 For yourself?---Yes.

Yes. You did all that and you knew that you were permitted to do it, correct?---Yes.

And the reason why you thought you could get away with it, is this the position, was because you and Mr Goodman were in a relationship or had been in a relationship and you could do whatever you wanted, correct?  
--- (No audible reply)

30 That's the truth of it, isn't it? Is that right?---Yes.

Yes. Now, I'm going to go back to the [REDACTED] property, just to understand this to make sure that you're not misrepresenting the position to The Commission. Do you say you own that property?---Yes, half own it.

You own half of it?---Yes.

That's what you say.---Yes.

40 Your name doesn't appear does it - - -?---We try to do the - - -

Now, let's focus. Your name doesn't appear - - -?---Yeah, no.

- - - on the title deeds as an owner does it?---No.

You have a caveat on the property?---Yes.

And the reason you have a caveat on the property is because you have an agreement, you say, with Mr Goodman, correct?---Yes.

And is this the agreement that you say is the case, that he would leave to you in the event of his death?---Yes.

So - - -?---Because it's his uncle's (not transcribable)

10 No, no, no, listen, just one moment. And the reason, is this the reason why he's left it to you, is because you are in a relationship with him?---No, it was, no.

Okay. So he's going to give you, he's going to leave for you 50 per cent of a property upon his death because you ended a relationship with him in 2009. Is that, is that how it works?---No, it's not the case, no.

I'm sorry?---It's not the case, no.

20 No. Okay. So let's go back to it then. Why do you understand Mr Goodman has said he's going to leave the property to you upon his death, even though it's not in his will?---Because I look after his uncle.

30 For how many years?---Three years off and on in nursing home and then come and live with me for one year and in Mick's wish, he went and pay off the loan for me when he live with me and he want me to stay there and if he die, he want me to have half the house, whatever he give me the money, and Gary refinanced the house. Mick already pay off that house for me, on his money from he sold his house, and then Gary went and refinanced and that's why Gary have to pay the, the, the mortgage.

You - - -?---It was in Mick's wish to give it to me.

You have told the Commission that both you and Mr Goodman put up money in order to buy the property. Correct?---Yes, in 2006, yes.

And that's what you told the solicitors. Correct?---Yes.

40 Because you were buying the property, were you not, from Mr Goodman's uncle. Correct?---At the beginning, no.

No. What, so you were just going to steal it from him?---No.

No?---We don't steal from him.

No?---He live with me, I look after him.

Oh, okay. But that's not what you told the solicitor. The solicitors were told that the property was being bought. Correct?---Yes.

And that mortgage repayments were being made - - -?---Yes.

- - - by you and Mr Goodman. Correct?---Yes.

Were you telling the solicitors the truth when you - - -?---Yes.

Were you?---Yes.

10 Okay. Now, Ari Landscape Solutions. If the witness could be shown volume 4, page 3. This document which you've seen before, this document is proof isn't it that you're the sole director and trader of that company. Correct?---Yes.

And you were registered on 9 September, 2014?---Yes.

And the address is where you live at [REDACTED] Yes.

20 And you created false invoices using the letterhead of that company and sent them to the Business Unit directly for Mr Goodman, Gary Goodman, to pay. Correct?---Yes.

And just as an example, volume 4, page 22, that's a false invoice that you prepared in order to facilitate payments being made. Correct?---Yes.

And the - if we then go to page 222 of volume 4, that's the summary that you've seen in the ICAC materials as to the summary of all the invoices that were issued by Ari Landscape Solutions?---Yes.

30 And do you know, do you know just sitting here today how much money you stole from Council by issuing false invoices?---(No Audible Reply)

Do you remember how much you stole from the Council by using Ari Landscapes?---190-something.

How much?---\$190,000.

40 And what did you do with the money that you stole from the Council using the Ari Landscape invoices?---60 per cent go to Gary, yes.

So that was a split, was it, 60/40?---Yes.

Who came up with the split?---I just average because - - -

Sorry?---I just think that average would be like that.

What you arranged it?---Yes.

So 60 per cent went to him and 40 per cent went to you. And what did you do with your 40 per cent of the money that you stole from the Council?

---I spent it.

You spent it. Gambling?---Gambling and helping - - -

At Mounties?--- - - -helping my brother.

And helping your brother?---Yes.

10

Mmm. Spending money on the place at [REDACTED] No.

No?---It was all Mick's money.

You want to keep saying that? That's okay?---All Mick's money, that one.

Yeah, all Mick's money. That's okay?---Landscaping it was set up 2014 and Mick was – we do the renovation when Mick, before Mick, when Mick was living there two, three years ago.

20

That's okay, you can keep up that story if you want?---Three years ago, yes.

That's okay. You keep up that story. That's not going to stop that property being ultimately taken from you?---I tell the truth. I tell the truth.

Now, ma'am, just in relation to the facilitating the payment of other false invoices, is this the, is this the situation. Did you invoice false payments for Iced Air MKD Pty Limited?---Sorry, what did you say?

30

Iced – this is one of Mr Subeski's companies, Iced Air. Did you sign the invoices authorising payments for those companies?---Yes, before, I did sign yeah.

And you knew that no work had been done when you when you were signing those invoices?---I don't know which one you're talking about but some of them is the work been done, some of them not.

Well, can we go to volume 13, page 115?---Yeah, I've got it here.

40

Did you sign that invoice?---Yes.

And at the time you signed it, you knew that it was false. Correct?  
---(No Audible Reply)

You knew that it was false?---I don't know. Some of them is false, some of them's not. I'm not sure about this one.

I'm sorry?---Some of them is false and some of them is not.

Well, sitting here today, if we were to show you all the invoices- - -?  
---I can't remember, it's too many invoice I sign.

You just can't remember, yeah?---Too many invoice I sign for him, yeah.

Too many lies, you don't know which is the truth and which is the lie?  
---No, not tell lie, too many invoice of him I sign, yes.

10 Mmm. And you don't know which is the truth and which is not?---Yeah.

Correct?---Yes.

All right. Do you know between 2010 and 2015 there was \$323,205 paid to that company, Iced Air, by the Council. Do you know that?---What company, I didn't - - -

20 Iced Air. Do you know that that amount of money was paid to that company?---I know that it pay to that company, I don't know exact amount, yes, no.

And how much of that money did you get?---I don't get nothing.

Didn't you?---It just all go – whatever I pick up a cheque from (not transcribable) I gave it to Gary.

Whatever you picked up from Mr Subeski, you gave it to Gary?---Yes.

30 But before you told the Commissioner - - -?---Yeah, he gave me 1,000 or 500 but - - -

No, no. Listen. No, no listen?---I only, whatever I do with this company only instruct by Gary.

You told the Commissioner just probably about 20 minutes ago most of the money you gave to Mr Goodman, then you've said now all of the money and then when I challenged you, you then sought to go back and say \$1,000. So which is the truth, which, which, which - - -?---Yeah, Gary - - -

40 - - - part of your evidence should the Commissioner believe?---Just because he would give me 1,000 or 5, it's maybe just because I pick up for him and sometime he didn't give me at all because he need to, whatever he does, I don't know.

Okay. Green Thumb. Do you know that company called Green Thumb?  
---I - - -

Hey?---I don't know. I seen the invoice but I don't know anything, I don't even know is belong to Mr Alek, no.

Well, do you know, do you know whether that company provided any work for the Council?---I don't know, I don't.

You know it didn't, don't you?---No, I don't know.

Okay?---This one I don't know for sure.

10

Okay. And Jovane, you accept don't you - - -?---Yeah.

- - - did no work for the Council. Correct, you knew that?---Yes.

Yeah?---After that I know, yeah.

And Alex Electrical, did you authorise payments to that entity?  
---I can't remember that.

20

Okay?---Iced Air I know but I can't remember about this one.

Now - - -?---Can you show me?

What's your relationship with Mr Subeski, do you – how did you come to know him?---I know him through Gary.

You know him through Gary?---Yes.

30

And you know that there are cheque butts because I've shown them to Mr Subeski in your presence - - -?---Mmm.

- - - which he states moneys were being paid to you. Correct?---No.

There are cheque butts going to you?---No, I pick up that money and give it to Gary.

Okay. Well, can the witness have on the screen volume 3, page 51. This is just one of the examples. See I asked Mr Subeski about this and he said he was writing cheques out for you - - -?---Yes.

40

- - - Mr Goodman and Mrs McCormick. Correct?---Yeah, yes.

And unless you want me to take you through all the cheque butts, do you accept that he wrote out cheques to give to you. Correct?---Yes.

And he also gave you cash?---Yes.

Yeah. And you kept some of that money, correct, at least?---No, this one I don't. I gave it all to Gary.

So all the money - - -?---Yes.

All the money you gave to Mr Goodman?---Yes.

So do you want to go back to that evidence. All the money you got from Mr Subeski - - -?---Yes, yes.

10

- - - you gave that?---Yes.

So the answer you gave to the Commissioner not less than five minutes ago she should accept that you've just lied about that and you're now telling the truth?---No, I gave it all to Gary on (not transcribable) yes, because - - -

Okay?---- - - when I start doing this because it was Jenny's problem.

20

Mmm. It was Jenny's - - -?---Gary would tell me - - -

Jenny's problem. That was his new girlfriend?---I don't know. I assume so. I don't know.

I'm sorry?---I don't know. I don't know for a fact, no.

Well, was she married to Bill McCormick?---Yes, that's right. I don't know.

Yeah. And - - -?---He was helping her.

30

She was helping her, yeah. Okay. All right. But you borrowed money from Mrs McCormick did you or did she borrow from you?---She borrow me - from me, yes.

Did she?---Yes.

When?---2013 on my credit card.

Yeah. How much?---20,000 on my credit card.

40

To do what?---Well, she would borrow it bit by bit and she would come up with that. At that time (not transcribable) but probably she gamble as well and I thought that I gave her that money that she can pay me back more than what I give her because she show me that she got the money coming in.

Let's just go back. What did you understand you were giving her the money for?---To help her husband.

Mr McCormick?---Yes.

To help him in what way, for what purpose?---He was – have a stroke.

Ah hmm?---And she – that time she said her money was been frozen and she have to take him here and there and sometime we would go to the club. I lend her to gamble, yes.

Okay. Just with Mounties, you used to gamble there. Correct?---Yeah.

10 And did you organise a function – do you want to give me the notes for this. Did you organise a function there, a fundraiser for a Buddhist centre?---Yes.

And you used Council money didn't you to organise that?---No.

No. Did you give out Cabcharges to employees in the Business Unit to go all the way from Botany out to Mount Pritchard near Wetherill Park to attend the function?---Yes.

You handed them out?---Yeah.

20

Yeah. And the – you got a bill for the function which they were chasing you up on, on 29 October, 2014 for the showroom and a sound (not transcribable) technician - - -?---Yeah.

- - - for \$2,475. Correct?---Yes.

So unless - - -?---2,000, it had come down 2,000, yes.

30 Yeah. And you used money didn't you that you had stolen from Council to pay this bill?---No, Gary was pay out of his point. He was winning the - - -

Gary paid out of his what?---You know, when you play the - - -

Gary paid out of his what?---Point of the pokey because he was winning the point.

Oh?---1,000 point.

40 Mmm?---Which is – in his card they give the (not transcribable) is how Gary pay for that. Because I didn't have the money to pay and Gary pay out of his point.

Did he?---Yes.

So Mr Goodman did that?---Out of his point, yes.

Okay. Who told you that?---I was with him. I gave the card to the guy - - -

Okay?--- - - - that from the club to pay.

So you stopped having a relationship with him in 2009?---Yeah.

But you still hang out together playing pokies?---We friend, yeah. I saw him – I do everything for him as a friend.

You do everything. Mmm. Okay?---I look after him. That's why. I cook dinner all that.

10

Yeah. And you stole with him from the Council too. Correct?---(No Audible Reply)

You stole money with him together from the Council too?---Yes.

Now, what these companies, Speedy Ceilings. Did you, did you authorise payments to that company?---Speedy Ceiling.

20

Yeah. Do you know the name of the company?---Yes.

Yes. Did you authorise invoices to be paid for those companies?---Speedy Ceiling. Yes, yeah.

And were they false invoices?---That - - -

If you don't know say so?---I don't know. I don't know about this.

You don't know whether they did work or not?---I don't know, yeah.

30

What about Highland Profiles?---Highland Profile. I, I believe they work some work there because Malcolm was telling me that they work there.

Ah hmm?---And most of the bill it come from Mal to give to me to pay anyway.

Yeah. But you, you don't know whether work was being done or not. Is that right?---No, I don't know.

40

No. All right?---I would not know what they doing. I never know.

Okay. Now can we just ask you some questions about Officeworks. You liked going to Officeworks a lot didn't you?---Yes.

Yeah. If we can show the witness volume 22, page 69, 70 and then 72. You used to go to Officeworks quite a bit. Correct?---Yes.

And you used to buy items from Officeworks for your own personal use. Correct?---Yes.

Yeah. And in fact I think you went to Officeworks in Guildford in order to get some items once. Is that right?---Guildford?

Yeah, Guildford?---Oh, I can't remember Guildford.

Okay?---No. I don't - - -

10 You can't. Okay. Have you been out to the Guildford Officeworks?---No, I don't think so.

If we can have volume 23, page 138?---Show me. I can't remember. Maybe Fairfield.

You know there was a complaint that came in from a member of the public who witnessed you - - -?---Oh, yeah, yeah, yeah. That one is at Fairfield.

20 Now listen, focus. Who witnessed you having a fight with someone from Officeworks in Guildford about an unpaid or overdue account. Correct?---Yes.

Volume 23, page 138?---Yes.

So you, you, you went all the way out to Guildford to steal some more things from using the Officeworks account?---No, that time I was there I was doing something – not Guildford it's Fairfield actually.

Oh, Fairfield?---Yes.

30 Okay?---Near Fairfield.

Yeah, but you went there to get things for yourself. Correct?---Yes.

Is that right?---Yes.

Yeah. Now you were there weren't you to get things for yourself. Is that right?---Yes.

40 Yeah. And do you know how much money you've stolen from Council using the Officeworks card?---I was – I don't know.

Do you want to give us an idea?---I don't know. No.

You don't know?---No.

Okay. You have no idea of knowing do you sitting here today of the money spent on the Officeworks card which one was legitimate and which one wasn't. Correct?---Yes.

Because you used the card as if you thought it was your own. Correct?  
---Yes.

Is that right?---Yes.

Yeah. And in fact, is this right, at Mitre 10, is this right, with, with Mitre 10  
you forged the signature of Mal Foo in order to purchase something. Is that  
right?---Yes.

10

Is that right?---Yes.

Yeah. Because again you would do whatever it took to get what you wanted  
using Council resources. Correct?---Yes.

You treated it as if it was your own bank account. Correct?---(No Audible  
Reply)

20

Yes?---Yes. But the, the Officework - - -

Now – oh, you want – do you want to give me an explanation?---I was  
buying for everyone there as well.

You were buying for everyone?---Yes.

Okay. I think - - -?---Whatever they need I will get for them.

Whatever they needed?---Yeah.

30

Yeah. And whatever you needed too. correct?---Yes.

Yeah. Now Campbells Cash and Carry. Campbells Cash and Carry you  
had a card there of the Council's?---I don't have a card.

Did you go to Campbells Cash and Carry?---Yeah, I go but I don't have a  
card, yes.

And you would buy items from there?---Yes.

40

For yourself. Correct?---It's only a little bit. Not Campbell.

Only a little bit. Everything's a little bit for you isn't it?---Yes.

Just a little bit?---Yes.

Yeah. Okay. So do you accept you used Council card to use money of the  
Council to buy things for yourself at Campbells Cash and Carry?  
---Campbell is all about Airport we have the party and very little.

Did you use it - - -?---Yes.

- - - for your own purpose?---I don't have the card. I only just go there for the day pass.

Okay. Now I think you've said that you're a gambler. Correct?---Yes.

And you've said that you had debts. Correct?---Yes.

10

If you go to tab 10 of the folder that I've given you. That was a default letter that you received for your bank account or your credit card with St George Bank. Correct?---Yes.

And how much was the debt that you owed them?---20,000 that was since I lend to Jenny.

Okay?---Since 2013.

20

And tell me this, you go to Thailand a bit. Is that right?---Yes.

You travel to Thailand a bit. How many times do you travel to Thailand every year?---I never go until last two years, yes.

And how many times have you gone?---Four time.

Four times?---Four time or - - -

And - - -?--- - - - three time. I can't remember.

30

Yeah?---Yes.

In 2014 you were in Thailand, correct?---Yes, yes.

September 2014?---Yes.

And when you were over there, your bank accounts were locked, correct? ---Yes

40

And you asked Mr Goodman for \$10,000 - - -?---Yes.

- - - so you could get back to Australia?---Yes.

And what were you doing in Thailand?---I went to Laos, my aunty was blind, she was sick, I went to Thailand and Laos to my country.

And why did you need \$10,000 to get out of the country?---I was going to go to Laos, that money wasn't Gary money, I borrow from Mal Foo.

Yes. Well, actually Mr Foo tells us that he arranged for that money to be paid for somebody else - - -?---Yes.

- - - to get you out of the country?---Yes.

So - - -?---I was stuck because I waiting for Jenny to pay and then she never get to pay and Gary didn't have the money so I rang Malcolm that time, I borrow his money, first.

10

Well, you know it wasn't his money, it came from somebody else, correct? ---He said he borrow from someone else, yes.

Now, do you ever try and arrange for individuals to come to Australia from Thailand?--- (No audible reply)

You have arranged, let's cut to the chase, you have arranged, you've tried to bring people in from Thailand to come to Australia, correct?---My friend, yeah, my friend when I come visit - - -

20

Two people. Two people in recent times?---Yes.

And each times you've represented to The Department of Immigration that you would be able to look after them and pay for everything they needed, correct?---Yeah, yeah, I have to say that otherwise their Visa wouldn't go through, I want them to come as my friend, yes.

So you're telling an untruth to The Department of Immigration to get them into the country?---That they stay with me in my house, yeah.

30

And you would pay for everything?---No, they pay, they didn't let me pay anyway.

No, but is that what you told The Department of Immigration?---Yes, yes, I did, yes.

So were you telling The Department of Immigration the truth or not?---Yes, I was going to supply everything, yes.

40

And I think you were going to arrange for somebody to come from Thailand to go on a ski trip.---Yes.

And you would pay for everything?---Yes, my friend, my friend want to come but it didn't get through, yes.

But you, you had no money.---In Asia - - -

Where are you getting the money from?---In Asian people, I don't have to pay for them, they pay for them, I'm only saying it.

Oh, you only say.---They would never let me pay it, he's a man, he has to pay.

Okay. So just go to Tab 2 of the folder Page 37. That's the ski trip that you were going to pay for everything.---This Visa didn't get through anyway.

10

But you were saying that you would pay for everything, correct?---I only say to go to the thing that for him to get a true Visa because he want to come and visit Australian, and it's very hard to get a Visa from Thailand.

Because the money, the money was all coming from the Council, correct?  
---No.

No, Okay. Now, did you tell Mr Goodman from time to time that you had credit card bills that needed to be paid?---Yes.

20

And you would send him from time to time, emails with details as to where payment of your bills should be?---Yeah, because the bank was chasing me because he pay because of that money I was lending to Jenny, he was going to get back from Jenny.

Now who's Kim that you refer to in a telephone conversation with Mr Goodman who come to your house for money?---Kim?

You mentioned something about Kim and massage, what's that about?

30

---No, the other one was my girlfriend that Jenny borrow money from and Kim - - -

Sorry, just let's go the first one. Jenny borrowed money from somebody else?---From Kim and from the lady from, she own the massage lady.

So she borrowed money from that person too?---As well, yes.

And they came to your house looking for the money?---Yes, because I - - -

40

Why did they come for your house looking for the money?---Because I guarantor that because Kim doesn't know Jenny, I tell Kim to give to her because I thought that she will pay back, the (not transcribable) because I guarantor that.

Gardens2envy, you're aware of that, correct?---Yes.

And what was his relationship, was Amol's relationship with Gardens2envy?---I don't know, I know they work together, I just seen them

working the airport but I don't, I only talk to him, I don't friend with him no, I don't know.

And would he pick up cheques from Mr Subeski to give to you?---No, never.

Okay. Now you're aware that a freezing order was made by the Supreme Court against your assets - - -?---Yes.

10 - - - on 23 December, correct?---Yes.

Now, in January did you contact Malcolm Foo, in January of this year, and offer to pay back \$10,000 to Malcolm Foo's contact - - -?---Yes.

- - - Phil Filapoo at Civil Craft who lent the money for you to come back from Thailand?---Yes. I rang him because - - -

No, no. So you did do that?---Yes, I did.

20 And do you recall Mr Foo saying to you, he wanted to do with this, do you recall him saying that to you, I want nothing to do with this?---No, he didn't say nothing.

Okay. So you have a freezing order made against your assets and your accounts by The Supreme Court because you know that Botany Council wants to get the money back from you that you stole.---Yes, yes.

30 Where were you getting the \$10,000 to pay back Mr Filapoo in respect of the Thailand money, where was that coming from?---I believe, when I rang Malcolm Foo, Jenny's back from Philippine. Gary was telling me when she back, she can back all the money she owe me then pay back Malcolm, that's why I rang him to let him know that Jenny's from Philippine but it didn't happen, for some reason she could not get the money or something, I don't know.

You know you're not allowed to be using the money in that way, don't you? ---Because Jenny - - -

40 You understand that don't you?---Yes. It was all Jenny got to pay the debt off, that's all because I promise him that when Jenny come back I will pay you back so I only keep my word, I ring him that Jenny's back.

How many computers do you have at home?---Just one.

And who paid for that?---Yeah, I bought it from work.

Who paid for that?---From Officework, yes.

The Council did, didn't they?---Yes.

And on 15 October, when you were sacked, you were directed to return items that belong to Council back to it, correct?---Yes.

And you haven't done that have you?---Yes.

You haven't done that have you?---No, no.

10

No. So, is there anything else that belongs to Council - - - ?---No, nothing else that one I work at home, that's why (not transcribable)

So you decided to ignore the direction to return that equipment too, is that right?--- (No audible reply)

Okay. Any other questions, the Cabcharges. Can I just ask you one question about the Cabcharges. You've agreed that you gave out Cabcharges for people to go to the fundraiser, for the Buddhist Fundraiser, was that a registered charity?---Yes, that money go to charity, yes.

20

Who did you give the money to?---One of the monk from Thailand, he came all the way to do the charity there's a monk. Go to time, one of the temple in Thailand.

What's the monk's name?--- (not transcribable)

Okay. Apart from the Cabcharges you gave to people to go out there, did you use Cabcharges to go out to, out to Mounties, you used Cabcharges, you catch taxis to go out, to go back to your home?---May be two time, yes.

30

May be two times.---Yes.

Only two times?---I think yeah, I can't remember.

You used a lot of Cabcharges, wouldn't you?---I didn't use myself, I give all to people in the airport.

Oh and they would - - -?---That's my (not transcribable) many time I come and ask to use, I gave it to them. It's not only me - - -

40

So if the Cabcharges have you as being the person then that's wrong is it? --- (No audible reply)

Is that right?---Sorry.

If the Cabcharges have you as the person who's used the cab, is that wrong? ---I don't understand, sorry.

You were giving Cabcharges out to people for reasons that had nothing to do with work?---No, no, no.

No?---It was people who work there, I gave to Malcolm, I gave to Bruce, I gave to Mark Goodman, I gave to everyone because I got the Cabcharge book before, now I, I don't have it for long time. Mark was control that.

10 All right.---And those day, when they were the people were at work, one the Cabcharge I gave to them. It's not only me.

Okay. You, in terms of Cabcharges that you used, you were using Cabcharges on a regular basis weren't you?---Um - - -

Well, 2014, you used \$4,000 worth of Cabcharges?---I don't recall, I can't be (not transcribable)

You don't?---No.

20 You don't recall?---No, no, I - - -

Were you actually using the taxis?---No, I got, I drive a Council car to work.

Well, can I ask you this - - -?---I use it sometime that what I say, I give some to people at work as well.

30 Well were you giving money to a taxi driver through the use of Cabcharges and they were then giving you money back in cash?---Never, never, no, never.

Okay. Thank you. I have no further questions of the witness. Thank you.

THE COMMISSIONER: There's just a few, a few others Mr Overall, yes.

MR MOSES: Commissioner, could I tender the additional folder of documents which I provided?

THE COMMISSIONER: Yes. That will be Exhibit R22.

40

**#EXHIBIT R22 - FOLDER OF MARNY BACCAM DOCUMENTS**

MR MOSES: Thank you.

THE COMMISSIONER: Yes.

MS SATHANAPALLY: Ms Baccam, I represent Mr Subeski. If I can just remind you of your evidence earlier regarding renovations to the [REDACTED] property. You gave evidence that you told a solicitor that you'd spent \$150,000 on that property. Is that correct?---Yes. Of Mick's money, yes.

So you're saying that you used mixed money?---Yes.

To pay for that?---Yes.

10

THE COMMISSIONER: I think it was Mick, meaning Uncle Mick?---Uncle Mick, yeah, Uncle Mick.

MS SATHANAPALLY: Uncle - - -

THE COMMISSIONER: Mr Goodman's uncle.

MS SATHANAPALLY: Uncle Mick's money, sorry?---That's what Gary told me that we spend that money to pay for that.

20

So Gary told you that - - -?---Yes.

- - - Uncle Mick's money was used?---Yes.

So you didn't pay for the renovations?---No, I didn't pay for it. Gary, Gary paid for it, yes.

So Gary paid the money - - -?---Yeah.

30

- - - for the renovations or he told you that he had paid the money for the renovations?---He told me to - he told me that Mick's money pay for all the renovation, yeah, 150,00. That's what he told me.

Okay. So you gave evidence that there was some handicapped access renovations done on a bathroom and a room?---Yes.

And so there was plumbing work done, wasn't there?---Yes.

But you didn't pay for that, did you?---No.

40

No. Alex Subeski paid for that, didn't he?---No, Gary paid for all that. And then somewhere it was again that he paid for - - -

But you just told me that Gary told you that he paid for that?---Yes.

So you don't know that Gary paid for that?---Well, I believe so. Well where would, you know if someone do work for you that you got to pay.

Right. And you know that if work is done someone's got to pay but you don't know who paid for that?---Yes.

There were other renovations done as well though, not just plumbing work. There was air-conditioning work done?---Yes, yes.

There were light fixed?---Yes.

10

Garden lights?---Yeah.

Patio lights?---Yes.

An alarm system?---Yes.

And you didn't pay for any of that did you?---No.

20

No. Alex Subeski either did the work or he paid for someone to do the work, didn't he?---He did the work, yeah, and Gary paid for it, yes. Gary told him to come there and do the job.

No further questions.

THE COMMISSIONER: Thank you. Yes, Mr Dunne.

MR DUNNE: Yes. Excuse me, Commissioner. Just a matter that's prompted - - -

30

THE COMMISSIONER: Yes, go on.

MR DUNNE: - - - from Counsel for Council's questioning. Can you hear me Ms Baccam?---Yes.

In answer to questions from Council for Botany Bay you admitted that you forged the signature of Malcom Foo, do you remember that?---Yes.

Is it the case that you also forged the signature of Mark Goodman - - -?  
---No, I never - - -

40

- - - for the approval of the false invoices?---No, I never did that one. But Malcolm must know that I forged his signature. He told me that, go and get something from Kingsford Timber and sign my name, that's what it is. Because Malcolm always go and get the things, but I never did forge Mark Goodman, no, no.

So I'm talking about here, the false invoices?---Yeah. No, I didn't sign Mark Goodman. Maybe one time when Gary was telling me to sign. Most of the time Gary signed.

Gary, did Gary, are you saying Gary Goodman - - -?---Signed.

- - - forged Mark Goodman's signature on invoices?---Yes.

Thank you.

10

THE COMMISSIONER: Anyone else has any questions before Mr Overall? No, yes, Mr Overall.

MR OVERALL: Ms Baccam, do you remember protection under section 38, that you tell the truth?---Yes.

(not transcribable) to tell the truth?---Yes.

20

That can't be used, subsequently used in a criminal trial?---Yes.

That you will no doubt face?---Yeah.

How much money did you steal from Botany Council in the time you worked there? Did you steal?---Yeah. I have no idea, I can't remember, I have no idea. You tell me if you know? I don't know, I didn't - - -

You were the one who stole it?---I didn't calculate it. I don't, and I forgot, the years have gone by, I don't know, I can't remember.

30

Well, you stole a 190,000 from - - -?---Yes.

- - - Ari Landscape, didn't you?---Yes. Yes.

And you've said in your evidence that of that 190,000 you gave Gary, being my client Gary Goodman 60 per cent?---Yes.

And that amounts to \$114,000?---Yes.

40

Now can you tell me under what circumstances the 60/40 deal was arranged?---Just happened, whatever Gary need I gave to him.

So he said he needed 60 per cent, did he?---No. Whatever I average, yeah. Because I always get less money than Gary. Because that time it - he was always demand to send money to Jenny. That, all money goes to Jenny. He was helping Jenny and I thought that to help him to bring Jenny back - - -

No, look, I'm not asking that question. I'm asking about the 60/40 deal?---Yes.

That you say you gave - - -?---I guessed that he would have - - -

You guessed?--- - - - 60 per cent.

So you don't know, do you?---I know that I give money to him but I can't calculate how much.

You don't know how much you stole?---(No Audible Reply)

10 You don't know how much you gave to Mr Goodman?---I know how much I gave to him. You should ask him yourself?

Well how much did you give Mr Goodman?---Yeah.

Exactly how much?--- You ask Gary? I don't know, you ask Gary.

Now when you gave the money to Mr Goodman how did you give it cash or in a cheque or - - -?---Cash.

20 Cash?---Always cash, yeah.

And did you get a receipt?---No. Why would I have a receipt, I am friend with him?

Indeed?---And I trust Gary.

Indeed. You've got no receipt, you've got no - - -?---No.

30 - - - evidence that you gave him \$1, have you?---No, I don't have receipt.

And the reason that you have no evidence is you gave him nothing, didn't you?---Yes. Yeah.

You kept the money for yourself?---No, I didn't. Gary will have to have to, Gary will have to tell you. I'm not, I'm not in a position to tell you, okay. You ask him.

Well, you're the thief?---Yes.

40 And it's usually the thieves keep the money?---All the instruction, the invoice I got was Gary tell me what to do.

So how much did you make from Green Thumb?---I never – I don't even know Green Thumb, I don't know.

How much did you make from Jovane?---I don't make nothing, it was belong, belong to Gary, it was all Gary, no, I didn't.

So is it your evidence that in order to minimise your role - - -?---Mmm.

- - - in this criminal conspiracy, you are putting all the blame on Mr Goodman?---No, I didn't, I tell the truth, I tell the truth. I don't blame Gary, I - - -

10 But you stole the money and you gave it, a large proportion, the majority proportion of it to Mr Goodman. Is that what you're asking this Commission to believe?---No, I didn't say that, but I have to tell the truth that I gave some money to Gary.

But you don't know how much?---Yeah, I can't calculate.

And you don't know how much you stole?---Yeah, I never calculate, that's why, I'm sorry, I didn't know.

20 How much profit did you make out of the - how much money did you steal from producing false invoices in relation to Gardens2envy?---No, he only worked some, he work at um, at my house.

How much money - - -?---I don't know.

- - - did you make - - -?---I can't remember, I'm sorry.

- - - out of the false invoices - - -?---I don't make money.

- - - of Gardens2envy?---Um - - -

30 THE COMMISSIONER: She said earlier in her evidence that it was about 90,000.

MR OVERALL: Did you give any of that to Mr Goodman?

THE COMMISSIONER: No, sorry, Mr Overall.

THE WITNESS: No, this one different company.

40 THE COMMISSIONER: The witness's evidence earlier on was of the money that came from the false invoices that were generated in the Ari Landscaping, 90,000 of that went to her, so I don't want the witness to be misled. I think you were talking about Gardens2envy, weren't you?

MR OVERALL: Yes.

THE COMMISSIONER: Right. Go on.

MR OVERALL: Yes. How much money did you steal from Botany Council in relation by using Gardens2envy invoices?---I don't know. They do some work for me at that house and the garden and the landscaping, just

---

And did you pass any of that money to Mr Goodman?---No.

10 And the reason you didn't pass any of that money to Mr Goodman is that Mr Goodman didn't know about this, did he?---He knows everything what I done.

He didn't know at the time about Gardens2envy?---No, he knows.

And this was your own little operation that you decided to run by yourself, wasn't it?---No, I told Gary.

20 After he said to you, what the hell's going on, or words to that effect, you decided to run your own little scam against the Botany Council using Gardens2envy false invoices, didn't you?---No. That conversation that because Malcolm took the invoice to him and he could not understand he ring me up, what's going on, because the garden bloke want to pay because he have to pay everything and Mark's not there to sign and I tell Malcolm I can't pay this invoice because Mark haven't signed, so Malcolm took the invoice to Gary and Gary rang me up, what is all this about and what is arranged with him, I don't even talk to the garden guy because this, that invoice, everything they done for the airport have to be paid every Tuesday, that's why.

30 I have no further questions, Commissioner.

MR THANGARAJ: Could I just clarify one thing, Commissioner, with my friend's question.

THE COMMISSIONER: Yes.

40 MR THANGARAJ: When he put that no money went back to Mr Goodman, she kept it all, just because I might have missed the question, my friend, was it limited to Gardens2envy or was it Ari Landscape?

MR OVERALL: The first question related to Ari Landscape where there was a deal, a supposed deal according to this witness of 60/40.

THE COMMISSIONER: Of 60/40. And you put to the witness that - - -

MR OVERALL: She didn't give him anything.

THE COMMISSIONER: She didn't give him anything, so that your case, Mr Overall, is that Mr Goodman didn't receive any money from the invoices generated under the name Ari Landscapes?

MR OVERALL: My case is that there's no evidence that he did.

10 THE COMMISSIONER: Oh, you went further than that. Let's get it clear. Is your case that there's no evidence or is it your case that no money ever went to Mr Goodman from Ari Landscape invoices?

MR OVERALL: My case is that there's no evidence.

THE COMMISSIONER: All right. Yes, anyone has any further questions of Ms Baccam? No.

Thank you, Ms Baccam, you may step down.

20 THE WITNESS: Thank you.

THE COMMISSIONER: You are excused for the time being.

**THE WITNESS STOOD DOWN [4.01pm]**

MR THANGARAJ: Just for tomorrow's list, Commissioner, the order of witnesses, finally we'll get to Mark Goodman, then Sam Alexander, Joe Freitas and Anmol. The final two witnesses should be short.

30 THE COMMISSIONER: We live in hope.

All right. Thank you. 10 o'clock tomorrow. Oh, sorry, did you have something, Mr - - -

MR OATES: Yes, I apologise, Commissioner, I should have announced my appearance earlier.

THE COMMISSIONER: No, that's all right.

40 MR OATES: I seek your leave to appear for Mr Jovan Gligorov.

THE COMMISSIONER: Gligorov, yes, thank you, Mr Oates, that leave is granted.

Tomorrow morning.

**AT 4.02pm THE MATTER WAS ADJOURNED ACCORDINGLY [4.02pm]**