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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION RICCO

Reference: Operation E14/2586

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 3 MARCH 2016

AT 10.05AM

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

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

THE COMMISSIONER: Yes, Mr Thangaraj.

MR THANGARAJ: Could I just tender the telephone intercepts that we did not need to take Mr Subeski through between him and Mr Goodman.

THE COMMISSIONER: Yes.

MR THANGARAJ: And I understand they'll go onto the restricted website during the course of the day.

10

THE COMMISSIONER: Yes. That will be Exhibit R23.

**#EXHIBIT R23 - TRANSCRIPT SESSION 2129, 3032, 3093, 3329, 5538, 5631, 6116, 6349, 7045, 7443**

MR THANGARAJ: Mark Goodman, Commissioner.

20 THE COMMISSIONER: Yes.

MR DUNNE: Commissioner, my name is Dunne.

THE COMMISSIONER: Yes, Mr Dunne.

MR DUNNE: (not transcribable) Mr Goodman. I've explained the effect of section 38.

30

THE COMMISSIONER: Right.

MR DUNNE: And Mr Goodman will take an oath.

THE COMMISSIONER: Thank you. Mr Goodman, you must appreciate that the order protects from you the use of your answers against you in civil or criminal proceedings but it doesn't protect you from the use of your answers against you if it should be found that you have given false or misleading evidence. Do you understand that?

40

MR GOODMAN: I do.

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

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

THE COMMISSIONER: Can we have the witness sworn please.

MR THANGARAJ: Mr Goodman, could you give us a brief work history please?---First job I had I was an apprentice gardener at Leichhardt Council then done various other jobs. Worked for myself contracting, landscaping and a couple of other jobs in the video industry and training long-term unemployed out at Cabramatta then job with the Botany Council.

10 Botany Council?---Yeah.

All right. And what are the jobs you've had there?---I was a gardener. I was a labourer. I was a night-time labourer. I was a night-time supervisor. I was a airside 2IC and ended up being the Assistant Manager, not Assistant, Acting Manager.

And what was the airside 2IC job, what did that involve?---You were still on the tools but you would just be, you know, the people that were working with you, the other labourers you'd then basically be their boss.

20 All right. And you went from that job to being the Acting Manager of the Business Unit?---I did.

And how long did you have that job for?---Probably about two years.

All right?---Part of the time I wasn't by myself. There was, my previous manager went to Council.

30 Yeah?---And he was still manager of both so I was just sort of filling in a role but answering to him.

So your role was Acting Business Unit Manager?---Yeah.

And - - -?---I never got told I was Acting General – Business General – Business Manager. I was 2IC. It wasn't until – well, they never gave me the job then probably about maybe a year before it they – then I was Acting, yeah, when my previous boss left.

40 Yeah. So how long then were you the Acting Business Unit Manager?  
---Yeah, probably about two years.

All right. And what sort of revenues did the Business Unit have when you were the Manager, Acting Manager?---As in turnover?

Yeah?---Um - - -

Well, you went to this job in September of last year didn't you?---Sorry?

Your job – your contract was not renewed – when did you stop working at Council?---7 December.

Last year?---Yes.

All right. so what was the, what were the turnover figures for the Business Unit last year?---Last year. Yearly I don't know but we'd invoice anywhere between three, 400,000 to I think the highest one we ever had was probably around 800,000.

10

Sorry, what do you mean by that?---A month.

Right. So what were the total revenues – what were the yearly revenue figures for the last set of financial statements that you saw when you were the Acting Business Unit Manager?---I don't know whether I seen anything but I think we turned over \$7 million.

20

All right. Thank you. So when you say you don't know if you saw anything, you were the Acting Business Unit Manager of a business that turned over many millions of dollars and you were in that role for two years and you said you didn't see what?---I didn't see financial records of the Business Unit.

Well, who ran the financial records of the Business Unit?---The Council. We, we were - - -

When you say Council, who was responsible for the financial statements for the Business Unit?---Finance Department.

30

Who was the head of the Finance Department?---Gary.

Your brother?---Yes.

How could you be the Acting Business Unit Manager for two years if you didn't see the financials?---Don't know.

Have you been here all week?---Yes.

40

All right. Now - - -

THE COMMISSIONER: Can I just clarify something, Mr Goodman. You said that it had an annual turnover of approximately \$7 million but do you mean that the Business Unit paid out on invoices to the value of about \$7 million each year?---Yes. Yeah. Yeah.

MR THANGARAJ: When did - the Business Unit received a new contract from the airport, didn't it?---It did it probably mid towards June, July, August, I can't recall.

Of which year?---Last year.

Yeah. And that was for more than 7 million by itself, wasn't it?---It was for about 300,000 a month, in round figures.

10 All right. Well, you've head amongst other things in the few days that you've been here that Mr Subeski alone put \$1.8 million worth of false invoices through the system and numerous other false invoices for Business Unit work. Business Unit employees such as Marny Baccam and Malcolm Foo abusing Council property. Your brother who was not part of the Business Unit having influence or improper influence in the Business Unit, Marny Baccam approving invoices. All these things happened under your leadership, didn't they?---They did, yeah.

20 Now, there are a number of possibilities for what happened and I want to give you a few of them and I want you to tell me if there any other options. Either you knew what was happening but you were not participating or you were participating or you were deliberately avoiding it or avoiding finding out more than you knew because your brother was doing what he was doing or with respect there was great levels of incompetence? Are there any other options?---I didn't know.

Sorry?---I didn't know.

Well, you didn't know. Is it fair to describe your leadership during this time from what you're saying as significantly incompetent?---In hindsight that would be a fair call.

30 But are you saying that during the time of your stewardship that you believed you were doing a good job?---I did.

All right. Why was your brother involved in Business Unit invoicing? ---Because he was the CFO.

Of what?---The Council.

40 Yeah. But what role did he have in the Business Unit?---He looked after the whole Council.

Right. But why is the Chief Financial Officer of a Council involving himself in invoices of the Business Unit, actual invoices of the Business Unit?---Because we didn't look after the finance of the Business Unit.

Well what did you do at the Business Unit?---We done the works then invoices would go to Council.

Well, so you're saying that the works were your responsibility, were they?

---Sorry?

You're saying the works were your responsibility then were they?

---The works at the Business Unit done, yes.

Well who checked whether or not the Business Unit invoice work was actually being done?---The supervisors.

Who are they?---Mal Foo.

10

Yeah?---Dave Wellington.

Right. Anyone else?---Steve Downs.

Right. And was the process supposed to be that a supervisor would check whether work was done on every invoice?---That should be the process.

And if someone had invoiced Council suggesting they had provided hardware was that supposed to have been checked by the relevant supervisor?---If the supervisor ordered the materials, yes.

20

Right. So what about the invoices that were coming in? I mean if there's a false invoice being sent in for hardware produced who would check to make sure that the invoice was satisfied before it was paid?---The supervisor would check the invoices that they ordered for.

Right. And then how would – what was the process to say that the supervisor had done his job before the payment was made?---(No Audible Reply)

30

Let's say you – let's say an invoice – you were sent invoices weren't you? ---Yeah. I was sent invoices, yes.

Did you approve any invoices?---Yeah.

How did you – before you approved an invoice, what did you do?---I'd ask the supervisor if the works were done.

And how would you do that?---Verbally or send it off to them and they would chase up if the works were done or not.

40

So you're saying that every single invoice you authorised, one of those three supervisors assured you that the work, that the invoice was legitimate?---Ah, no, that's not correct.

Well, what, what - - -?---Because we used to pay Sydney Airport invoices  
- - -

Yeah?--- - - - for works they, they'd done themselves and Council would pay them.

Yeah. I'm not talking about those ones. You've been here for three days, you know which invoices we're talking about?---Oh, you're talking about them ones, okay, yeah.

Yeah. So when contractors that have been organised by the Business Unit  
- - -?---Yeah.

10

- - - such as Jovane - - -?---Yeah.

- - - Ari Landscapes - - -?---Yeah.

- - - Gardens2envy, all those ones you've heard mentioned during the course of this week - - -?---Yeah.

20

- - - when those invoices – did you approve any of those invoices?---Ah, may approved Gardens2envy 'cause they done work for us but the other ones, no idea.

All right. So what I asked you before was, how did you, how did you confirm that invoices were legitimate and I thought you said that you sent them to the relevant or you spoke to the relevant supervisor about it?---Yes.

Does that mean every single invoice that you authorised, you had run it past the appropriate supervisor?---I would say so, yeah, unless the supervisor wasn't there.

30

Well - - -

THE COMMISSIONER: Can I clarify something?---Yeah.

When you say supervisor, do you mean people who were actually occupying positions at the Business Unit that were responsible for supervising work that was carried out at the Business Unit?---Yes.

40

So they were people under your – effectively they were people under your command in the Business Unit?---Yes.

MR THANGARAJ: And what if they weren't there?---If I had an idea the works would be done, we'd approve 'em.

Well, what do you mean, if you had an idea?---Well, I'd find out whether the works would be done.

Well, how would you do that?---Have a look to see if the jobs were done, see if the goods were there.

All right. So is this what you're saying – if you couldn't reach the supervisor, you would carry out the check yourself?---Ah, if it was a works that were close by I knew were there, yes, I would.

So does that mean you would drive out to Centennial Park or drive out to the workshop to see if, if gardening had been done or cleaning had been done?---No, no, I wouldn't do that.

10 Well then - - -?---I'd make a, I'd make a phone call to the relevant supervisor.

But you just said – we're talking about invoices when - - -?---I thought you were talking about around the Airport.

Okay. Well, we're talking about the supervisors, when the supervisor wasn't there?---Yeah.

20 And you said, well, you did some checking. What checking did you do?  
---If it was close by to the Airport - - -

Yeah?--- - - - I would ask the people that might have done the job if they'd done it or I'd look out - - -

Who are they?---They'd be just workers.

Right?---Like we done, where our base was, it was close to the Airport.

30 Right. So if you couldn't reach a supervisor you'd actually speak to a worker that you thought might have done it?---If there was someone close by, otherwise I'd have a look at it.

But we're talking about other companies' workers. If Jovane sends in an invoice or Gardens2envy, they're not using Council workers, are they?  
---No.

So were you ringing workers employed by other companies?

40 MR DUNNE: Can I just object. I think the evidence from the witness was that it was only in relation to Gardens2envy and he didn't know about the other invoices.

THE COMMISSIONER: Well, I don't understand that to be his evidence.

MR THANGARAJ: I don't think that.

THE COMMISSIONER: I think he said that he, that he would have, may have approved some Gardens2envy invoices because he knows that they did some work around the Business Unit, but we can clarify.

MR THANGARAJ: All right. Did you understand that I was asking only about Gardens2envy?---Yes, that's what I thought you were talking about.

All right?---Yeah.

10 Well, we'll start with them and we'll go to the others?---Yeah.

So you approved invoices for a number of different companies, didn't you?  
---Yes.

Right. So let's start with Gardens2envy for example?---Yep.

Do you have a memory of approving a Gardens2invoice, a Gardens2envy invoice when the supervisor was unavailable?---I can't recall but I may of, I couldn't recall.

20

Okay. All right. So forget about Gardens2envy. I'm asking you generally now?---Yeah.

You said that you would ask the supervisors to confirm whether the works were performed or the hardware provided?---Yep.

Sometimes you couldn't reach them?---Yeah.

30 When you couldn't reach them, what steps did you take to satisfy yourself that the invoice should be paid?---If it was in close proximity to where I worked, I'd have a look and see the works were done.

All right. So give us examples of that?---Well, we had some

All right. So give us examples of that?---Well we had some turfing work done at the airport and I would drive out and see that the turf was done.

40 So if you got an invoice for a few thousand dollars if someone said turfing at the airport you'd drive out to have a look, would you if you couldn't reach the supervisor? Is that an example of something you've done?---That is a broad example.

Okay. And what do you mean by a broad example?---Well I'm not saying it was actually turfing but we used Gardens2envy to do turfing at the airport.

But see, some of these invoices said, they often said things like supply labour as requested?---Yes.

How would you possibly be able to check that?---Because that would end up being checked on the variations that would be approved.

But how do you know it was a variation?---Because the works done by request of Sydney Airport.

10 No, but you've heard the evidence. A lot of this work could've just been requested internally. It wasn't only Sydney Airport requesting variation work. What about standard gardening and standard lawn mowing, standard delivery of soil? When it says supply materials as requested, how would you possibly check that?---Well for them words I wouldn't, wouldn't check them. If I didn't know I wouldn't approve them.

Right. So you actually refused to approve some invoices, did you?---No. I'd just wait till the relevant person got there.

Right?---Yeah.

20 And so, so you speak to a supervisor and say supply labour as requested, did you say what labour was requested?---I can't recall that.

All right. So when you said you spoke to workers where the work was done which workers were they?---That was another broad statement, it would be just whoever a worker was there and they seen the job being done.

Well let's move away from broad statements and - - -?---Okay.

- - - and specific answers to specific questions?---Okay.

30 Give me one example of a worker that you would've spoken to, to confirm whether work was done? And we're talking about invoices from other companies, don't forget?---Who are we talking about but? What invoices?

Any other company, any external company that sent an invoice to you that you wanted checked and the supervisor was not available, you said that you checked it?---Yeah.

40 And you said one of the things you might've done was speak to a worker?---Yes.

Which worker? I don't mean his name or her name, I mean what type of worker?---A labourer.

Right. A labourer working for who?---The Business Unit.

But when another company is sending you a bill for work they have done they're not using internal labourers?---I don't think you understand. When a

contractor works with us at the airport we'd have to have our workers with them.

But on every single occasion?---Yeah. For security inside the airport - - -

No, but most of this work was for outside the airport, it's landside work. These invoices – most of these companies didn't have clearance to go and do work on the other side of the fence, did they?---Well I wouldn't, I wouldn't have approved them.

10

Right. So there are – I asked you before are there invoices you did not approve?---Yeah.

And then what did you do?---I'd wait until the relevant person came along to approve them.

Right. So apart from labourers that work for Council how else did you check whether work had been done when you were doing it?---Phone call.

20 To who?---Supervisor.

But we're talking about cases where you couldn't raise the supervisor?---I wouldn't approve them.

Right. So apart from speaking to a labourer who might've been on a job on an airside job, how did you ever check for yourself anything on landside?---  
(No Audible Reply)

30 Or did you never do that?---I would never check them.

So the only checking you ever did was airside?---Unless it was something very close to our base.

Well how would you check, like what?---Walk out and have a look.

Walk out to look at what?---The job.

40 Like give me an example of what you're talking about?---Okay. Well a turfing job that was done out the front of the depot.

Right. But well the invoice would say turfing out the front of the Business Unit, would it?---I don't know what it would say. It would probably say supply turf to whatever the area was.

And how would you know which turf it was?---I wouldn't know.

Well how would you check it then?---I don't understand the question?

You said you might walk out to check whether the work had been done off an invoice where you don't know what the invoice means. How would you check it?---Well if they've done turf out the front of the depot, so it must've done.

But this is the system that was in place, was it for checking invoices?---This is the system that I inherited from the Council.

10 Well you were there for two years what steps did you take to improve it?---  
We had six - - -

Did you read the Internal Audit Report?---We had six consultants to do audits come down during my time - - -

Yeah?---And as far as I know they were happy with the way it was run.

Were they?---Well, that's what I, I presume, yes.

20 So did you read their reports?---No.

You didn't read a single audit report did you?---I didn't get them.

Well, who got them?---Council I presume.

So you're saying you were the Acting Business Manager of the Business – Acting Manager of the Business Unit for two years and no one provided you with a copy of the audit report that covered your area?---There was one I think I seen from – it's the one that shows my signature.

30 Yeah?---Yeah, that one.

You saw one?---Yeah.

Right. Why, because you had to sign off on something did you?---Yeah, I think it was something like that, yeah.

Right. And did you take any steps to do what was in that report?---I think management might of. I don't know.

40 So you didn't?---Yeah. I was not the manager. I was not given those type of responsibilities.

THE COMMISSIONER: But you were the Business Unit Manager?---No, I wasn't the Business Unit Manager.

Well, for two years you were the Acting - - -?---Acting, yeah.

Well, you're in the role of Business Manager at the Business Unit aren't you?---That's correct. Yeah, yes.

Well, if you never saw the report apart from the one that you're referring to, you wouldn't know what systems had been identified as faulty by the audit report would you?---Yeah, yeah, I seen them. We changed some systems.

You've seen more than one report?---No, I seen the report that I'm talking about.

10

Yes, but I mean you hadn't seen any of the others?---No.

Well, when was the one that you saw made available to you, which year?---I can't recall. Maybe beginning of last year, end of 2014, 2014. I don't know.

Well, did you ask to see the others?---No.

20

Why not?---Because I wasn't – it wasn't my job. Like I wasn't giving them control powers of the place.

Can you just explain to me if you never saw the financial records of the Business Unit on what are you basing the estimate that there was a \$7 million annual - - -?---Turnover.

- - - invoicing, what are you basing that on?---Because our monthly, monthly invoicing - - -

30

Yes, well, what are you basing that on, how do you know that it was 400 to \$800,000 a month?---Because we would do our pro forma invoices and add them up at the end of the month and I'd send it off to Council.

So you would keep a monthly tally - - -?---Yes.

- - - of the invoices that were coming into the Business Unit?---Yes.

Now just one other question. 400,000 to 800,000 that's a pretty big range? ---There's a reason for that.

40

Is there. What's that?---Because we paid invoices on behalf of SACL. We would buy – if they wanted to buy a piece of plant like a water truck they found it easier to go through us and we put six per cent on top and that could be a piece of plant worth two, \$300,000.

MR THANGARAJ: Looking back what skills and qualifications – what skills were required to be the Business Unit Manager?---Financial.

When you say – you mean an understanding of financial statements and records?---Yeah.

Yeah. All right. Okay. Let's just do them one by one?---Yeah.

Did you have any qualifications in reading financials?---No, I wasn't qualified.

10 Did you – you didn't need to look at financials when – for any of the previous jobs you'd had at Council?---No.

Okay. What's the next skill you needed to have?---Management skills.

Right. Of people including accountants?---Yeah.

Yeah?---Management.

Did you have any management skills?---No.

20 What about actually putting a budget together?---No, I never done a budget.

Yeah, but you agree that was a job that a manager of a business unit would need to have?---I don't know that. I don't know.

Who was running the Business Unit, was it your brother?---No.

Well, who – how did you get the job as being the Business Unit Manager?  
---The General Manager gave it to me.

30 Who?---Lara.

Was there an interview?---No.

Were you surprised you got that job?---I was happy.

Yeah. There was a significant pay rise was there?---Yeah.

40 Right. What salary did you go from and to?---Oh, rough figures maybe 35 to 37 to I think it went up to about 43, \$45 an hour.

Right. And then you had perks like a car et cetera- -?---Yes.

- - - because of your new job?---Yeah.

Right. There was no interview to get the job. Did you apply for the job?  
---No.

THE COMMISSIONER: You were just tapped on the shoulder more or less?---When the, when the previous Manager ended up leaving she basically said your job.

MR THANGARAJ: Why did Mr Goodman have a role with work that Business Unit employees were doing?---I don't understand that question.

Well, you've heard evidence from Marny Baccam?---Yep.

10 You've heard of the significant interaction she had with your brother?  
---Yep.

How did that happen, given that he was not working at the Business Unit?  
---I don't know. What interactions are you talking about?

THE COMMISSIONER: Well, for example, yesterday Ms Baccam gave evidence of some invoices from Jovane Pty Limited which were said to be work carried out at the Business Unit and she simply rang your brother – it was one of the intercepts that was played – she rang your brother and said to  
20 him, “What do I do with this?” And he said, “Just pay it?”---Yeah.

Right. Now, that happened a number of times. So what we're asking is, why did he have any role in determining whether or not an invoice that was directed to the Business Unit should be paid?---That I don't know, but if the – like I mentioned before, the equipment that was, that we buy on behalf of SACL which - - -

Well, that wasn't this?---No.

30 I can tell you right now?---Yeah, no.

So a number of invoices from Jovane - - -?---Yeah.

- - - that had nothing to do with the purchasing of equipment?---Yep.

Why would your brother have anything to do with - - -?---I don't know.

- - - approving those invoices?---I don't know.

40 MR THANGARAJ: Do you know why it was that the General Manager appointed you to that role?---Maybe she thought I was good. I don't know, you'd have to ask her.

Well, okay. Did you speak to your brother about it?---No.

Did you tell him you got the job when she rang you or when she spoke to you?---Ah, I couldn't recall on that.

Do you know whether your brother spoke to the General Manager and asked  
- - -?---I've got no idea.

- - - that you get the job?---I've got no idea on that.

You go from being an airside employee, which included tool work and  
looking after people engaged in that sort of work - - -?---Yes.

- - - to running the Business Unit?---Yes.

10

It was a major change of work, wasn't it?---Ah, yes.

And it was a major increase in responsibility?---Yes.

It was a huge promotion, right?---Yes.

You were totally unqualified to run that Business Unit. Do you agree with  
that?---In - oh, I thought I - - -

20

We've been through the, we've been through the requisite skills?---Yeah,  
okay, I, I - - -

You had none of them?---I, I didn't have the skills to do that job then.

Right?---Okay.

You were totally unqualified for that job?---Yeah.

And your brother was the CFO - - -?---Yeah.

30

- - - of the entire Council?---Yep.

You're saying you didn't speak to him about it?---About wanting the job?

About getting the job?---Oh, after I got the job, yeah, I told him. I thought  
you said - - -

40

I suspect he knew that you got the job before you told him, but I'm asking  
you, what did you speak to him about when you got the job with respect to  
you getting the job?---After I got the job I told him I got the job.

Yeah?---Yeah.

And did you say, how did I get this job?---No, no.

All right. How did Mr, how did your brother have any role in giving  
contractors Business Unit work?---He didn't.

Is that your evidence?---(No Audible Reply)

You're saying your brother did not give work to contractors to do Business Unit work?---Oh, might have done – I'm trying to recall it um - - -

All right. Let's do it this - - -?---Yeah.

Let's assume he did, right?---Yeah.

10 Was there any legitimate basis on which the CFO should be retaining contractors to do Business Unit work without telling you?---No.

And what about even if he did tell you, should he have any role in obtaining contractors for the Business Unit?---Not, not our core works, no.

All right. Well, whether it's core or peripheral, the CFO should have no role, he shouldn't have had any role, that should have been your role, shouldn't it?---Or the supervisor's role.

20 Yeah. All right. Well, did you bring any contractors into the Business Unit in two years?---Not that I recall, no.

Did the supervisors?---On instructions from SACL they would of.

All right. And what about the ones that were not on instruction?---They would ask to get a supervisor in to do some works and then the supervisors would source a contractor.

30 Right. Why did your brother have any role in managing the car fleet that included Business Unit cars?---I've got no idea.

Well, what did you – did you know he was doing that?---He used to look after vehicles.

Yeah. Did you think that's not appropriate that the CFO does that?---That's how it was.

40 That's not what I asked. Did you think it was appropriate that he do that? ---I thought it was normal process.

Because he didn't have any experience in being a manager. Is that right? ---Probably you could say that.

Well, that would be a generous interpretation of what happened wouldn't it Mr Goodman?---Yes.

All right. What about – why was the CFO in charge of Cabcharge payments across the business?---I don't know.

Did you think that was appropriate?---I don't know.

Fuel cards, eTAGs, Officeworks cards, Campbell's Cash and Carry cards, why was he running all those?---I don't know.

Did you think it appropriate that one person could control so much of Council expenditure?---Well, there was a Finance Department there so I was not to know that it was just his responsibility.

10

Yeah, but did you think it appropriate that one person controlled so much? ---I didn't know.

Did you – do you remember in any of the audit reports that there was a concern of too much responsibility being with one person or too few people?---No, I don't.

You don't remember that?---No.

20 Did you know that – or did you know that Mr Goodman had racked up this Cabcharge bill that was improper?---Is that that \$50,000 bill that was mentioned earlier?

I'm talking about abuse by him of Cabcharge vouchers and Cabcharge card. You heard that evidence?---Yes.

And that ultimately he was required to repay it?---No, I knew nothing about that.

30 So the first time you heard about that was when?---Here.

This week?---Yeah.

Wasn't part of your role to be involved with disciplinary actions?---Yes.

And you still weren't informed about this you say?---No.

40 You've heard the evidence that there was an arrangement by senior management of Council that he would simply repay the money. Is that – are you saying you'd never heard of that until this week?---What was that again, sorry?

You've heard evidence this week - - -?---Yeah.

- - - that senior management, the steps they took with respect to that Cabcharge abuse was to tell him to simply repay it?---No.

You've heard, you've heard that evidence?---No, I didn't know about that, no.

All right. You've heard about significant Council moneys being misappropriated over the last couple of years?---Yes.

And you've heard that it was continuing in various forms until this investigation became known in October of last year?---That's correct, yeah.

10 How did all this happen?---I don't know.

Did you have a financial delegation?---Yes.

How much?---I think it was to \$50,000.

\$250,000?---No, 50.

\$50,000?---5-0.

20 Right. And how did you know that that was your financial delegation?---I think I was told that by either Gary or Stuart or Lorraine or Lara. I couldn't recall.

Stuart Dutton?---Yeah.

Who was Stuart Dutton?---He was my boss.

And did he have a financial delegation?---I've got no idea.

30 Well, you've heard evidence this week didn't you that there was a problem getting him a financial delegation. Do you remember hearing that evidence?---I did.

So you had a delegation of \$50,000 which might have come verbally from your brother - - -?---Yes.

- - - but your boss didn't?---I don't know.

Is that how it worked?---I, I really - I don't know.

40

Well, have a look - - -?---He was only new to the job, Stuart.

So what? You had more authority than your - from your brother than your boss did?---Sorry, what was that question?

You had \$50,000 authority?---Yes.

You say you were told verbally by someone, possibly your brother?--- Yes.

Who else might have told you that?---Stuart may of.

MR DUNNE: With respect, he's given four names.

MR THANGARAJ: All right. Well tell me who are they?

THE COMMISSIONER: Yes, who else?---It may have been Stuart, it may have been Lorraine, the Deputy or I doubt it would have been Lara.  
10 Because she didn't really have -- know about that stuff.

Well Mr Dutton you said was new?---Yes.

You had authority before he started?---Yes.

Well how could he have been the one that told you what your authority was?---Because he would've been my boss.

THE COMMISSIONER: It was in existence before he arrived though?---  
20 Oh, yeah, okay, yeah.

So the information must've come from someone other than him?---Yeah. I didn't -- there was no authority when I first started the job.

MR THANGARAJ: Can you just have a look at this document. It's the Procurement Procedures and Guidelines for Officers. Just go to the third page. Have you seen this document before?---I can't recall, I don't know, I may of but - - -

30 Have you seen this list on page 3 in this form or another form before?---  
Along the lines, yeah. I've seen something about where team leaders, supervisors.

Okay. So where do you fit in?---My job's not there.

All right. Well what job on that page is equivalent to yours as far as seniority is concerned?

THE COMMISSIONER: Would you be classified as a team leader?---No.  
40 A manager.

MR THANGARAJ: So would you be equivalent to a manager with one of the \$20,000 levels or one of the managers with a \$50,000 level?---I don't know. I don't know.

All right. Where do you say your brother fits in on that list?---Director, maybe. Manager of Finance Administration, it's in there, it says there.

You're saying that's what he is, that's his authority, the 50,000 Manager of Finance?---I don't know. I don't know what his authority was.

And what about Marny Baccam, where would she fit in, if at all on that page?---Maybe along the lines of team leader.

Team leader?---Yeah. Her job's not down here.

10 All right?---None of our jobs are on this. This is all - - -

Well she's - - -?--- - - - Council.

She was an employee of yours?---Yeah.

Did you give her delegation authority?---No.

Well who gave it to her?---I don't know. You'd have to ask Marny.

20 Well I'm asking you as her boss, did you know she could've authorised invoices?---She authorised invoices but that's how - she always authorised invoices before I got the job. This document doesn't really relate to the Business Unit.

THE COMMISSIONER: Well can you explain to me how you would've known whether or not Ms Baccam was authorising invoices above her delegated level if you didn't know what it was?---I wouldn't know.

30 You had no idea. She could be authorising payment of invoices up to 200,000 and you wouldn't know?---Oh, no. If it was a \$200,000 invoice I would've seen it. I would've said, no, that's not right. Because - - -

Well tell me - - -?---Okay.

- - - at what point where she authorised an invoice would you say, no, that exceeds your delegation?---It was not much – it was when we done something with SACL.

I'm not interested in when you did something with SACL?---Okay.

40 At what point where Ms Baccam authorised an invoice did you say, no, that exceeds your delegation, how would you know?---I didn't know she had the delegation. We weren't giving delegations. I knew that I could authorise up to 50,000 and the reason for that was because of the SACL invoices.

MR THANGARAJ: Well what process did you have in place so that a team member of yours could not approve an invoice for 50 or \$100,000 and send it off to Council?---They wouldn't do that.

That's your system is it?---Mmm.

Well, we know she did do it so that's hardly your – that surely wasn't your system, they wouldn't do it - - -?---Yeah.

- - - when we know that a couple of million dollars went through at least that way?---I know.

10 So what was your system as the Business Unit Manager to, to make sure that an employee did not authorise false invoices?---If I seen the invoice was over – I didn't recognise it - - -

Yeah?--- - - - I wouldn't let it go through.

But that's assuming it had even got to your desk?---Well - - -

What if it's emailed straight to Marny Baccam?---I wouldn't know.

20 What if your brother sent it to Marny Baccam?---I wouldn't know.

Well, what checks and balances were in place to make sure or to minimise the risk of a Council employee approving an invoice that was false?---There was none.

Was it part of your responsibility to make sure that there was a system?---I don't believe it was.

30 Well, you're the Business Unit Manager. This is a Business Unit employee putting through a Business Unit invoice. Whose responsibility was it?---I don't know. I don't know. How do I know.

Well, what corporate governance did the Business Unit have? Do you know what corporate governance is?---No.

I'll tender that procurement document.

THE COMMISSIONER: It's Exhibit R24.

40 **#EXHIBIT R24 - BOTANY BAY COUNCIL PROCUREMENT PROCEDURES & GUIDELINES FOR OFFICERS**

MR THANGARAJ: What was the Council's account management system do you know?---What do you mean, what, how did the process work – what do you, what do you mean?

Do you know what account management is?---Manage accounts.

Do you know what Civica was, C-i-v-i-c-a?---Is that the – where invoices went into?

It's the – all right. Well, did you use the computer system at work?---The Council computer system?

Yeah?---No.

- 10 Apart from sending emails and, I don't know, creating a word document or using the Internet, did you ever access the computer network?---No. I didn't have authority to do that.

You couldn't get into the Council system?---No.

And who was the person that could have given you that authority, who, who made that decision that you were not to get that access?---Probably it would have been Gary.

- 20 Did you ever say to someone look, I can't do my job without accessing the accounts, without accessing the financials, did you ever say that?---No.

How often were you there?---I'd be there – I used to work five days a week.

Yeah?---I had a computer I could work through at home but I'd also go - - -

What work were you doing from home?---If I had the emails.

- 30 You were doing emails from home?---Yeah, because I had a computer. I was on-call 24 hours a day seven days a week.

You're the Business Unit Manager. Shouldn't you be at the Business Unit?---No, because I'd also be on-site.

No, I'm not talking about when you're on-site, I'm talking about when you're at home looking at emails?---Yeah.

- 40 Why weren't you at the Business Unit, why weren't you at the Business Unit?---When I was at home looking at emails?

Yeah. Why didn't you, why didn't you do that job at work?---Because towards the end of my stay there I asked permission from my boss because - - -

Who is that?---Stuart Dutton.

Right?---If I could do some work at home.

Right. And how would, how would anyone know if you actually were working when you said you were working?---They wouldn't, only by emails that I'd be sending.

What was the usual process for engaging a contractor?---From what point of view? That's a very broad question.

Okay. You needed work done?---Okay. SACL - - -

10 You needed a contractor?---SACL work?

Is it – would it make a difference?---Yes.

Okay. What's – let's say it was SACL work?---They'd be instructed by SACL - - -

All right?--- - - - to get a contractor in.

Is this a variation?---Yes.

20

Right?---And - - -

But would SACL say who the contractor was or they would just say get a contractor in?---They had some of their, they had some of their favourite contractors - - -

Yeah?--- - - - they liked which is ongoing, otherwise it'd be find one.

30 All right. So forget about the times where they said we want someone off our panel or we want you to use this person. Any time you had to find a contractor whether it was for a variation or part of the performance of the contract - - -?---Ah hmm.

- - - what was the process?---The supervisor would ring around and find a contractor.

Would they have to tender for it - - -?---No.

- - - or quote?---No.

40

So he supervisor could use anyone they wanted to?---Yes.

And how was the rate determined?---Sometimes they'd ask for two quotes depending on the emergency of the works, otherwise they would get the one quote and SACL would approve for the work to be done.

And it was just a matter between the contractor and the – sorry, it was a matter for the supervisor was it to, to determine whether or not to get multiple quotes?---No, it was a matter for SACL.

No, but if SACL just says get a – get the work done - - -?---Yeah.

- - - or it's part of the contract in which case you don't have SACL intervention do you, it's just part of your contract with them?---No, there was still on the contract contractors that would have to be used.

10

Yeah. We're talking about – I'm asking you about situations where you could get – you had to get another contractor?---Okay.

A new contractor. All right. Was it up to the supervisor as to whether or not multiple quotes were called for?---No.

Right. Was there a process that required multiple quotes?---No.

20

Well, then, who would determine whether there were multiple quotes or not?---SACL.

All right. And what about when SACL wasn't involved – are you saying that every single time you got a new contractor SACL was involved?---If it was SACL work, yes.

Are you limiting that to a variation or part of the contract?---Both.

30

Right. So what were the times where the supervisor would run around and find their own contractor, anyone they wanted?---An example?

Yeah?---The terminal, the terminal would be a chance of flooding in the bag room and the spills truck wasn't working and they would have on standby a truck to be there in case it flooded or if an aircraft could spill air fuel while it was being refuelled and our truck that cleans that up was not working they would require a truck on-site off whoever to clean that spill if needed.

40

All right. Does that mean that – was there ever a time – I'll withdraw that. When were contractors retained without multiple quotes?---The example I just gave you.

All right. That's an emergency situation. Is it?---Yes.

I'm not talking about emergency situations?---Okay.

Other than emergency situations are you saying that the supervisors were supposed to get multiple quotes every time they retained a contractor?---No.

Okay. So when were they not required to?---If SACL were happy with the quote they got.

So the supervisor would recommend a quote would they and then SACL might approve it?---Yes.

And then what if there was no quote obtained and the supervisor just retained the contractor, did that ever happen?---It may have happened if - - -

10 And when was that legitimately allowed to happen?---I can't recall. I just said it may have happened. I don't know. I could happen.

What was the usual – well, it did happen?---Oh, did it.

What was the usual process for purchasing equipment or supplies or other goods?---For?

Well, you needed equipment didn't you - - -?---Yeah.

20 - - - at various times?---Yes.

What was the process?---We'd buy equipment and then get it off – the money back off SACL.

Right. How did you determine where to buy it from, who to buy it through, how much to pay, whether it was a good price, what was the process?--- Once they knew they could get it at a certain place for a certain price - - -

30 Who is they?---The supervisors.

Yeah?---They would use that supplier.

How did they know that they weren't being ripped off?---Because they'd probably get two quotes.

Right. So was that the process, were they required to get two quotes?--- Originally, yes.

40 And why did that – why was that removed as a requirement?---Because after you got your price you knew that would be an ongoing price.

What you just assumed that that current supplier was the best person?--- Well they delivered the goods. SACL was happy with the price they were paying so that's how it worked.

So there weren't any attempts to put in a competitive process where you get a potential new supplier who would supply something at a better price or a better product at the same price?---Well at one stage, I can't - - -

Sorry. Are you saying that that was not allowed to happen?---No.

So why didn't it happen?---Well, I was going to answer the question. They brought out a document they wanted to get us to buy goods from, I can't remember the document. But along the lines of where all Councils would buy off one supplier. And there was a document saying, they had this, it was like, so group buying if I can explain it that way.

10 Yeah. But that depends on what you're buying?---Yes.

And it depends on how quickly you need it?---Yes.

And it depends on where it's got to go?---Yes.

So equipment was bought or materials were bought outside that centralised process, weren't they?---Yes.

20 So how did you the business manager make sure that Council was getting the best value for money?---Because the supervisors would get the quotes and SACL were happy with them.

THE COMMISSIONER: Were there any occasions when this equipment was hired rather than purchased?---Yes.

MR THANGARAJ: How did you know whether or not you had enough money in the budget to buy equipment or pay for things?---Didn't have a budget.

30 Sorry?---Didn't have a budget.

You never had a budget. Does that mean you could spend whatever you wanted to?---No. We'd buy, we'd buy - - -

Does that mean you could spend whatever you wanted to?---No.

Well what do you mean by "we didn't have a budget"?---What I meant by that was our budget was what SACL wanted.

40 What does that mean?

THE COMMISSIONER: We're not, you keep answering questions by reference to SACL. What Mr Thangaraj is asking you is for the purposes of all the work carried out by the Business Unit - - -?---Yes.

- - - if you had to go and purchase something or contract with someone, how did you know you weren't exceeding the budget?---Okay. If works wanted to be done and we had a quote for that works that quote would be labour

plus materials. So obviously you'd know how long the job would be going and how much materials you'd need so you wouldn't spend more than what you needed in the materials so that's the way, yeah.

MR THANGARAJ: Well that's all obvious and nothing to do with what I asked you. Let's say the quote came in at 50,000 or 100,000 whatever it was, that's what you're proposing to spend once you came to an agreement?--Yeah.

10 How did you know that you had the money to do it?---Why wouldn't there be?

THE COMMISSIONER: Let me give you a staff example. Let's say it's 27 June, your budget would operate from June to June the financial year, wouldn't it?---We didn't have a budget.

All right. Forget that then. Let me put this to you. Let's just say one of your supervisors decided that he wanted to buy the latest piece of equipment that gave the Business Unit access to elevated positions, you know like a  
20 cherry picker or something?---Yeah.

What about if he went out and decided he was going to buy something like that for \$4 million, how do you know that the Business Unit had the money to pay for that piece of equipment?---We'd get approval. If you're talking about that much money would ask for approval.

Well why do you say that much money?---Because if we needed a \$4 million piece of machinery - - -

30 Well what was the cut-off point? I mean when was it that you recognised that you needed to get approval for something?---If it was plant it would be probably about the \$10,000 mark.

So where did you get the approval from then to spend that kind of money, your brother?---Or Stuart.

Were you ever told by your supervisor or your brother in relation to any requests like that, no, you can't have that because you've exceeded your budget?---Yes.  
40

You were told that?---Well I wanted to get - - -

On what occasion?---Well we needed trucks – we had no vehicles, trucks, you know like four tonne trucks?

Yes?---And they said, no, there's no money.

When was this?---Probably last year.

When last year?---In the beginning of last year.

MR THANGARAJ: And who told you that?---Gary.

So what did you say, I need the trucks?---He said no.

Sorry?---He said no.

10 And this was to do work in the Business Unit?---Yes.

And what steps could you have taken to reorganise the priority of money being spent so that you could find the money for what you needed?---We just used our – I know it's not answering your question, but we just used what we had.

Right. So does that mean that equipment that was needed by Council could not be bought in part because millions of dollars were being put through for false invoicing?---I don't know that.

20

Well, the Council was paying millions of dollars we know for invoices that were completely false, money going to your brother and others. At the same time you're trying to buy equipment and he's telling you there's no money. Is that right?---Well they had a budget committee.

Yeah. Were you on it?---No.

Right. And the budget committee presumably looked at how much money was available and made decisions, is that what you're saying?---I'm not  
30 saying but I assume that's how it worked.

THE COMMISSIONER: And your brother was on the budget committee, I take it?---I think all senior managers were on the budget committee from the top to senior, yeah.

MR THANGARAJ: And does that mean that because you didn't have access to the financials you couldn't say what's this company Jovane, and why have seven figures gone through them, I could've bought a truck?  
---You could say that.

40

Well that's all assuming you didn't know what was happening of course?  
---Yes.

Did anyone ever raise purchase orders with you from finance, did anyone talk about the purchase orders?---Purchase order numbers.

Did they ever say well what do you need to buy, why have you bought this, why aren't you buying that?---Not that I recall.

Was it possible to pay an invoice without a purchase order?---Yes.

Well how did that system, how was that allowed?---I don't know.

Did you ever go back to Ms Kirchner and say I can't do this job?---No.

I'm not qualified to do this job?---No.

10 Did you complain to her given that she employed you or put you in that position, did you say to her, I can't even read financials let alone have access to them?---No, I thought I was doing a good job.

Was there anyone that was checking what you were doing?---No.

Was there any performance reviews in the two years you were the boss of the Business Unit?---What do you mean by performance review. Lara told me I was doing a good job.

20 Did she?---Yeah.

How did she know that you were doing a good job, do you think?---I've got no idea. She just said I was doing a job.

When did she tell you that?---When I, we got the contract she said that.

When was that?---Last year.

30 When last year?---I don't, I can't recall, whenever the contract was awarded I got told - - -

Right. And what happened between then and your contract not being renewed?---I was off work, in a bad way and all this happened and she wanted me to come back to work and I couldn't and they just sent me a letter, paid me out up until the end of December and just said that we've decided not to renew your contract.

40 Did the Business Unit process allow the same person to authorise an invoice who had ordered the goods or services in the first place?---Yes.

Did you think that was an appropriate - - -?---Yeah.

- - - system?---Yeah.

Did the staff under you receive any training in buying, in procurement?  
---Not that I recall.

What was the Council process to check whether or not they were doing what they were supposed to do with respect to buying?---They used to send a, I don't know, consultant or auditor out there who would go through things and - - -

Who, the auditor?---Yeah, or ah, what do you call it, consultant. I don't know.

10 Right?---And they'd come and look through all the processes we had in place.

Yeah?---Through my stay there, there was probably about four times they came out and looked through everything and - - -

What were they looking for and what were they doing?---They'd look at invoices, they'd look at payslips, they'd look at, at one stage our vehicles we had.

20 Yeah?---I think that's about it. Might be more that I can't recall.

All right. And were you interested in the product of their work?---Well, I worked with them.

Okay, you worked with them?---Yeah.

30 And what was the purpose of what they were doing and the purpose of your cooperation with them?---Well, they'd ask me questions and I'd answer the questions, they'd ask me for documents and I'd give them what they wanted.

And the purpose of it was to improve the, the way the Council ran?  
---I don't know that, it was just, I thought it was just to check to make sure that it was running okay.

Okay. And they prepared a report at the end of each of those - - -?---I don't know about that.

40 Well, what did you think they were going to do, come through, walk around and give someone verbal okay that everything was fine?---Well, I presumed they would have gave a report and gave it to - - -?

Right?--- - - - senior management.

Right. And were you interested in reading the report?---Well, I never got the report so I, I - - -

Were you interested in reading the report?---At the time - - -

As the Business Unit manager were you interested in reading the report of someone from outside the business who had come through to see how well it was running?---I don't know, I can't answer that question because I was told the place was going good, so - - -

You can answer the question because I'm asking what your interest was. You were running the Business Unit?---Probably in hindsight it would have been good - - -

10 Not in hindsight?---Okay.

You were the Business Unit manager?---Yes.

Did you want it to run as best as it could?---Yeah, I thought I was doing a good job.

Did you want it to run as best as it could?---Yes.

20 Did you want to make any improvements that were available?---I made improvements.

Did you want to make improvements?---Yes.

Did you want it to run as – did you want – did you think there was room for improvement?---There were some extra improvements I would have liked to have done, yes.

Yeah. Did you raise those with those people?---No, this is before I left.

30 Okay?---At the time, no, I thought it was going well.

And you had no interest, did you, of reading those reports?---Well - - -

Did you think you were doing such a good job that there was no scope for the views of an external person?---They would talk to me and they said to me they were happy.

Right?---That everything was okay.

40 All right?---So if they tell me it's okay, I'm happy.

Who was the people that you were speaking to?---I can't recall.

Do you know where they came from?---Council, they were outside of Council, so you'd have to ask Council on that.

Did anyone from senior management speak to you about these reports?  
---I can't recall.

Did you ever monitor how much individual contracting companies were being paid?---No.

Was there an attempt to make sure that individual companies or contractors weren't receiving too much work, so that you could guarantee you were getting the best price?---No.

10 Did you think that the people who were working the Business Unit, such as Marny Baccam, were appropriately qualified to do the jobs that they were doing?---They were doing their job so - - -

They were doing a job?---Yeah.

Whether they were doing their job – were they appropriately qualified?  
---Well, she knew how to do her job.

20 Yeah. Did you have performance - - -?---I didn't know what qualifications you'd need to do that job.

All right?---So they were doing their job so - - -

Did you have performance reviews for your employees?---No.

Did someone else conduct performance reviews for your employees?  
---No.

30 Were there any markers that they were supposed to achieve in order to - - -?  
?---No.

Was there anything that you were supposed to achieve to make it clear or not clear as to whether you were doing your job properly?---No.

Do you know what a key performance indicator is?---To make sure you're doing a good job? I don't know.

Did you ever speak to anyone in Human Resources about how your job was going?---No.

40 Was any background screening done to make sure that someone was ethically qualified or to check whether they may not have been ethically qualified to stay in or work in a particular job?---What do you mean by that?

Police checks for example?---Everybody that worked for the Business Unit, I'm talking about labourers and all that, had to have a ASIC pass.

Yeah?---And that was pretty big clearance, you know, to get into the Airport so - - -

Does that include all Business Unit employees?---No.

Well, what about the rest, the ones that didn't have ASIC clearance?  
---No.

No checks were done?---No. Well, that's HR, that's not my job.

10 I'm not suggesting it was your job?---Yeah, no.

I'm asking you what the process was?---I wouldn't, I wouldn't know.

All right?---I wouldn't know what HR do.

Was one done of you?---I don't know.

Were you, did you participate in any background checks for yourself?  
---No.

20 Do you think you would have been given this job if you weren't Gary's  
brother?---Yeah.

On what basis?---Because - - -

30 We know that you did not have the requisite skills that we've been through  
before, we know that you did not have the qualifications that one would  
expect of someone running a multi-million-dollar business, your previous  
job from which you got promoted involved you looking after a few workers  
and in fact dealing with tools yourself?---Yeah.

Your brother was a highly influential person at the Council?---Yes.

What possible basis could you have had – and no interview was conducted?  
---Yeah.

Right. No application was made?---Yeah.

40 You didn't even tell someone you were interested in the job. Right?  
---Oh, it was known.

It was known, was it?---Yeah, well, Lara obviously would have known.

Well, how do you know that?---Well, why would she offer it to me?

Well, that's the big question?---Oh, okay, you'd have to ask her.

So given those circumstances - - -?---Yeah.

- - - what possible basis can you say that you would have got that job but for your brother?---My relationship with SACL.

What's that?---Well, you had - - -

Did someone from SACL recommend you for the Business Unit management job?---No.

10 All right. You've heard evidence from Ms Baccam – you were here for all of her evidence?---Yes.

And you heard her evidence about you becoming aware of Ari Landscaping and false invoicing. You heard her evidence of that?---Yeah.

And you heard your lawyer cross-examine her about that?---Yeah.

Now, I take it that you deny that the conversation occurred in the terms that she gave?---Yeah, I, yeah.

20 What do you say – well, I'll go back a step. She says that you found out about the company name, Ari Landscape. Is that true?---No.

All right. So you never spoke to her about Ari Landscape at all?  
---No, no.

Right. She said that you had a conversation with her where you said, "This has got to stop?"---Yes.

30 And she says that was about Ari Landscaping, that is, false invoicing?  
---Yes.

Your lawyer asked some questions and said, "This has to stop," happened, but it was about a different something else?---Yes.

So you remember a conversation with Marny Baccam where you said to her, "This has to stop?"---Yes.

And what do you say was that conversation?---With invoices coming in - - -

40 Sorry, and did, and I'm not sure if this was in the questioning but we can look at the transcript if we need to?---Yeah.

Do you agree that as part of that conversation you said, "I don't want to lose my job over this?"---I can't recall that, but it could have been, could have been.

All right. I think your lawyer put a question to Ms Baccam saying that the phrase, "I don't want to lose my job," related to some procedural matters. Remember that?---Yes, yes.

All right. So do you agree that the conversation had at least two – sorry I withdraw that. In that conversation you said firstly, "This has to stop?"  
---Yeah.

And secondly you said you don't want to lose your job?---Yeah.

10

All right. Tell us what the conversation was?---It was regarding of invoices coming in that weren't for our department.

Sorry?---Weren't for the, for the Business Unit.

Yeah?---We'd get sent Council invoices all the time.

Yeah?---Because they just used to try and find out who owned 'em and they'd come to us.

20

Yeah?---And the second part was about the – could have been about the not having purchase order numbers on invoices.

All right. So let's go to the first one?---Yes.

Who was making the mistake?---From what?

Well, you said invoices were coming to you for Council work. So who was incorrectly sending it to your office?---Finance Department.

30

Right. Why would you lose your job because the Finance Department was doing something wrong?---No, it wasn't, that wasn't what I was talking about losing my job.

Okay. What was the bit where you were concerned about losing your job?  
---Purchase order numbers not being on invoices.

All right. So tell us about that?---Well, like I said, it could have been about the invoices coming in without purchase order numbers.

40

Right. You thought that that would lead to you losing your job, did you?  
---Yeah. We had to have purchase order numbers on invoices because that means the works were approved.

Right. So you were concerned about that but you weren't, you did not know what Marny Baccam's authorisation was, right?---Ah hmm.

You had no checks and balances to see if a corrupt employee was putting seven figures through your Business Unit that shouldn't have been spent, right? Is that right?--I don't understand that, what was that question?

All these things that we've been going through for the last hour that you said you didn't know anything about - - -?---Yeah.

10 - - - and you didn't put any steps in place, what you say you were worried about was these numbers being on orders?---Because I wanted purchase order numbers being on all invoices.

But what you've described in your evidence about the processes and your own skills or lack of skills demonstrates doesn't it that you were one, hopelessly unqualified to do your job, and secondly, there were no processes in place that properly secured Council money. Do you agree with that?  
---No.

20 Right. And you were concerned that in that, in the environment of the answers you've given us today, you were concerned you might lose your job if purchase numbers weren't on the invoices?---Because it was my job to try and make sure there was purchase order numbers on invoices.

THE COMMISSIONER: Can I ask you, was your concern that if there were no purchase order numbers on the invoices that the invoices might be paid for work that hadn't been performed, was that your concern?  
---No, it was just following, trying to follow procedures.

30 Well, yes, but what was the - I thought you said a short time ago that the reason you were concerned about purchase numbers being on the invoices was that it demonstrated that the invoices could be paid, they'd been approved?---They'd been approved for the works to be done.

For the works to be done?---Yeah.

So this is invoices being paid before the works are carried out?---Yeah, this would be purchase order numbers were required so the works would go ahead.

40 I see. So this was just so that somebody else had cleared this work as being appropriate for the purpose?---To be done.

Right?---Yeah.

MR THANGARAJ: And whose responsibility was that, to make sure that those, that documentation was in proper form?---Purchase order numbers?

Yeah?---Probably mine.

For every purchase?---Not for every purchase.

I thought the supervisors were doing this?---No, they would, they would source a contractor - - -

Yeah?--- - - - and then they'd have to get a purchase order number.

Right. So that's what I just said?---Oh.

10 It's the supervisor had to get the purchase order numbers?---Yes.

Right. So you were concerned that you would lose your job because they weren't getting the purchase order numbers?---No, because they had to come to see me to get approval for a purchase order number.

Right?---And the buck stops with me there.

20 Right. And what would happen if there was no purchase order number, would it go through the system?---Ah, that's ah, no, they'd send it back.

So what was the problem?---To get it done, well, if it - - -

No. Let's do it step by step. If it didn't have a purchase order number - - -?---Yes.

- - - it's not like something would be bought that shouldn't have been bought, it wouldn't have gone through the system?---Yeah.

30 Is that right?---Yeah.

Right. So the very worst that could have happened is, someone writes back and says, we're missing a purchase order number?---Yes, and then if that happens regularly enough, well, it shows me to be - - -

Well, how often had it been happening?---It always happened.

It always happened?---Yeah, oh, not always, it regularly happened, and I didn't like it that invoices would come in without purchase order numbers.

40 Right?---'Cause it's not - - -

It regularly happened. Did anyone take it up with you, saying this is your job, why aren't you getting your supervisors to do it properly?---No, no, but I knew it was - - -

So why were you possibly concerned about losing your job about a procedural matter that had no adverse effect on Council resources in circumstances where it was other people's responsibility to get it?

---Because it was my responsibility to approve works to be done.

Yeah, on recommendation of your supervisors?---Yes, and - - -

Who were supposed to get the purchase order numbers?---It was my, my responsibility to approve them and if they didn't come in with invoices, well, it's my responsibility to have purchase order numbers and if that happened regularly enough, well then I could lose my job over that.

10 But you said it already had been happening regularly?---Oh, at times, yeah.

Yeah. And no one had taken it up with you?---Ah, yeah.

Yeah?---I'd get calls - - -

Well, you just said no one had taken it up with you a minute ago?  
---No, they'd come back to me from the Finance Department saying we need purchase orders numbers on that.

20 Right?---Yeah.

But the dysfunctionality we've heard about Botany Council, no one's going to blink an eyelid at a purchase number that's missing?---No, not, yes, they would.

Really?---Yeah.

They're worried about that but not all the other things that we've dealt with?  
---Well, did they know about the other things? I don't know.

30 All right?---I was just worried about my job.

Okay.

THE COMMISSIONER: Can I just ask you - - -?---Yeah.

- - - this process of allocating purchase order numbers - - -?---Mmm.

- - - the supervisors would come to you with the invoices, would they?  
40 ---No, they'd come with a, a - - -

They'd come with a request to engage a contractor, would they?  
---Yes.

And what did you do in order to satisfy yourself that a purchase order number should be allocated to that request?---Ah, that the works had to be done.

So you had to satisfy yourself that the works were necessary?---Yeah.

And what else did you have to satisfy yourself of?---The works were necessary.

So all you had to do was say yep, we need to do that, and then you'd give them a purchase order number?---No, and also that we had the best possible price, as in did SACL want two quotes, did SACL want one quote, have they looked at the, the, the Local Government - - -

10

Or whoever else the contractor might have been?---Yeah.

All right. Well, then so you were looking at the need for the work to be done and the, and the pricing of the work. Is that right?---Yes.

Right. And then you would give it a purchase order number which meant that the work was approved to be done. Is that right?---I would be given a purchase order number on a form, yes, yes, I'm listening, yeah.

20 So you'd give them a purchase order number?---Yeah, yeah.

So I come back to a previous question that was asked of you. Was there any part of that process that involved you looking at the Business Unit budget and working out whether or not that work should be performed at that price at that particular time?---We didn't have a budget.

So the answer to my question is no, there was no part of that process - - - ?---No.

30 - - - that involved you looking at the Business Unit budget - - -?---No.

- - - or going into anybody in Finance and getting approval?---No, unless it was something high.

Something high?---Like, like I spoke about the sweepers, cleaner.

Right. Can you tell us, can you tell us what the, what was the threshold if you like, what was the threshold at which you felt it necessary to go to Finance and seek approval?---50,000.

40

50,000?---Yes.

So you had to go to Finance for everything above 50,000?---Yeah. Yeah.

MR THANGARAJ: Did anyone ever say to you your approving purchases that you shouldn't be?---I can't recall.

All right. Well presumably you would if a senior manager had come to you and said why are you buying this, you don't have authority to buy that or we don't need that or it's too expensive?---(not transcribable)

So no one complained to you about any purchases you made but the General Manager of the entire Council you said told you you were doing a good job. You say the external auditors, whoever these people were came in and said you were doing a good job?---Yes.

10 And you're saying that you told Marny Baccam you might lose your job because there's not a number on a document?---No. That's, that's not correct. Because invoices come in but they didn't have a purchase order number on them then that reflects on me.

Okay. You've been through a series of invoices to see whether or not the signatures on them are yours?---Yes.

20 And they're for various invoices, various companies, Ari Landscape, Alex Electrical, Green Thumb, et cetera?---Yes.

Iced Air, and even though it looks like it says M Goodman or M something, your evidence is that you did not sign any of these?---No.

Is that correct?---That's correct.

And your further evidence that these are approvals that you should've been – if they were to be paid legitimately you should've been the one to sign off on them?---Or the supervisor.

30 Yeah. But none of these purport to be the supervisor?---No.

They purport to be you?---They've got my signature on them, yeah. Well my presumed signature, yeah.

I understand. I tender that folder. There is a post-it note which says viewed by MG written by Mr Goodman's lawyer. So I'll leave that there and I'll tender the bundle as is.

40 THE COMMISSIONER: That's Exhibit R25.

**#EXHIBIT R25 - FOLDER OF OPERATION RICCO MARK  
GOODMAN DOCUMENTS**

MR THANGARAJ: Do you remember I – we played a telephone intercept between Mr Goodman and – your brother and Marny Baccam about Gardens2envy?---Yes.

And it said, Marny Baccam said "I've got the blame and Mark got the shits with me"?---(No Audible Reply)

We'll just play it again?---Yeah.

11446, please.

10 **AUDIO RECORDING PLAYED** **[11.33am]**

MR THANGARAJ: All right. Now if we can go to the page that says Mark?---Yeah.

Yeah. So you see the bottom of that, that's the – that is a conversation where you were telling Marny Baccam that you wanted the order numbers and you were upset that it wasn't being done properly?---Yeah.

20 Is that what you're talking about with respect to purchase orders?---Yeah. That could've been the conversation.

Okay. Well that's a conversation it's somewhat consistent with what you're saying?---Yes.

But that's not the conversation where Marny Baccam says you said that you would lose your job, right. You agree with what – I'm not saying you agree with what she said but she says, the conversation about this has got to stop and you're going to lose your job related to Ari Landscaping. You agree  
30 that that's what she said?---That's what she said, yes.

Okay. Now you have heard, you heard this telephone intercept being played when she gave her evidence?---Yes.

And you saw that?---Yes.

And subsequently your lawyer asked some questions about the lose your job comment to Marny Baccam?---Yes.

40 Right. Now, all right. As long as you understand that that's the – what I'm suggesting to you, Mr Goodman is it's somewhat difficult to accept that you said in the circumstances that you said that you would lose your job in relation to these order numbers as opposed to Ari Landscape?---I didn't know about Ari Landscapes.

All right. Did you know about Highland Profiles?---No, I don't know Highland Profiles.

Cube DNC?---I knew about Cube.

You did?---They done work for the engineers department at Council.

Right. At the airport or the Business Unit?---It's the same place.

Sorry, at the Council or the Business Unit?---I think, I think their work was all at the Council.

10 Right. Where did you get the purchase orders from?---Marny or yeah, Marny because she had access to the system.

No, we're talking about the numbers, the purchase order - - -?---Yeah.

Sorry, is that what you understood I was asking you?---Yeah.

Yeah. So where did you get the purchase order numbers from?---The supervisor would get them off Marny.

20 And how would she tell them that, would it be, could be a phone call or email, anything, could it? Or was there some process that was required?---She would have to get it out of the system and give it to them.

Okay. And finally you heard, were you here for Mr Seng's evidence?---Who's Mr Seng?

James, Leong Seng, sorry?---Leong, yeah. No, I actually had to go somewhere with my dad. No, I didn't actually hear him.

30 So you weren't here for that evidence?---But I heard about it.

Do you understand the evidence that he gave. I'll remind you?---Remind me of it, yeah.

He says that he was required by you to go down and pick up a gas bottle from your house?---That's correct.

Did that happen?---Yes, it did.

40 All right. And more to the point though, he said that he saw people in Business Unit shirts down there doing things?---Yes, that's true.

All right. And what was happening?---They were cleaning some rubbish out of my place for me.

All right. And was that – were you entitled to have the Council do that?---No, I wasn't.

All right. That's the questions - - -

THE COMMISSIONER: Sorry, Mr Moses. Can I just ask you Mr Goodman, This Procurement Procedures and Guidelines document, was there an intranet at Council, that is a site an internet site that Council officers could use to access Council documents, policies and procedures?--- There was an intranet site but, I know that.

10 Did you ever use it?---No. I didn't know what was on it.

You had no idea what was on it?---No.

So these documents may well have been on the intranet site for as far as you know?---I can't answer that, I don't know. I wouldn't know.

And can you tell me when did you start working for Council?---Probably would've been nine years ago.

20 What so, what we're talking 2000 and - - -?---8.

8?---Yeah.

And where were you before that?---I think I was just doing some contracting work for repairing shower screens or building wardrobes and I think before that it might have been working as a trainer for the long-term unemployed.

30 And did you respond to some advertisement for work at Botany Council?--- No, I didn't.

How did you get that job, the first one?---I asked Gary was there any jobs going on the Council.

And did you go through an interview process?---Yes, I did with HR. I went and seen - - -

With HR?---HR, I went and seen HR.

40 Was that after you got the job or before you got the job?---No, before I got the job.

Yes, all right. Thank you. Yes, Mr Moses.

MR MOSES: Yes, thank you, Commissioner. Mr Goodman I act for Botany Bay Council?---Yeah.

I'm going to ask you some questions. I think you agree that you've said in the past haven't you to employees what happens in the Business Unit stays in the Business Unit?---That was more – no, I can't recall that.

Well, do you recall ever saying it to Malcolm Foo, what happens in the Business Unit stays in the Business Unit?---No, I don't.

No. Okay?---In what context?

10

In the context of him raising concerns with you about matters in the Business Unit and working in the Business Unit. You don't recall that?  
---No.

Okay. Do you recall having an interview with Ms Claire Brogan on 4 December, 2015. Ms Brogan was from SINC Solutions who are conducting an investigation into matters at the Council and do you recall saying to her, "I could identify things for the ICAC investigations"?---I didn't have an interview with Claire.

20

Yeah. Do you recall saying that, sir?---I, I recall saying to Claire – she asked me on the phone to come in for an interview and I wasn't well at the time but she wasn't clear about being for the ICAC investigation. She wanted to know how could have this happened and I said, "I could tell you when I come in."

Okay. Do you recall saying to her, "If I told you everything ICAC would have kicked shit"?---ICAC would have who?

30 "ICAC would have kicked shit". Do you recall saying that to her?---Kicked shit?

Yeah?---I can't recall them words but I may of.

Okay?---I may of, yes.

40 You may have, yeah. And do you recall saying to her, "I'm not scared of ICAC. They are the grubbiest organisation. I don't care if they're hearing this now. They're a grub ICAC"?---I recall saying something similar lines because I was reading about that other investigation they were on at the time in the papers.

Well, let's get back to then focus on the facts rather than insults?---Yeah.

What were the things that you could identify to the ICAC investigation, what did you know that was relevant to the ICAC investigation that was going on here?---I want to make this clear first. It had nothing to do with the ICAC investigation.

Oh?---She, she wanted to know about why could (not transcribable) on a Council point of view and the things that I was going to say was – because I didn't get a chance to come in and see her – was because a senior management meeting and I told her that people that – who (not transcribable) and I made it clear to her that it wasn't people that were no longer working, working there didn't care about it.

10 THE COMMISSIONER: I've got no idea what any of that meant. Was this interview on 4 December did you say, Mr - - -

MR MOSES: 2015.

THE COMMISSIONER: 4 December last year?

MR MOSES: That's correct, Commissioner. And do you recall saying this, "I can tell you things but it will hurt people's careers"?---Yes.

20 "I could identify things for the ICAC investigations"?---No, I never mentioned anything about ICAC investigations. What I did say – I, I said to her – I may have mentioned ICAC because I can't remember. I was on heavy medication at the time. But I remember saying to her it'll hurt people's careers because they're good people. Yes.

Okay. Now let's get a few things clear?---Yes.

You've received haven't you not corruption training at the Council?---Yeah, yeah.

30 I mean it's in your diary. You've attended ICAC training?---Yes.

Correct?---Yes.

As recently as 2014?---That's correct.

You've attended procurement training on a regular basis. Correct?---(No Audible Reply)

40 I mean I can show you a diary?---Yeah.

I can show you a tender - - -?---Yeah.

Volume 22 of the ICAC Brief, page 45?---Okay.

You've signed off doing procurement training in the Business Unit?---Yeah. Okay.

Yeah?---Yeah.

Well, have you or not or you're just signing documents?---I don't know. If you say I have. I can't recall.

Well, can the witness have shown up the screen volume 212, page 45 of the ICAC Brief. So that's your signature on there?---That's me.

And Marny Baccam's signature?---Yeah.

10 Correct?---Yeah.

Okay. Just while we've got your signature there?---Yeah.

You told Counsel Assisting a couple of things I think about Jovane Pty Ltd but let, let me see if I can get to the nub of it?---Yeah.

Jovane Pty Ltd did not do any work for the Business Unit. Correct?  
---That's correct.

20 Yeah. And you knew that. Correct?---Yes.

Okay. And you did not know that invoices were being issued to the Council from Jovane Pty Ltd that were false. Is that right?---That's correct.

And you never authorised any?---No.

Okay. Can the witness be shown volume 14, page 20 of the ICAC Brief. Is that your signature on that document?---No.

30 Take your time. Is that your signature on the document?---(No Audible Reply)

And just to help you, can you compare it to your signature that appears at page 45, volume 21. Once you've looked at both documents I'm going to ask you a question. You tell me when you're ready?---So that one and that one, yeah.

Yeah. Is the signature on volume 14, page 20 on the Jovane invoice, is that your signature?---No.

40 That's not yours?---No.

No. You never signed this?---No.

You've never signed a Jovane invoice?---Not that I recall, no.

What do you mean not that you recall?---Like I, I, if I knew - - -

Do you, do - - -?--- - - - I'd say yes.

Do you deny it or you just can't remember now?---I deny it.

You deny it. Okay. So that's not your signature on that document?---No.

Okay. Now in relation to corruption training that you've received - - -?  
---Yeah.

10 - - - and procurement training, let's go through some of the basic rules that  
you understood. The first one is thou shall not steal from the Council. You  
understood that?---Yes.

It's pretty basic isn't it?---Yes.

Number 2, thou shall not use the resources of Council to do things, private  
stuff at my home. Correct?---That's correct.

20 Thirdly, though shall not turn a blind eye to thieves, employees or who are  
thieves. Correct?---Correct.

Yeah. And fourthly, if you saw corruption you'd blow the whilst on it.  
Correct?---Correct.

That was part of your obligation. Correct?---Correct.

You knew all those things. Correct?---Yeah.

30 Yeah?---Yeah.

Okay. Now in relation to the conversation that Ms Baccam referred to in  
her evidence yesterday - - -?---Yes.

- - - which was the subject of cross-examination by your lawyer, and this  
appears at page 316, line 40 of the transcript of Ms Baccam's evidence.  
This related to a Ari Landscape invoice, and I think you've said that you  
were present in the courtroom when this evidence came up. Correct?---Yes.

40 And her evidence was that you said, this is at page 317, line 32, "Stop doing  
it because I don't want to lose my job here." Do you recall her saying that?--  
--I recall her saying that.

MR MOSES: Do you deny that you said that to her in respect of an Ari  
Landscape invoice?---Yes.

Okay. Now Ari Landscape, you knew they were not doing any work for  
Council?---Now, I do yes.

Well, did you see those invoices come across your desk at all?---No, I didn't.

So the first time you learnt about them, I'm just going to show you a document page 33 Volume 4 of The ICAC brief. Now, is that your signature on that document?---No.

I'm sorry?---No.

10

That's not your signature?---No.

No. It looks pretty similar, doesn't it, to the signature that appears on the Jovane invoice, doesn't it, correct, sir?---I'm looking.

Sir? And it's pretty similar isn't it, to the one at Volume 21 page 45 on the Procurement Training.---No, it's different.

20 It's different. Okay. Can we, is this your evidence, that the signature that appears at Volume 4 page 33 on the Ari Landscape advice, on your oath, you deny signing it, correct?---Yes.

Okay. Thank you. Now you told Counsel Assisting in respect of Exhibit R24, this is Commissioner, the Procurement Procedures Document, page 3, you told Counsel Assisting that your delegated authority or delegation was \$50,000. Correct?---Yes.

Well, that's not true is it?---Why?

30 Well, your delegation was \$20,000 wasn't it?---I didn't know that.

You didn't know that, okay. Who told you your delegation was \$50,000? ---Gary.

Gary did. Okay. And Ms Baccam, did you say her delegation was what, what was it?---I didn't know what her delegation was.

40 No, okay. You know she was just an administrative assistant in the Business Unit, correct?---I knew she worked in that but I didn't know what her position was.

Okay. So, can we just understand this that you were the Acting Manager of the Unit, correct?---Yes.

And you did not know that the Business Unit was being deployed by your brother and Ms Baccam to commit fraud on The Council?---That's correct.

When's the last time you spoke to your brother?---Monday.

Monday was it?---In hospital.

In hospital, okay. Did it surprise you to learn sitting here this week, that your brother has engaged in a large scale fraud on Botany Council?---After sitting during this week?

Yes.---Yes, shocked.

10 And is this your evidence, so we understand it - - -?---Yes.

- - - the only corruption that you've been involved in is to divert Council resources to use at your private address, is that right, your private residence? Is that the only corrupt activity that you've been involved in?---No.

No? You've been involved in other corrupt activity?---Use of Council vehicles.

20 Yes. So you've used Council vehicles that you are not authorised to use, correct?---That's correct.

And you've used, have you - you correct me if I'm wrong - you've used fuel cards of Council for personal use?---I had a car that I was allowed to use for personal use so I used the fuel card for that.

Unlimited?---Unlimited.

30 You think that was part of your conditions?---What do I do? Yes, if I've got a car - - -

That's what you thought, okay.--- - - - for personal use.

Anything else any other corrupt activity that you've been involved in apart from the use of the resources at your private residence and the use of a Council car that you were not entitled to, was there anything else that you engaged in in terms of corrupt activity?---Yes.

Yes. Please tell us, now's the best time.---Yes, yes.

40 It lightens the soul?---Sorry?

It lightens the soul to unburden yourself first, just tell us.---That's fine, yeah, I'm here to tell the truth.

Good.---I was borrowing money off Mal Foo towards the end of last year and um, I paid him back and the he'd say um, a couple of times, don't worry about paying it back it will be fine and then after a week or two, he would

give me some more money and um, he'd make it aware to me that it was coming from a contractor.

Yes. And that was a contractor which Council was using?---Yes.

And which contractor was that?---Gardens to someone, Gardens2envy.

Gardens2envy.---Yes.

10 So you were receiving money from Gardens2envy?---Yes.

And you took the money?---Yes.

How much was that?---Probably would have been all up, may be, over a period of two months \$10,000.

Now, in relation to your Business Unit, you had Marney Baccam working there, correct?---Yes.

20 And did you know one at one stage - according to her - she was a lover of your brother's?---At one stage, not while she was working there.

Okay. Before?--Beforehand. I didn't, never asked her or him but I had a feeling may be.

Was it still going on, was that your feeling?---No, no, no.

Okay. And you sat here listening to her evidence where she basically was using the cards of Council at Officeworks - - -?---Yes.

30 - - - and Campbell's Cash n Carry for her own personal use?---Yeah, I heard that.

Yes. Was that a surprise to you?---For her own personal use, yes.

And what about the handing out of Cabcharges for the fundraiser for the Buddhist Monk who was out here that she was handing out Cabcharges to Council staff to head out there.---Yeah, she would have done that, yes.

40 Do you, did you know she did that at the time?---No.

You heard about that for the first time here?---Um, I think so, I can't recall, I can't recall.

Have you been out to Mounties yourself?---No, I've never been in the place.

Did you know that Ms Baccam had a gambling issue?---Um, no.

Now, just with the Business Unit, just remind, the Business Unit has its own stand-alone building at the airport, correct?---That's correct, yes.

And in effect, you were in charge out there as the Acting Manager, correct?  
---Correct.

You had then recommended for the job - and we will tender this document in due course - but there's a memorandum from Peter Fitzgerald Junior recommending you for that position?---Oh, okay.

10

Were you aware of that?---No.

No. And because I think you've previously stated that, I'll come back to that. You had been the 2IC to Mr Fitzgerald Junior, correct?---Yes.

And how long had you been his 2IC?---Six months may be.

20

Yes. Okay. Can I just ask the witness to be shown a folder of documents that we've prepared, we've got a spare copy here, we've given copies to the Commission as well. Now, I think, this is behind Tab 1, you started at The Council as a labourer, correct, that's the document behind Tab 1?---Yeah.

And I think you said Mr Goodman assisted you to get that role, Gary Goodman your brother, correct?---Yeah, he put me in touch with HR.

Yes. We then go behind Tab 3, this sets out your roles, your role and responsibility as the Manager of the Business Unit?---(No audible reply)

30

You've seen this document before haven't you?---I don't know, did I, have I?

I'm asking you, have you seen this document before?---I can't recall, I can't recall.

So you haven't seen this position description before or you can't remember?--I can't recall, I really can't recall.

40

Now if we go behind tab 6, the diary entries there, this comes from your diary?---Okay.

You would keep a diary of what you were doing on particular days?---Yeah.

That's your handwriting?---Yeah.

And behind tab 7 what we have done is to type out those diary entries?---Okay.

That set out your references to various matters over the subject of ICAC's investigation in this matter. I mean for instance, just by way of example, from time to time, this is correct isn't it, you would deal with auditors from Council?---Yeah.

Yeah. And from time to time you would deal with matters relating to the R Risk audits of Council?---Yeah.

10 I can show you the entries if there's a problem with this?---Yeah. No, that's fine, yeah, yeah.

For instance on 23 October, 2014, there was an ICAC presentation at the Council?---Yeah.

Which you attended, correct?---Yeah.

And this is correct, is it not, that you also dealt with fuel cards and those being provided?---That's correct.

20 Yeah. And you also dealt with procurement matters, correct including procurement training, correct?---Yeah.

Okay. So there's no, there's no question about that?---No.

Now did your brother ever ask you to sign invoices?---If it was something to do with SACL, he probably may have, I can't recall.

30 Okay. Well your direct supervisor up until the time you left Council was Mr who, Dutton?---Stuart Dutton.

He was the Director of City Infrastructure?---That's correct.

Since September, 2014?---Correct.

And you were meant to report directly to him, correct?---Yes.

Yeah. And he had direct responsibility for that Unit, correct?---That's correct.

40 And is this the case that you would tell him, would you that the Business Unit was making a profit and everything was going well, correct?---Yeah. That would be correct, yeah.

And as far as you were concerned the contract with Sydney Airport was making money so you should be left to do your job, correct?---I can't recall that.

But that's certainly your view, isn't it? I mean you voiced that view a couple of times to people and I mean I can you take you to an example. But you, you have the view that this is a profitable Business Unit, we should just be left alone to operate it on our own, correct?---Well Lara said that to Stuart so I'd say it would be correct.

Say that again?---Lara told Stuart that so I'd say it would be correct.

Lara told Stuart that?---She did say that.

10

You were the one who said it, weren't you?---No, but I'm saying I'd repeated that because Lara told him that.

Well you're just making this up, aren't you?---No, I'm not.

You are the one who went around telling people that this Unit was making money for the Council, correct?---Yes.

Yeah?---Yeah.

20

So don't, don't try and deflect it. You were the one - - -?---I'm not, no, I'm not deflecting I'm just saying the fact she told Stuart that as well.

And who was the predecessor to Mr Dutton, who did you report to?---Patterson, John Patterson.

Mr Patterson?---Yeah.

And what about Mr Dowsett?---No. He was never my boss.

30

So you would report or you were supposed to report to these people, correct?---Yes.

Now Mr Gary Goodman, your brother?---Yes.

He wasn't responsible for supervising - - -?---At the airport?

- - - at the Unit, correct?---No.

40

No. In fact it really had nothing to do with him, correct?---It did last year because we were putting a tender in.

Well apart from the tender going in for the contract he had nothing to do with the day to day operations of the Unit?---Except for the - - -

Except for the corruption?---No.

No. Okay. So what did he do there?---Approval of the invoices that were over my delegation.

Sorry?---Approval of invoices that were over my delegation.

Which was how much?---Mine?

Yeah?---I think I mentioned before 50,000.

10 Why was he doing that and not your immediate superior?---Because Stuart was only new and he, I don't know if he had a delegation.

So you went directly to your brother?---I would cc Stuart in on it and I asked Stuart "Are you happy with this process"? And he said, "Yes".

When did you do that?---Last year.

20 Last year?---For an incident that I mentioned before about the SACL (not transcribable) we bought, which was hundreds of thousands. And he'd be involved in that.

Now if you go to tab 10, is that your signature that appears there?---Yeah.

You've got that?---Yeah.

Okay. Now Highland Profiles, do you know who they were?---No.

No. And did you ever authorise their invoices?---Not that I can recall.

30 Well did they do any work for the Business Unit?---Not that I recall, no.

Well when you say you don't recall, did they, did they do any work for it?---I can't recall.

Well you know, don't you, that in respect of Highland Profiles they're regarded to be one of the entities which there has been fraud on the Council?---I do now.

40 Yeah?---Yeah.

So why would you be signing invoices of that, of Highland Profiles?---I didn't say I did.

Well, can we just be shown volume 11, page 50. If that can come up on the screen. Now leave tab 10 in front of you, sir. Your signature there?---Yeah.

We'll see what you want to say about this one. Now Highland Profiles, is that your signature authorising that invoice there, sir?---(No Audible Reply)

Is that your signature?---I don't know.

You don't know?---No.

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

Well look at your signature on this document behind tab 10?---Yeah.

10 And then compare it to the one that appears at page 51, volume 11. Is that, volume 11, page 51, 50. Is that your signature?---I couldn't tell.

Okay?---It doesn't look – it looks different. I don't know. My, my signature was a very lazy signature.

Okay. Page 51, if we could go to that. Is that your signature?---I don't know.

20 You don't know. Well you're not prepared to sit here, are you, on your oath and deny it, correct? You just don't know?---I don't, I don't, no, hang on. Probably for the works that were done. I don't recall Highland Profiles doing any steam cleaning work at Sydney Airport. So - - -

I'm asking you, that's not what I'm asking you, I'm asking you about your signature. Is that your signature on that document as your evidence, it can be one of three, can't it? Yes, it is, no, it's not, or I don't know?---I don't know.

30 Okay. Thank you. Now is this far to say this that when Lara Kirchner came on board as the General Manager a number of memorandums were issued by her in relation to the way in which things needed to be done or improved by way of training, is that right?---I would have no, I have no idea.

No idea. Did you notice that things changed when she was appointed General Manager?---No, not really.

Okay. Let's go - - -?---Not that I recall.

40 Not that you can recall?---Yeah.

Okay. Were you aware that for instance, in relation to preferred suppliers that the position was in respect of preferred suppliers that that needed to be adhered to?---If possible, yeah.

Yeah. Now behind tab 11 You'll see there, there's an email there's a memorandum from the general manager to all staff where a number of new policies had been rolled out in relation to fraud and corruption prevention, gifts and benefits, procurements, do you see all that?---Yes, yes.

You see all that?---Yes.

And training was undertaken, correct?---I don't know but if that's what - - -

Well, you undertook the training, you don't recall undertaking training?---  
Was that what you showed me before I signed.

10 And also your diary entries, do you recall?---Okay, if it's there, yeah, I  
must of, yeah. If I did, I did, yes.

Well, were you at work or you just can't remember?---Is it in my diary?

Listen.---I don't recall, you're talking about 2012.

Okay.---I don't know.

20 Okay. I'm going to go to Tab 12. General Manager 12 October, 2011 I take  
this opportunity to remind all employees of their obligations under our Code  
of Conduct, not to accept a bribe et cetera, said gifts or benefits of any kind,  
accept any gift or benefit, correct?---Yes.

Of course, you've admitted haven't you, you've breach the Code of  
Conduct- - -?---Yes I have.

Because you took money from Gardens2envy \$10,000, correct?---No, that's  
not correct.

30 MR DUNNE: I object.

MR MOSES: No, how much did you take from them?

MR DUNNE: I object. What's in his evidence?

THE COMMISSIONER: Well, his evidence was that he was given money  
by Mr Foo which he found out was coming from Gardens2envy.

MR DUNNE: Which Malcolm Foo told him comes from Gardens2envy.

40 THE COMMISSIONER: All right. Well, anyway, we'll clarify.

MR MOSES: Thank you, I'm corrected.

The money, the \$10,000 was it cash?---Yes.

And where do you understand it came from?---Eventually Mal Foo told me  
it was coming from Gardens2envy.

Eventually, okay.

MR DUNNE: Just one further objection, your Honour, I think the witness evidence was not that it was a payment of \$10,000 it was payments totalling \$10,000.

THE WITNESS: Yes.

THE COMMISSIONER: Well, all right, go on.

10

MR MOSES: I stand corrected. Payments of up to \$10,000, so - - -?  
---Total.

So total, okay. How much, by way of money, did you take from Gardens2envy?---

MR DUNNE: Well, I object again, your Honour.

THE COMMISSIONER: Well - - -

20

MR MOSES: Let's not be, let's not get into semantics, the fact is this man in the witness box on his oath has already stated what his evidence was and that is that he took a total of \$10,000 from a contractor of the Council, Gardens2envy.

THE COMMISSIONER: Yes, all right.

MR MOSES: And it doesn't matter what now happens.

30 THE COMMISSIONER: The sources of the monies that you received from Mr Food, Mr Goodman, you came to know that the sources of those monies was a contractor Gardens2envy, didn't you?---Eventually, yes I did.

Right. Well, at the point at which you became aware that was the source of the money, how much money had you taken or received from Mr Foo?---All up, roughly \$10,000, yes.

Right.

40 MR MOSES: Let's go back. Mr Foo gave you money, correct?---Lent me money.

He lent you money.---Which I paid back.

And then on top of that, he gave you money that came from Gardens2envy?---No, you got it wrong.

Oh, okay. I got it wrong.---He lent me money, he lent me money, I'll just try and explain it to you. He lent me money, I paid him back. I borrowed money, I'd pay him back. Then at one stage he said, don't worry about paying it back.

That is, there was some more money you lent from him?---Yes, borrowed money off him, yeah.

10 So you took money paid it back, took money paid it back and then you took some money from him and then he said, "Don't worry, no need to pay it back."---Yes, yes.

And what did he say to you?---Then may be, next time I paid, I borrowed some money, that's when he made me aware that it was from Gardens2envy.

That is the money that he'd given you.---Yes.

20 How much money had you taken from him by that stage?---Up to that stage or after?

After that, after he told you?---After he told me, probably would have been in the range of eight, \$10,000.

So you took money from him after he told you that the money was coming from Gardens2envy?---Yes.

Thank you.---Yes.

30 So let's be crystal clear about it so everybody understand this.---Yes.

You knew that the money that he gave you subsequent to that conversation was money coming from a contractor, correct?---That's what he told me, yes.

And you knew that was prohibited, correct?---Yes.

And you knew that was corrupt conduct?---Yes.

40 And you still did it?---Yes.

Yes. Thank you. Why did you need the money?---Because I had no money.

I'm sorry.---Because I had no money.

You had no money.---Well, I borrowed money off him, originally, I had no money.

What were you doing with the money?---Spending it.

On what?---Day to day things.

Such as?---Food.

Food. So what were you using your salary for?---Food.

10 Food.---And your normal day to day expenses.

Normal day to day expenses.---Yeah.

Right. What was your salary?---I think I said before \$45 an hour.

THE COMMISSIONER: Sorry, that doesn't mean much because we don't know how many hours you work. You were on some kind of contract weren't you?---No, I was on - - -

20 All right. Well tell us what your, tell us what your annual after tax earnings were?---\$45 an hour for a 40 hour week.

All right. Well, you must have put in a tax return, what did that represent in terms of an annual income?---I don't know, anybody got a calculator, I don't know. I'm telling the truth, I don't know.

Do you have a house Mr Goodman?---No, I don't own a house.

Have you ever taken out a bank loan?---No.

30 Never?---No. Oh, years and years ago when I was younger.

MR MOSES: Ashfield, do you own a property at Ashfield?---No.

Okay. And you live with your father?---Yes.

Yes, Okay. Now, now the I think we talked earlier about a preferred suppliers, correct?---Yes we did, yes.

40 And you knew that it was the position of The Council that preferred suppliers should be those who are used, correct?---Where possible but, but it then relates to SACL.

Thank you. Is that what you think?---SACL.

Is that what you think, didn't really apply?---SACL, no, SACL wanted something, you do it.

Okay. I'm just going to show you a document, it's an email from you to people within your unit, it's dated 12 September, 2013. Do you have that, it's coming, don't worry.---All right.

THE COMMISSIONER: Just while that's being handed up, Mr Goodman on my calculations at \$45 an hour for a 40 hour week over a year is \$93,500 does that sound right?---Yeah, probably.

10 That was your annual income?---Yeah, that's before tax.

MR MOSES: So you have attached the Airport Business Unit Buyers Guide which is the one that appears behind Tab 14 in the folder.---Yes.

That's attached to this email.---Yes.

20 Find attached current copy of the Business Unit's Buyers Guide, all goods and services purchased by yourselves must be in this guide, if there are any suppliers missing please let me know and I'll add them. Do you see that?---Yes.

They're your words, bold.---Yes, I'm reading.

Must. Doesn't say if possible does it?---Yeah, that's right.

It's not Alice in Wonderland is it?---Yeah, that's right.

Okay. So it says, must, correct?---Yes, yes.

30 They were your words?---That's what I've written.

Okay. So you accept they must come from the buyer's guide?---Yeah.

That was the policy of The Council wasn't it?---Back in 2013 that was the policy of The Council.

It was something that had been emphasised, hadn't it, by the new general manager, correct?---Yes.

40 Thank you. Now just in relation to Gardens2envy - - -?---Yes.

- - - just in relation to Gardens2envy you signed their invoices, didn't you? You would approve their invoices?---I may have, I can't recall.

Can't recall, okay.---There is some I may have.

Volume 30 page 145. Volume 30 page 145, thank you. Is that your signature on that invoice?---I'd say it probably would be, yes.

So that one is?---I'd say it would be.

So from time to time, you would, you would sign off on invoices of Gardens2envy, correct?---When was that, January 2014, yeah, back then.

What do you mean back then, when did you stop doing it?---Around that time, I don't know, yeah.

10 You were doing it for some time weren't you?---Yeah, then we ended up, we had a bit of a change, yeah.

A bit of a change?---yeah.

You still, you still were signing them weren't you, in 2015?---Ah, I may of.

You may of?---I may of, but it was, as I mentioned before to Counsel that I tried to get the supervisors to sign all invoices.

20 Okay. Tried to. Okay?---Yeah.

Ah hmm. Okay. Now, the Council car that you were using that you were not entitled to, what car was that?---Ah, some small little thing.

Sorry?---It might have been a Toyota or a small four-cylinder car.

Okay. Did your father have a Council car?---Not to my recollection, no.

Well, not – well, you were living with him?---No, he got a - - -

30 Were you living with your father?---(No Audible Reply)

Your dad, were you living with your dad?---Yes. Well - - -

So was, was there a Council car at your father's house?---No.

Thank you. Now, do you have a son?---Yes.

Jason?---Yes.

40 Now, your son, does he – did he work for Council?---Yes.

In what capacity?---Ah, labourer.

Ah hmm. Now, did you organise for him to have a Council car?  
---I don't understand your question.

Well, your son's driver's licence was found in one of the cars that was returned to Council after it became aware of the ICAC investigation.

---Yes.

Okay. So in relation to the Council car that your son was driving, who gave it to him?---Ah, me.

You gave it to him?---Yeah.

And you knew, didn't you, that that was a dishonest thing to do. Correct?  
---Yes, I did.

10

Yeah. And you gave it to your, to your son?---To drive, yes.

Yeah. So you put, you put your son in the position of giving him a car that you knew it was illegal for you to hand out. Correct?---That's correct.

Yeah.

20

THE COMMISSIONER: Was this in addition to the car that you drove, was it?---Yeah, this is not, this is my private – had my private Council car that I could use.

Yes, but you had a car - - -?---Yes.

- - - that was a Council car, and you've got another one for your son?---Yes.

And from whom did you obtain that car?---The Councils used to store the cars that were going to auctions.

30

Yes, but who, who allowed you to drive that car out of the garage?  
---I drove it out. Me. I done it. Because they used to be stored in our workshop.

What, so you just went and took the key and took the car?---Took the car.

MR MOSES: And where, where did you do that?---At our workshop.

Yeah, where?---At um, oh, at, which car are you talking about?

40

You tell me. The car that you gave to your son, what car was it?  
---It was a small four-cylinder.

Okay?---That's, I had a car going to auction – trying to get this straight here so it's all done.

Don't worry about getting it straight, just tell us the truth?---No, I'm telling you the truth, that's what I'm saying.

Yeah?---I want to tell you the truth here.

Yeah?---That I got from our workshop 'cause it was waiting to go to auction so I let him use it. The car that you're saying returned before the investigation?

No, no, after?---After the investigation started? Is that the question you asked?

Correct?---Yes.

10

Yeah?---That didn't come from our workshop.

Where did that one come from?---That came from Wetherill Park.

From Gas Motorsports?---Yes.

20

So is this the case. You knew that your brother, Gary Goodman, was storing Council vehicles at his private business address?---Not at the -- not originally, but at the time when I had to take it back, yes, he told me to come and pick the car up?

I'm sorry?---He told me to come and pick this car up.

Your brother told you that?---Yes.

From Gas Motorsports?---Yes.

Was that the car that your son was using?---No.

30

What's, let's walk back. You told the Commissioner - - -?---Yes.

- - - in response to where did the car come from -- just please let me finish?  
---Okay, yeah.

You said initially that it came from a workshop. Correct?---No.

No, okay. So where did it come from?---Can I explain it? Do you want me to explain it?

40

THE COMMISSIONER: Well, I'd love you to explain it?---Yeah, I'd rather explain it.

I asked you a fairly direct question a minute ago - - -?---Yeah, yeah.

- - - Mr Goodman - - -?---Yeah.

- - - and we're going to be here all day - - -?---Okay.

- - - unless you address yourself - - -?---Yeah.

- - - to the questions that are asked?---Okay.

You told me that in addition to the car that you drove, which was a Council car - - -?---Yeah.

- - - you obtained a car for your son - - -?---Yes.

10 - - - by going into the workshop or the garage where the cars were stored that were being prepared for auction and you took the key and you took the car and that was the car that your son was driving?---That's correct.

Right. Thank you?---Okay.

Now, was there another car - - -?---Yes.

- - - that your son had which you obtained from your brother's workshop at Wetherill Park?---Yes.

20

And was that also a Council car?---Yes.

So you were aware then that your brother was storing Council vehicles at his workshop at Wetherill Park?---Yes.

Thank you?---Yeah.

MR MOSES: And what was your brother doing with cars at his business in Wetherill Park?---I don't know.

30

You don't know?---No.

No. Would you go and visit him at Wetherill Park from time to time at the business there?---Yeah, I'd go visit him there.

Yeah?---Yeah.

And you would see Council cars there?---I didn't know they were Council cars, it's a big parking lot up there.

40

A big parking lot?---Yes.

Well, you knew there was a Council car there that you picked up for your son. Correct?---Sorry?

You knew there was a Council car there that you picked up for your son. Correct?---That he rang me - - -

At the time you went to pick it up, you knew it wasn't a gift from Uncle Gary to Jason, it was you getting a Council car to give to your son. Correct?  
---No, you've got it wrong.

Okay. Well, let's - - -?---The Commissioner explained it.

Let's get it right. We want to understand.

10 THE COMMISSIONER: Well, he just said, he just said I explained it and I thought I was speaking English, so - - -

MR MOSES: Yeah, okay.

THE COMMISSIONER: - - - it's on the record, Mr Moses.

MR MOSES: Okay, okay?---The car that we picked up - - -

Ah hmm?--- - - - from the workshop - - -

20 Yeah, which workshop?---Wetherill Park.

Okay, so your brother's workshop?---Yeah.

Okay?---That was nothing to do with Jason driving a car, having a car. He came to pick it up with me.

I'm totally confused. So the - let's - - -?---The Commissioner explained it.

30 Don't worry about what the Commissioner explained, you're the one giving evidence?---Okay.

Okay. So let's focus on this, please?---All right. Okay.

The car that you gave to your son, which was a Council car - - -?---Yes.

- - - right - how many cars did you give him, one or two to use?---One.

Okay. Where did you get the car from?---Our workshop at the Airport.

40 So the Council workshop?---Yes.

Okay. And what was the car that you said you got from your brother's workshop?---That was not the same car.

Okay?---That was a different car.

But was it a Council car?---Yes.

Okay. And did you give that car to your son?---No, he drove it back to Council.

Your son drove it back to Council?---Yeah, because I got asked to pick it up and take it back.

Okay.

10 THE COMMISSIONER: So you were asked by your brother - - -?---Yes.

- - - to get someone, and in this case it was your son - - -?---Yeah.

- - - to pick up the Council car that was at Wetherill Park - - -?---Yes.

- - - and drive it back to Council because the ICAC investigation had started and he had to try and get all the cars back to Council that were floating all round the community?---Correct.

20 Is that right?---Correct.

Right.

MR MOSES: Okay. Thank you. Now, do you have any other family members who work at Council?---Yes.

Who?---My brother.

Gary?---Yes.

30 That's it?---Yeah.

Okay. Now, what's your relationship with Sam Alexander?---Sam Alexander would supply phones.

To?---The Council.

To you, to the Business Unit?---Yes.

40 How many phones?---Whenever we requested one.

Well, would he supply you hundreds?---No.

Well, how many do you reckon?---At a time?

Yeah?---One, two.

One, two?---Maybe over a period of time the supervisors would get 'em, I'd say maybe 10.

Maybe 10?---Yeah.

Okay?---Yeah, it's - - -

What, so over time, ten in total?---What period of time are you talking about, how long?

10 Well, say over the last two years?---Oh - - -

How many phones do you reckon he's given?---The Business Unit?

Yeah?---Oh, well, I can answer 10 to 20 maximum.

Okay?---Yeah.

10 to 20 maximum?---Yeah, yeah, if that.

20 Okay?---If that.

Okay?---I don't know.

Okay?---We used to get phones from Council too, so I don't know.

Okay?---Yeah.

Okay. Now, Keith Mark, you saw him giving evidence here?---Yes.

30 Yeah. And were you stockpiling toners at the Business Unit? Like do you have like, like a mountain of toners there?---No, we don't.

No. So you heard his evidence, he was just pulling our leg, was he, about saying that some of these invoices are accurate that had hundreds of toners being supplied?---I don't know whether – where did he say stored 'em at?

I'm asking you?---I don't know.

You don't know?---He gave us the, the um, printer.

40 You signed off on some invoices, didn't you?---Yeah.

Yeah. And did you arrange for payments to be made to Keith Mark?  
---No.

Well, do you recall Gary Goodman asking you to pay the invoice – pay invoices?---For Keith?

Yeah?---When?

Well, I'll show you. In 2013. It's volume – if we can go to the – I'll show you the email. It's volume 5, page 6 of the ICAC Brief. Keith Mark is sending you documents to give to - - -?---Oh, is that it there?

- - - your brother?---I can't read it. Is this for the printer?

Yeah?---Yeah, absolutely.

10 Is the printer still there?---Yeah.

Is it?---Yes.

So the printer was delivered?---Yes.

Okay. Are you sure about that?---Absolutely.

Okay. How big is it?---(No Audible Reply)

20 That big?---A big one.

That big. Okay. And it as delivered?---It was delivered.

Okay. Did you – you were sitting here with Mr Mark was giving his evidence?---Yes.

He seemed to be a bit uncertain as to whether items were actually delivered to the Council because he was told not to deliver it?---Sorry?

30 Did you see the printer being delivered?---Yeah.

By whom?---Probably a delivery truck.

Did you take receipt of it?---No. It probably would've been John Dichiara.

When you say probably - - -?---Okay, more than - - -

- - - you don't know?---The printer got delivered.

40 Okay?---It's there now.

Okay. If we can have volume 5, page 9. I mean there's a – there seems to be a hell of a lot of printing going on at the Business Unit. I mean you weren't operating a newspaper there were you?---No.

Sir?---No, I was not.

No. Okay. Well, I mean that, that, that's a lie there isn't it, that invoice there. I mean you weren't receiving that quantity of material?---I never received that invoice.

No?---No.

You didn't receive those items either?---No.

No?---No.

10

Okay. Now your brother?---Ah hmm.

You didn't know he was a thief until this week. Is that right?---Correct.

Yeah. And he had all these fast cars that he would work on at the workshop where you would go and visit him. Correct?---Yes.

Where did you think he was getting the money from?---I thought they made money out of the workshop.

20

Really?---Yeah.

Oh. Okay. What, he told you that?---Well, it was a running workshop.

Yeah. How many employees did he have there?---I think there was one.

One?---Or two but there was also another workshop in the complex about four doors up.

30

What, Elias Smash Repairs?---Elias Smash Repair.

Okay?---And there was um, RotorMaster. They were racing - - -

RotorMaster. Yeah, we've heard about them, yeah?---They were racing cars as well.

They've, they've come up a few times, yeah?---Yes.

40

Did your brother ever give you money, because you were telling the Commissioner before things were a bit tight for you on the 90-odd thousand you were on a year. Did your brother ever loan your money, because you were taking money from strangers, did your brother give you money?---He may have. I borrowed - he may - - -

Not may have. Listen?---Okay.

You're here giving evidence. Just focus on the evidence?---Yes.

Not may, did he or did he not give you money?---He could of, yes, he could of given me money.

Not could have. Listen, you're giving evidence to the Commissioner?  
---Okay.

Can you, can you at least focus when I ask you a question?---Okay.

Did your brother give you money?---Yes.

10

Yeah. How much money do you reckon your brother gave you in the last 12 months before he got caught stealing, just in the last 12 months, because I'm going to ask your brother the same questions?---Yeah.

And we're going to pour over his bank statements?---The last 12 months?

Yeah. Yeah, just, just give me figure?---Nought to \$1,000.

How much?---Nought to \$1,000. I don't know.

20

You don't know?---Not a lot of money.

How would he give you money, would you ask for it or he'd just slip it to you?---I'd borrow, I'd borrow it off him.

You'd borrow it. What do you say, bro', can I have some money?---Yeah. Along the lines as you'd – how you would ask a brother to borrow some money if you had no money.

30 Really. And how would you do that, tell us?---I'd ask if I could borrow some money off him.

What would you say?---Can I borrow some money.

And would you pay it back?---If I had it.

Did you – the last 12 months, just focus?---Just the last 12 months. Okay.

You've said zero to \$1,000?---Yes. Yeah.

40

Did you borrow money from your brother in the last 12 months? Answer is yes?---I would say yes.

You would say yes?---Yes.

How much?---I would say yes but I can't say when or where but I would say I would of.

You would have. Okay?---Yeah. Because if I needed money I'd ring him up and ask if I could borrow some money.

If you, if you needed money you ring him up?---If I need some money, yes.

Okay. Okay. How much do you think you've loaned from him say in the last three years?---Oh, maybe \$5,000.

10 Okay?---Yeah. I can't give an exact (not transcribable)

And have you paid it back?---Huh?

Have you paid it back?---Some I may of, yeah. Some I would of if he asked me.

May have, would have. You just don't know do you?---I, I can't recall.

You can't recall?---Yeah.

20 Yeah?---Yeah.

Okay. Now apart from Gardens2envy in terms of the money that came from them?---Yeah.

Did you borrow money from contractors from Council?---No.

No?---No.

30 Is that right?---Yeah.

Okay. What about Ms Baccam, did she ever give you money?---No.

No. What about Ms Mishra?---No.

No. Did you know Ms Mishra?---From Council, yes.

Yeah. Did you know that your brother was in a relationship with her?---I heard she was.

40 When you say you heard she was, you heard she was here or he told you? ---No, he never mentioned. I never talked about my brother's personal life to him.

No. Well, who told you she was having a relationship with him?---Mal.

Mr Foo?---Yes.

Yeah. Okay. And does your brother have another person that he's having a relationship with called Jenny McCormick in the Philippines?---I do believe that now after sitting here for a week.

So you weren't aware of that?---I weren't aware of a relationship there.

No. And who is his partner, that is the person he lives with?---Dianne.

Holden?---Yes, that's correct.

10

That's is de facto?---Yes.

Yeah. Okay. What's your relationship with Keith Mark?---I don't have a relationship with Keith Mark.

Have you known him since you were a child?---I've known him when I was very, very young - - -

20

Yeah?--- - - - as a friend of my brother's and then I hadn't seen him until he delivered a printer for us. He didn't deliver it actually.

No?---I spoke to him about the printer.

Who told you to contact him?---Gary.

Gary did. Yeah. Has Mr Mark ever given you money?---No.

Have you asked him for money?---No.

30

Okay. Now did you organise for Council vehicles to work at your father's house, as that your father's house where the work was being undertaken? ---Yes.

Yeah. And what were they doing there?---Painting.

Painting?---Yes.

Anything else?---Rubbish.

40

Okay. And did you pay them?---No.

No. And you asked them to cover up the Council logo on the truck did you?---Yes.

Yeah. And did you use to ask Leong Seng to fill up a gas bottle during his working hours at your home?---Yes.

Yeah. Okay. Now Gardens2envy, did they actually perform all the work at the Airport that they were sending invoices in for, do you know that, you know that for a fact?---Sorry, could you repeat the question.

Okay. You were very careful to tell the Commissioner before and indeed Counsel Assisting that you would check to make sure that work had been performed in respect of invoices that were coming in from the relevant supervisors. Correct?---That's correct.

10 Okay. Well, in respect of the invoices that came in from Gardens2envy - - -  
?---Ah hmm.

- - - how did you satisfy yourself in respect of the work that had been undertaken?---Were the supervisors' signatures on them? That would be good enough for me.

On the invoices?---Yeah.

20 All right. And what about if there was no supervisor's signature on the  
invoices?---Sorry?

What about if there was no supervisor's signature on the invoices?---I'd ask the supervisors if the work was done.

And then you would just sign it?---Yes.

30 All right. So if large amounts are coming in for invoices say in December  
of just under \$18,000 worth of invoices from Gardens2envy for 2014 would  
you regard that to be a regular occurrence, that is, it's okay?---That'd be,  
that'd be okay that amount of money.

That's okay?---Yeah.

How would you satisfy yourself that that is okay?---The supervisors would sign off on them but I knew they done a lot of work for SACL and SACL would also - - -

Yeah?--- - - - approve the payment.

40 Okay. Who's David Goodman?---That's my brother.

Where does he work?---Council.

So when I asked you before about who else from your family worked at the Council, you didn't mention him, did you?---I thought - what did I say?

You said Gary?---Oh, sorry (not transcribable) yeah. Gary doesn't work there no more.

No, he certainly doesn't?---Yeah.

No?---Yeah. Yeah. David works there. He's worked there a long time. Yeah. Sorry about that.

That's okay. I'm just going to show you two documents. You may not be aware of them but say so. The first is a memorandum dated 8 October, 2013. This is the recommendation from Mr Fitzgerald to the General  
10 Manager, Mr Patterson about you being appointed the Acting Manager and the reasons for it. Do you recall seeing this document or it being discussed with you by Mr Fitzgerald before you were appointed as the Acting Manager of that Unit?---No, I don't think I've seen this document.

Okay. Thank you. And just the final document I want to show you and tell me if you've seen this before, if you haven't that's fine. This just sets out your salary of \$91,790. It's a memorandum of 9 July, 2014 from the  
20 Manager of Human Resources to the General Manager. This attaches an advertisement for the position, internal applicants and the salary that you were on. Do you recall seeing that before, sir?---I better read it. No, I've never seen this.

Were you aware that the position had been advertised internally?---No, I wasn't.

No, okay. But in relation to the salary, that's right, isn't it? The Commissioner was right in terms of the 91,000, the 91-odd thousand dollars that you were earning, correct?---Yeah, 44, yeah, 44. That sounds about  
30 right.

Thank you. So Commissioner I seek to tender the folder entitled Mr Goodman and the memorandum dated 16 of July, 2014 and the one dated 8 October, 2013.

MR THANGARAJ: Just on those document, Commissioner, some of them we've received last night or the night before and the couple we've received has been spoken this morning. I think before they're tendered Mr Goodman's lawyer should be able to go through them all and decide whether he's got a view on that. Because I understand he's only just received them as  
40 well, all of them, including material we were given previously. So perhaps it can be marked until - - -

THE COMMISSIONER: Well I'll mark the folder MFI2.

**#EXHIBIT MFI 2 - FOLDER OF MARK GOODMAN DOCUMENT**

THE COMMISSIONER: And what was the other thing Mr Moses?

MR MOSES: There's the memorandum Commissioner of 8 October, 2013 from Peter Fitzgerald to the General Manager and Director Special Projects. This is the recommendation to appoint Mr Goodman as the Acting Head of the Unit.

THE COMMISSIONER: That will be Exhibit R26.

10

**#EXHIBIT R26 - MEMORANDUM FROM PETER FITZGERALD TO LARA KIRCHNER & JOHN PATTERSON DATED 8 OCTOBER 2013**

MR MOSES: And the memo dated 16 July or, withdraw that, dated 9 July, 2014 from the Manager of Human Resources to the General Manager.

THE COMMISSIONER: That's Exhibit R27.

20

**#EXHIBIT R27 - MEMORANDUM FROM HR MANAGER TO GENERAL MANAGER DATED 9 JULY 2014**

MR MOSES: Thank you. Now is this the position, ah, yes, thank you. And I thank my friend for that. There's also an email that we handed to the witness also dated 12 September, 2017 (as said) from Mr Goodman, Mark Goodman to employees of the Unit both attaches to the Business Unit Buyers Guide.

30

THE COMMISSIONER: Yes, that email will be Exhibit R28.

**#EXHIBIT R28 - BOTANY BAY COUNCIL BUYER'S GUIDE FOR THE AIRPORT BUSINESS UNIT 2013**

Now Mr Goodman, I just want to ask you some questions about the renewal of the Sydney Airport's contract?---Yeah.

40

This is the position, isn't it? You were closely involved in the pricing of the work for the new airport contract that was renewed last year, correct?--- That's correct.

And you provided costings to the Director, Stuart Dutton for the contract, correct?---yes.

And you worked with Mr Dutton and your brother on pricing for the contract and made recommendations to the General Manager concerning the contract, correct?---That's correct. There were several people involved in the Business Unit that helped with that pricing as well.

And who were they, sir?---That was John Dichiara.

Yes?---And Chloe Dickey.

10 Thank you. And Ms Dickey works as an administrative assistant in the Unit?---That's correct.

Thank you. And I think she's been employed there recently?---Yes.

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

THE COMMISSIONER: Mr Goodman, can I just ask you, you live with your father, is that in a house owned by your father?---Yes.

20 And do you pay any rent to him or any part of the mortgage?---Yes.

So what would be your weekly commitment?---\$400.

\$400 a week?---Yeah. Yeah. I've got, it's a big house and it's broken into a section for me and my family.

So you pay \$400 a week for the time that we're talking about in relation to your time at the Business Unit you were driving a Council car?---Correct.

30 It was part of your package?---Yes.

You told me a short time ago that you have never applied for a loan since you were quite young, so you don't have any other payments that are going out regularly from your salary?---Yes I do, I have some garnishee orders.

And what were they for?--School fees.

And how much would that have been, how much of your weekly salary would be going towards those orders?---May be \$100.

40

May be \$100 a week?---Yeah.

So am I right in thinking you effectively had a total mandatory commitment of about \$500 a week coming from your salary.---Electricity.

Yes, I mean apart from paying for the utilities, I'm talking about from your salary in terms of the outgoings that were committed every week it was about \$500, is that right?---Electricity.

Yes.---That was um - - -

Well, you pay utilities on a quarterly basis I take it?---No, no, I had um, an arrangement with my electricity company where I think it was I think it was \$200 a fortnight would come or something like that out of my month, a week a month would come out of my pay so - - -

10 \$200 a month?---A week, a fortnight I think it might have been, fortnightly it was.

Right.---I had a big electricity bill.

All right. So that's another \$100 a week so we're up to \$600 a week are we that was coming out of your wage, is that right?---Um, could yeah, probably.

20 So I'm trying to find out why it was that you needed to borrow money from Mr Foo and your brother. Where was it all going?---I was just spending it.

And just in relation to your immediate supervisor, Mr Dutton?---Yes.

You kept saying that he was new, that why he hadn't organised his delegation?---I didn't say - I didn't know if he had delegation or not.

All right. Well, in any event, when you say he was new - - -?---Yeah.

30 - - - how long had he been there at Council as your supervisor when you became the Business Unit manager?---I can't recall but I'd say it would be within a year but that record's easily found.

Did he come from some other Council, did he?---He came from Centennial Park.

What, from the Centennial Park Trust?---(No Audible Reply)

Was he employed by Centennial Park, was he?---Yes, yes.

40 So he wasn't an employee of Council before he - - -?---No, Council - - -

- - - took up that position?---No, no, he wasn't, no.

And just tell me this. When you had that interview on 4 December last year where you indicated that you could tell the person who was interviewing you a lot of information that would be of interest to ICAC, what was that information?---I didn't say them words, what I said - - -

I don't care whether you said those words or not?---Okay, I can tell you what - - -

I want to know what information you said you could provide?---Yeah, I'll tell you, okay. I was going to tell her that I believe senior management didn't do enough to protect the Business Unit from after I found out this happened, it happened, from the top.

10 So the things that you were going to tell, that you were going to, as you put it, upset, upset these good people - - -?---She asked me who was responsible, yes.

- - - by saying that you didn't think the senior management was doing enough to protect the Business Unit?---That's correct.

And who were those senior managers that you were going to complain about?---General Manager, no, I wasn't going to complain, General Manager, Deputy General Manager and to a lesser extent, Stuart Dutton, but he - - -

20

What about, what about your brother, where did he figure in all of that? ---No, because we weren't talking about him, he's already been dismissed or he'd already left. Like obviously he was the problem but I'm talking about - - -

Obviously he was the problem but you were going to in effect criticise - - -? ---She wanted to know, Claire, whoever that was, I never got to meet her, she wanted to know how could it get to this, what could be done so it didn't happen.

30

Right?---And I was going to tell her that the people up the top didn't do enough to make sure things like this could not happen, in my opinion. If there was better procedures they wouldn't have happened obviously.

Well, can I ask you why it was that you didn't tell us all of this when you came into the Commission 10 days later on 14 December?---I was um, I can't remember that day, I was in a real bad way, I was heavily medicated, I don't even remember until he introduced himself who my lawyer was.

40 Well, I asked you a series of questions on that day when I found out that you were under medication - - -?---Yeah.

- - - to ensure that we were able to continue to ask you questions in the knowledge that you weren't affected by the medication and you said you were okay?---Yeah, I probably did, yeah, in hindsight I probably shouldn't of, yeah, but um - - -

Were you trying to deliberately mislead the Commission, were you?---No, I was not, no, I was not.

Are you trying to deliberately mislead the Commission now?---No, I'm not.

And tell me, have you ever gone to your brother and said what the hell have you been doing?---No.

Not once?---No.

10

Does anyone else have any questions? Mr Moses.

MR MOSES: Just a couple of questions if I can, Commissioner.

THE WITNESS: Yeah.

MR MOSES: Sir, nothing could be done by the Council, could it, to stop a dishonest person like you taking money from a contractor. Correct?

---That's correct.

20

Correct?---Correct.

Yeah. And your position was and what you'd be telling management all the time is that the Business Unit is making money for the Council?---Yes.

And we're going, we're going well. Correct?---Yes.

Yeah. And you undertook corruption training. Correct?---Yes, yes.

30

And you undertook procurement training. Correct?---Yes.

And you told your staff that they must use suppliers that are in the buyers' guide. Correct?---That's correct.

And despite all that, you did not do that. Correct?---That's correct.

Yeah. Because you are somebody who is open to deceiving people. Correct?---Correct.

40

Yeah. And at the end of the day you are responsible for your own actions of being a dishonest person. Correct?---That's correct, absolutely.

You're responsible for potentially compromising your son by giving him a vehicle which he was not entitled to. Correct?---That's correct, it's my fault.

And you're responsible, are you not, for your own actions in not properly supervising your Unit. Correct?---Correct.

Yeah. And you're responsible, are you not, for in effect permitting Ms Baccam to run around as if she was basically able to do whatever she wanted. Correct? That was your responsibility. Correct?---Oh, you could say that, yes.

Yeah?---Yeah.

10 Yeah. Now, just tell me, did you ever drink at work?---No.

There was a bottle of scotch found in your desk - - -?---Yes.

- - - when you finished and a baby oil. What was that for?

---That's just to have at work, a bottle of scotch there.

For what purpose?---Um, I got it as a gift.

Right?---Yeah.

20 From whom?---I can't recall.

Was it from a contractor?---No.

No. Who gave it to you?---I can't recall.

I'm sorry?---I can't recall.

Well, it was half-drunk?---Was it?

30 Did you drink it at work?---No.

You never drunk it at work?---No.

So who took the nips from it?---I don't know, I don't drink scotch.

No? Well, in 2013 was this the case. You were caught driving a Council vehicle whilst intoxicated. Correct?---That is correct.

40 Yeah. And your licence was suspended?---That's correct.

And Mr Fitzgerald dealt with you, he suspended you from work?---That's correct.

Yeah. So just understand this again. Did you drink at work?---No.

Would you disappear on Tuesdays, according to Ms Baccam?---Tuesdays?

She said you would disappear. Telephone intercept yesterday, the one with all the pokies going on in the background?---Yeah.

She talked about you disappearing on Tuesdays. Did you?---I disappeared many days.

No. Okay?---To go looking at works.

10 And she gave evidence yesterday you disappeared on Tuesday as well. Every Tuesday you'd just go somewhere. Was that your day out of the office?---No, well, I was out of the office a lot of times.

Yeah. Okay?---Yeah.

So you're not trying to blame other people are you for - - -?---No, definitely not.

- - - the dishonesty of your brother?---No, no, no, no.

20 No?---I'm not trying to blame the General Manager, Deputy General Manager or Stuart Dutton for any of this.

No, yeah, yeah?---No.

Yeah. Okay. Thank you. Oh yes, sorry, can I just show you this document?---Yeah.

Your wages were being garnisheed. Did you say because of school fees?  
---School fees and something else, there was two of 'em.

30 Well, I'll just show you something from Centrelink. Wasn't Centrelink - - -  
?---Oh, Centrelink, yeah, it was, yeah.

What was that about, so you got Social Security payments you weren't entitled to? I'll show you the document?---Ah, no, I think it was maybe overpaid, overpaid family allowance or something like that, yeah.

Overpaid your family allowance?---No, overpaid, that's been paid off.

40 You've paid it off?---Yeah.

It was garnisheed, yeah?---Yeah, paid off, gone, finished, put to bed.

So the school fee was debts from when your children were at school?  
---Yes.

Who are you paying that to?---I don't know, some collection agency, whatever that is.

Okay. Did your brother pay the school fees?---My school fees? No.

Not your school fees, your children's school fees?---No.

Did your brother pay off the Centrelink debt?---No.

Do you gamble?---No.

10

No?---Oh, I'm not a gambler.

Mmm?---You know, I might go to the club and, you know, prepared to bet, you know, small-ly.

Mmm?---I'm not going to go gamble hundreds of dollars.

Mmm. Okay.

20

Thank you. I tender the Centrelink document that I've just shown the witness. I've only got one copy of that, Commissioner.

THE COMMISSIONER: Exhibit R29.

**#EXHIBIT R29 - LETTER FROM CENTRELINK TO BOTANY BAY COUNCIL DATED 31 AUGUST 2012**

30

MR MOSES: I have no further questions I have at this time.

THE COMMISSIONER: Yes. Oh, sorry, I think there's someone, Mr Chee wants to ask some questions.

MR CHEE: Commissioner, I have a small point that I'd like to clarify.

I act for Sam Alexander. You understand that?---(No Audible Reply)

Mr Goodman?---Ah, yeah, okay, yeah.

40

Can you hear me?---Yeah, yeah, all good.

Earlier today you said that you estimated Mr Alexander providing 10 to 20 phones maximum to the Business Unit. Is that correct?---Yeah.

That's only in relation to the Business Unit?---Yeah, yeah.

So it's quite possible, and you wouldn't know, but if he did provide phones to other units within the Council, you wouldn't know that, would you?  
---Oh, I've got no idea about what he done.

Thank you?---Yeah.

THE COMMISSIONER: Sorry, yeah, we've got Ms Sathanapally. Yes, go on.

10

MS SATHANAPALLY: Mr Goodman, I represent Mr Subeski. I just have one questions for you. You said that - - -?---Who do you represent?

THE COMMISSIONER: Alex Subeski.

THE WITNESS: Oh.

MS SATHANAPALLY: I just have one question for you?---Yeah.

20 You said that your brother, Mr Gary Goodman, didn't pay the school fees?  
---Yes.

Did anyone pay those school fees?---No, I got garnishee.

So you're saying that no one paid the school fees- - -?---No.

- - - that were owing?---No.

30 So you're saying no one, including Alex Subeski did not pay those school fees?---No, my school fees, my child's school fees, no.

Thank you Commissioner.

THE COMMISSIONER: Yes, Mr Dunne, please go on.

MR DUNNE: I do note the time and I only have a few questions however, as indicated by Counsel Assisting MFI 2.

40 THE COMMISSIONER: You want to look at those documents.

MR DUNNE: And subject to The Commissioner perhaps obtain instructions from my client, particularly in relation to the documents that are behind Tabs 21 and 22 which are referred to as contemporaneous notes of an interview so that I can - - -

THE COMMISSIONER: All right. You want to have a look at those. Do you have some further questions Mr Thangaraj?

MR THANGARAJ: Just a couple. Can I say two things. One, it may not be much value or weight in those tabs so I will have a look at those as well and so if my friends objects, it might be that I support him with respect to such an objection. Secondly, perhaps what we can do is after my questions Mr Goodman can come back tomorrow if his lawyer wants to ask him some questions and if he needs that sort of time or if he think she can that over lunch, whatever suits.

10 MR DUNNE: I do have some questions apart from that, just some short questions.

THE COMMISSIONER: Well, first of all, do you want, is a luncheon adjournment going to be sufficient for you to look at the remainder of the documents in the folder Mr Dunne.

MR DUNNE: I suspect so.

MR THANGARAJ: Okay.

20 MR DUNNE: It's predominately.

THE COMMISSIONER: All right. Let's take the luncheon adjournment and resume at 2 o'clock. Thank you.

**LUNCHEON ADJOURNMENT**

**[1.02PM]**