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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 FRIDAY 4 MARCH 2016

AT 10.10AM

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, yes, Mr Overall.

MR OVERALL: Commissioner, I have an update for the Commission in relation to Mr Goodman's situation in hospital and I provide you with a letter from my instructing solicitor dated 3 March and a response from Dr Mark Yang. I tender – where's the other document?

10 THE COMMISSIONER: All right. So the present situation is that he can be discharged from hospital subject to the investigation of the right leg issue?

MR OVERALL: Yes. Well, in addition to that, Commissioner, this morning at about quarter past 9.00 we received an email from the Health Service from Shirley Cross, the Academic Secretary to Professor Ian Harris of the Institute and I will provide the Commission with the copy of that letter. It's the bottom of the first page.

20 THE COMMISSIONER: All right. So he's being discharged today but he's to present to the Outpatients Department, is he?

MR OVERALL: That's correct, that's correct.

THE COMMISSIONER: All right.

MR OVERALL: And therefore I expect that he would be available to give evidence at the time required by the Commission.

30 THE COMMISSIONER: Late next week. All right. All right. Thank you. I will mark both of those documents Exhibit R34.

#EXHIBIT R34 - EMAIL FROM SHIRLEY CROSS DATED 4 MARCH 2016, LETTER FROM INSTRUCTING SOLICITOR DATED 3 MARCH 2016 & LETTER FROM DR MARK YANG

40 THE COMMISSIONER: And we can make those arrangements later on in the week when we know more about the order of witnesses. Yes, Mr Thangaraj.

MR THANGARAJ: Mr Alexander, I took you through a number of phone calls yesterday and I put a number of propositions to you?---Yes.

You've had overnight to consider that evidence?---Yes.

Do you want to change any of that evidence?---Yes, I do.

10

All right. It's the case, isn't it, that you and Mr Goodman deliberately put in false invoices for work not performed by you?---Yes.

And it's the case that you put in false invoices for goods not provided by you?---Yes.

So you and Mr Goodman had an arrangement whereby at various times the two of you would put in an invoice that you were not entitled to and you got the benefit of that from Council?---Yes.

20

All right. So how long did this continue, how long did this go on for?---I'm not sure, perhaps a period of twelve months.

And how much do you think was stolen from Botany Bay Council by you and Mr Goodman in that period?---I would say a figure of perhaps \$90,000.

All right. Now how did it come about?---It came about originally as I said, that I was told to reimburse some money but very quickly it turned out that it wasn't, you know the penny dropped. And approached Mr Goodman and he said he was using the funds for a separate matter that he'd be reimbursed and then he would repay the Telstra accounts.

30

All right. But then after that you knew full well that - - ?---Yeah, yes.

- - - the invoices you were – let's be clear, however it started from very early on for some considerable time over a considerable amount of dollars you knew full well that you were putting in invoices that you were not entitled to?---Yes.

40

And you were paid money you were not entitled?---Yes.

And the matters I took you to yesterday, for example the car kits, that invoice I showed you as a result of the phone call I played, do you agree that that car kit invoice for example, was a false invoice?---Yes, I do.

You did not supply four car kits?---No.

You put in a false invoice for four car kits as a result of the conversation you had with Mr Goodman?---Yes.

Mr Goodman and I'm not going to play it again obviously, but that money was then paid into your account?---Either paid into – yes, that, yes, the car parts would've been paid into my account.

Right. And then similarly with the Telstra bill that was nothing to do with repaying an individual?---Correct.

10

That was simply a device to get money into your account?---Yes.

And a false invoice was created or a false communication was created for that purpose?---Yes.

All right. And when the money – did the money always go into your accounts for your false invoices?---Either into my account or a cash cheque.

20

All right. And the money that went into your account, what did you keep and what did Mr Goodman get?---I kept nothing. I gave it all to Mr Goodman.

And how did you give it to him?---Either cash or making a payment on his behalf.

30

All right. And why were you agreeing to do this then if there was money coming to you?---Because initially I believed in his cause, he was helping a family was my understanding and it was always, the repayment was going to be just around the corner and as a consequence I believed it would be all paid back as I was assured by Gary.

Sorry, what was going to be paid back?---The Telstra accounts and the equipment. The equipment would be purchased and the Telstra accounts would be paid.

Sorry, you're talking about the stolen money, are you?---Yes.

40

What did you think – are you saying that whoever he was – we'll go step by step. Are you saying you thought he was sending the money on?---Yes.

And you thought that person would repay him?---Correct.

And he would repay Council?---Yes.

How would that happen?---My understanding is that there was a large sum of money coming to this person - - -

No, sorry. Sorry, my fault. How would Mr Goodman return money to the Council, what would he say, I've been stealing money I want to repay it?---
No. My understanding was he would give me the money, I would pay all the outstanding Telstra accounts that should've been paid and I would also buy the equipment for the Council to the sum of money.

10 All right. Well, there are no discussions that suggest any of that on any of the material that we have. Is there anything to support that plan to repay stolen money other than what you're telling us that you know of?---No, no. Other than hope. I expect Gary will confirm that.

Well, he may or may not but that - - -?---Yeah.

- - - that doesn't mean that - - -?---As I sit here - - -

- - - doesn't mean that - just to let you know that doesn't mean that that would be accepted whether he said that?---No. No.

20 Now this convoluted explanation you gave in your examination previously and yesterday - - -?---Yes.

- - - was that your idea or did you and someone else come up with that idea?---No, that was originally my understanding. I'm going back now let's say 12 months ago.

Yeah, but hang on. The bill I took you to was a very recent bill?---Oh, okay. That - - -

30 You knew, you knew when I took you to that bill you were lying about that?---Yes, I did and that's - - -

And whose idea was it - that explanation you came up with, who - was that between you and Mr Goodman or just your idea?---No, I had not seen that - I had not been questioned on that before and - - -

40 No, I'm talking about when I did question you about it a few weeks ago, the Telstra bill. Remember you gave pages of explanation about Lorraine Cullinane or Barry Byrnes or - - -?---No, that part initially was true. I was told that it was going to reimburse someone from Council and - - -

No, let's forget about whether that's true or not. What I'm saying is the explanation for the invoice I took you to and your email that contained lies - - -?---Mmm.

- - - you knew when you gave that explanation that that wasn't correct?
---Yes.

I'm not trying to highlight the fact that you've misled in your - - -?---No, no. Well - - -

I'm just asking did you decide to give that explanation or did you and Mr Goodman decide - - -?---No, no, I did. I did on the spot.

All right. All right. So can we just confirm then you never got a phone call from either Lorraine Cullinane or Barry Byrnes or Mark Thompson - - -? ---On that particular invoice, no.

10

No, no, I'm - ever. I'm asking you did you ever get a phone call - forget about Gary Goodman. Did you ever get a phone call - I'm just asking you did you ever get a phone call from Barry Byrnes or Lorraine Cullinane or Mark Thompson to say I've paid a credit card - I've used my credit card to pay a Telstra bill?---I may have had one from Mark Thompson.

Okay. So you can - - -?---I'm not saying yes or no. I'm just - - -

20

Okay. So - - -?---Because this is going back - - -

All right. I just want to go - I just - this is really out of fairness to the people that you've put in?---Yes, I'm hearing you. I'm hearing you.

You confirm that Lorraine Cullinane never rang you to say I've used my credit card to pay a Telstra bill do you?---Yes, I confirm that.

Okay. And similarly you confirm Barry Byrnes never did that?---Yes, I confirm that.

30

All right. You're leaving open the possibility of Mark Thompson but you have no recollection of him doing that?---No - yes, that's correct.

And what about Gary Goodman?---Sorry?

What about Gary Goodman?---Oh, yes, he - - -

Did he ever ring you and say I've used my credit card to pay a Telstra bill? ---He has rung me or told me that initially, back at the beginning.

40

Okay. And you determined that that was a lie going - later did you?---Yes.

Okay?---The penny dropped as I said.

All right. All right. And you agree that the calls I played with you yesterday - you were prevaricating at one stage although tentatively but you agree that all the calls I played were you speaking to Mr Goodman?---I see no reason not to.

I'll tender all those calls I played yesterday. I've got a bundle here, Commissioner.

THE COMMISSIONER: Yes. Exhibit R35.

MR THANGARAJ: We've tendered the ones we need. These were the ones I was going to play today if needed but I won't now.

10 THE COMMISSIONER: You don't want to tender those?

MR THANGARAJ: I won't, I won't, I won't tender.

THE COMMISSIONER: All right.

MR THANGARAJ: I don't need to tender them now.

THE COMMISSIONER: All right. Well, I'll - - -

20 MR THANGARAJ: Sorry. Nothing further.

THE COMMISSIONER: Yes, Mr Moses.

MR MOSES: Yes, thank you. Mr Alexander, we'll just cut to the chase. You've admitted this morning that you lied yesterday to the Commissioner in respect of your evidence. Correct?---Yes.

Yeah. And you've admitted now that you have been engaged in theft from Botany Council. Correct?---Yes.

30 Now tell me this, Alex Subeski who you've heard giving evidence in these proceedings - - -?---No, I haven't. I haven't been here.

Oh, you haven't. Okay. Well, let's, let's, let's deal with him. This is transcript, Commissioner, page 281, line 10.

THE COMMISSIONER: Yes.

40 MR MOSES: He said that somebody called Sam picked up cheques for Mr Goodman?---On behalf of Mr Goodman, yes.

Yeah. Sir, have you heard of Mr Subeski before?---I know him as Alex.

Okay. Well, let's - why don't we make it easy for you. If the witness could be shown volume 1, page 173 and then there's 173, 186 through to 189. These are cheques from a company associated with Mr Subeski in which he's making out cash cheques to you from Iced Air. Do you see that? ---Yes, I do.

Yes. So just flick through them just to refresh your memory?---Mmm.

We don't want you to struggle there, and just look at these significant payments that are being made to you by Mr Subeski?---Yes.

All cash cheques - - -?---Yes.

10 - - - going to you. Okay. And page 199. That's your driver's licence details there?---Yes, that would - - -

Now, let's step through this slowly. When did you first meet Mr Subeski?
---I would have met Alex a few times at the workshop, watching a football match or something to that effect.

Which workshop?---Ah, the ah, Wetherill Park, Gas Sports, Gas Motorsports workshop.

20 Okay. So you met Mr Subeski there. And you were at the Gas Motorsports workshop to visit Mr Gary Goodman. Correct?---Yes.

So what, you would have, you would go there to watch football on a screen or something, would you?---Yes.

Okay. And so you met him there. And what did you understand that individual to do in terms of his line of work?---Initially I had no idea until I found out he was in air conditioning.

30 He was in air conditioning. Who told you that?---I think I worked it out when I first saw his cheque, I think it was. Iced Air or something.

You worked it out when you first saw his cheque?---Yeah, then I may have had discussions.

Okay?---But I wasn't particularly interested or it wasn't of my interest.

Whatever. Okay?---Yeah.

40 So tell us this. What was he giving you cash cheques for?---He was lending money to Gary.

He was lending money to Gary?---Yes.

So he's giving money to you?---At times, yes. I also understood that he also gave cheques to Gary and Gary asked me to cash them on his behalf as well.

Okay. Well, why don't we first focus on you, okay?---Yeah.

Did you take cash from Mr Subeski for yourself?---Never.

Never. So all of these cheques which are made out to cash - - -?---Yes.

- - - in your – and you have your driver’s licence details, you cash them?
---Yes.

Are you telling the Commissioner that each time you did that you cashed
them and you gave all the cash to Mr Goodman?---Yes.

10

Okay. Well, let’s go to page 189, the \$5030 there?---Mmm.

You cash it. Correct?---Correct.

Where did you cash it, which branch?---Ah, at the Chester Hill branch.

Okay. So you get all the cash?---Yeah.

20

And then you would do what with it?---I would either give it to Gary or
send some money overseas on his behalf.

Let’s just focus on – can you recall what you did in August?---No.

No?---Not any of those specific matters but - - -

Okay. So you would either cash it and give it to him - - -?---Mmm.

- - - or you would use it to transfer money?---Correct.

30

Okay. And you never kept a cent?---No.

And who asked you to collect these cheques?---Gary.

Mr Goodman did?---Yeah. Every time. I have no relationship with Alex.

Okay. Did he tell you why he wanted you to collect the cheques?---Because
he was borrowing money off Alex and he wanted to send it overseas to
assist his family in The Philippines.

40

Okay. That’s what he told you?---Yes.

Oh, so he’s got a family in The Philippines?---No, he’s got, he’s looking
after some people in The Philippines.

Let’s – come on, I mean let’s be clear about this. Are you telling the
Commissioner you were just the bag man, you were just going to collect the
cash and doing it. Is that right?---I’m not a bag man.

No. Well, are you a courier?---I'm not a courier.

Well - - -?---I'm a friend.

You're a what?---I'm a friend.

You're a friend?---Gary had been incapacitated for the last 12 months because of his foot.

10 Oh, okay. So you drove out to where to collect these cheques?---Ah - - -

Where would you go?---The majority of the times I went to Alex's house.

Where?---Back of Liverpool. I don't remember the suburb.

Yeah, sounds right.

And where do you live?---I live in and at the time.

20 In Where?--- - - -

Yeah?--- - - - and also had an address in for a while.

So you'd drive all the way out there to pick up cheques for your mate?
---Yes.

All right. Okay. And did you think it was a bit odd?---No.

30 No. Hmm. Okay. And the money you say you were transferring to The Philippines if you didn't give the cash to him?---Yes, in the majority of cases, yes.

Well, no, when you transferred money, were you transferring it to The Philippines or elsewhere?---To the best of my – sitting here I remember that it went to The Philippines or into the bank account of the woman in The Philippines.

Okay. Well, can the witness be shown a folder that we've prepared for him.

40 THE COMMISSIONER: While that's coming, Mr Alexander, a moment ago you said that you initially believed in his cause. You were speaking about Mr Goodman's attempts to help this family in The Philippines?
---Yes.

Was there a point in time where you stopped believing that that was legitimate?---The – it's tenuous but I – and it's hard to accept it, but I've met the family, I've met the people and I now have doubts but I don't disbelieve it either. I'm in a nexus.

MR MOSES: Just go behind tab 2 of the folder that you've just been provided with by the Associate to the Commissioner. Do you have that?
---Yes.

Now, there's an email there from Gary Goodman to a person there, Bukoman, B-u-k-o-m-a-n?---Yes.

10 Is that the person that you would wire money to or was it Cheryl Ortiz, O-r-t-i-z?---It was sent to Cheryl Ortiz in many cases.

Okay. And did you ever meet this person?---Not Cheryl.

No. So you would transfer the money to that person?---Yes.

Ah hmm. And each time the money payments that you would transfer would be under the \$10,000 amount?---Yes.

20 And the reason for that was it so that AUSTRAC could not pick it up in terms of payments of money over that amount?---I've got no idea if that was the reason. I was only given the amount of money by the – in the cheque.

Each of the cheques that you were given were under the \$10,000 amount?
---I don't - - -

You don't recall?---No.

30 No. Ah hmm. Okay. And you say you did this simply because Mr Goodman asked you to pick up cheques?---Correct.

Okay. What's your occupation?---I'm a telecommunications consultant.

Okay. And do you operate a business called Sammy Silver?---Yes, I do.

Huh?---Yes.

Yeah. And what does Sammy Silver do?---It's a – I have a business called Raw Bullion where I buy and sell silver bullion.

40 Yeah. And where do you get the money to do that?---(No Audible Reply)

Where do you get the money to do that? So just as you're answering your questions here, bear in mind - - -?---Yeah.

- - - what the Commissioner warned you yesterday to tell the truth?---Yes.

Because I can assure you that eventually from the Council's point of view we'll hunt down where your finances are?---Mmm.

Where did you get the money to do that?---In the majority of cases you sell a product and with the proceeds you buy the product to pass on, you use a wholesale amount.

Okay. I'm going to ask you the question again. Where did you get the money to fund that business?---There is not a lot of money in that business.

10 No money?---It is just – no, I didn't say no money, there's not a long of money, it just comes through earnings.

Do you want to, do you want to answer the question? Where did you get the money to fund that business from?---That business is funded on a day-to-day basis.

On a day-to-day basis. Okay. Now, you referred - - -?---And also I have been collecting silver for the last five or six years as well.

20 Have you?---Yes.

Where did you get the money from to do that?---Well, you might buy \$100 here, \$200 there.

Mmm. See, you referred to Raw Bullion bank account yesterday. Do you know what that was about?---No.

MR CHEE: I object to that. I think the reference was just to the bullion bank, not for the Raw Bullion.

30 THE COMMISSIONER: Bullion bank.

THE WITNESS: Bullion bank.

MR MOSES: Okay.

THE COMMISSIONER: Yes, it was just bullion bank.

40 MR MOSES: Okay. We have a different note of that. Where was that bank?---No, it was, it wasn't a bank, it was just an expression.

Just an expression? The bank account - - -?---I would go to my bullion bank.

Okay. The bank account for Teletec, where's that?---That's with the National Australia Bank.

Okay. Where is that, what branch?---In ah, Leichhardt.

Is that the only bank account held by Teletec?---Yes.

And what about your personal bank account?---Oh, that's the same account.

Well - - ?---I'm a sole trader.

So is it just through the name Alexander?---It's – they're all linked through my ABN, Samuel Alexander, Teletec and Raw Bullion. So on that account there's a savings account, a cheque account and a credit card.

10

Okay. Now, can I just go back to these cheques that Mr Subeski gave you?
---Mmm.

Do you recall how many visits you had with Mr Subeski - - ?---No, I don't.

- - - when you picked up cheques?---I don't.

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

20 Were there any times that he gave you cash instead of cheques?---(No Audible Reply)

So instead of the cheques that we've seen at page 173, for instance, of volume 1 of the ICAC brief, are there times when he gave you cash?
---I cannot recall a time he's given me cash.

Okay. Is it because you can't remember?---Yes, I can't remember.

30 Okay. And when you would go out to Mr Subeski's home to collect the cheques, who would be present?---Sorry, who would I?

Was anybody else present apart from the both of you?---I think once or twice his daughter may have been there but not part of the conversations or anything.

Okay. So would you knock on the front door and just wait there for the cheques or did you go inside?---No, no. I'd wait outside.

You'd wait outside?---Yes.

40

And he'd come out and give you the cheques?---Yes. It was always – I believe it was always a cheque.

A cheque. So you'd go and just pick up a cheque?---Yes.

Is that right?---Yes.

Okay. Now in relation to your dealings with Botany Council you yesterday raised the name of four employees in which you said yesterday you thought you were creating, in effect, false invoices in order to, in effect, facilitate the reimbursement of money back to them that they had legitimately paid in respect of Telstra bills, correct?---Yes.

And that was false evidence yesterday, wasn't it?---No. That was my initial recollection in the beginning.

10 Yeah. Okay. But you now know that recollection to be wrong, correct?
---Yes.

And why do you now know that recollection to be wrong?---Just the pattern that developed over the first month or two of that situation. And then again I confronted Gary.

Yeah. So you confronted Gary, and what did Gary Goodman say to you about the initial story that he had spun to you in respect of those four employees?---He didn't mention anything about the initial story, he just
20 carried on with the future, what was happening.

So that made you believe, did it, that what you thought had been the reason for the need for the false invoices to be created was wrong, correct?---Yes. And basically, yes, an admission, per se, you know.

So yesterday when you were giving the evidence yesterday, you didn't put that qualification on it, did you, initially?---No, not, not yesterday.

No. No. But yesterday you sought to give the impression to the
30 Commissioner that that was the reason for the false invoices, correct?---That was, yes, my initial - - -

Yeah. But the reason – this is the case, isn't it. The reason for the false invoices being created by you was that you were getting a cut of the action with Mr Goodman, correct?---No, I was not getting a cut of the action.

Weren't you?---No.

Okay. Well you said you created the false invoices what for a 12- month
40 period?---Approximately, yes.

Are you sure about that?---Relatively, yes.

Why relatively, I just want to understand that evidence?---Well because you've just asked me and I can't know if it was nine months, 15 months, it could've been 15 months.

Well, you started providing services you say to Council in 2010/2011?

---Yes.

And how did that happen?---Through introduction by Leong Seng, Seng.

So Mr Seng introduced you?---Yes.

Was that through what?---We had worked together in another industry, in another - - -

10 Was that Auto Acoustics?---Yes, Auto Acoustics.

Okay. And so Mr Seng introduced you to whom?---To Peter Fitzgerald - - -

Which one, senior or junior?---Senior.

Peter Fitzgerald, Senior - - -?---He was the - - -

- - - former General Manager?---Yes.

20 - - - of the Council?---I think Ron Hoenig, the Mayor.

Yeah?---Gary Goodman and perhaps Lorraine. I can't recall back to that - all the parties there.

Now, was that the - - -?---But Leong wasn't part of the meeting. He arranged an introduction.

Sure. And is that the first time you met Gary Goodman through Mr Leong Seng?---Yes, it was.

30

Okay. And it's true to say, isn't it that you became friends with Mr Goodman?---Over a period of time, yes.

Yeah. And were you friends with his brother, Mark?---No.

No. Okay. What about Marny Baccam?---Yes, I know Marny. I've got to meet her, know her.

She's a friend of yours?---An acquaintance.

40

Yeah. Well you've sent her emails over time, haven't you?---Oh, yes.

And I can show you the emails if you want or?---You can, yes, but - - -

Yeah. But do you want to admit that you're a friend of hers?---Oh, I'm a friend of her, an acquaintance.

Sure?---But I'm not a personal friend. I've never gone out, I've never had a drink with her, I've never - - -

No, no?--- - - - you know.

No, I'm not suggesting - - -?---Yeah. No, okay, no, she's a friend.

- - - having a friendship or a relationship in the biblical sense, I'm talking about a friendship?---Yeah, she's a friend, yes.

10

Okay, okay. Now, and you've sent her emails from time to time?---Yes, I would have occasionally.

Okay. Now, can you explain this. In 2010/2011 you invoiced Council about \$71,000. Do you, do you recall doing that?---Do you mean over a period of time?

In that financial year?---Oh, okay, yes.

20

Okay. And what services did you initially provide to Council?
---Telecommunications services, I ah - - -

See that means nothing to me. What were you providing?---I was providing consultancy services, I was ah, providing - - -

Consultancy services?--- - - -transfer of Vodafone accounts to Telstra accounts, I was providing account analysis and if I could look at every invoice I could be quite specific.

30

So I'll show you some of the invoices and we'll see how specific you can be, but in respect of consultancy, for what, they'd show you a bill and say what do you think, Sammy, can we do better elsewhere? What – how were you consulting them, Mr Alexander?---Oh, I would go out to the different depots to check the communications, I would ah, help repair equipment on their behalf, I would do analysis on bill accounts.

You would repair telecommunications equipment?---Yes.

40

Ah hmm?---Quite often they'd send me out to a place that wasn't getting their ADSL services.

Ah hmm?---I would investigate it, chase the line, check the equipment.

Okay. Can you go to tab 8 of the folder?---Ah hmm.

This is an invoice dated 23 November. Sorry, what's this, The Divine Samuel Alexander? So you're known as Sammy Silver and you're The Divine Samuel Alexander?---I'm a Theologian.

Okay?---Mmm.

Okay. So let's go to the, let's go to the invoice?---Mmm.

Do you want to tell us what the consulting hours were there?---There were five hours.

10 Ah hmm. What were you doing for those consulting hours? You said if I showed you the invoice you could tell us. What were you doing?---I would have been doing work on their behalf.

No, no, see, you don't know, do you?---I, I don't know just looking at that invoice.

No?---If I could check my emails and that I could well have a diary note saying Sam, do this, Sam, do that.

20 Right?---I mean as it stands alone, no, I can't tell you.

No. Okay. So it would be a waste of time and I would be only annoying the Commissioner if I took you through to each of the invoices and asked you the same question, because you wouldn't know, would you?---No, not sitting here.

MR CHEE: I object to that.

MR MOSES: I'm sorry?

30 THE COMMISSIONER: What, is that about annoying me or, annoying me or something else?

MR MOSES: An objection to annoying the Commissioner or - - -

MR CHEE: No.

MR MOSES: No. Okay.

40 MR CHEE: There's plenty of other ways you can do that, aren't there?

MR MOSES: I'm sure I could. I'm sure I could.

THE COMMISSIONER: Go on.

MR MOSES: Okay. You inflated invoices, didn't you?---No, I didn't inflate invoices.

You never did?---No.

Okay. You never inflated invoices that you issued to Council. I thought you---? - - -If that - - -

I thought you - - -?---Yeah, if - - -

I thought you agreed with Counsel Assisting - - -?---Yes, yes, yes.

10 - - - that you fabricated invoices?---I mean but you've asked it in a different manner.

Oh, okay?---I guess the answer is yes, if I've created false invoices.

Well, in terms of consultancy hours, did you ever fudge the numbers of consultancy hours you were doing?---At times I limited the hours I charged to keep within what I considered - - -

You undercharged?---Yes.

20 Oh, okay. What was the contact under which you operated?---Ah, it was a verbal agreement between myself and Peter Fitzgerald the Senior.

Oh, a verbal agreement?---Yes.

Okay. What did Mr Fitzgerald Senior say to you?---Ah, that they wanted me to do their telecommunications services and the, and in the very early years he was my main contact.

30 And what was the scope of works?---Oh, ah, purchasing equipment, account analysis, churning accounts from Vodafone to Telstra - - -

Did you put a written proposal to Mr Fitzgerald Senior?---No.

No?---Because it was a do and charge basis. I was not under any contact with the Council.

40 No. Okay. So we don't know from any document from you as to what it was that you were proposing to do for Council. Correct?---Oh, there have, there have, over the time there have been proposals like PABX proposals, account analysis reports.

Okay. Did you ever give Mr Fitzgerald Senior any money?---Never.

No. Okay. Now, 2011/2012, did you do work for Council?---Yes.

Yeah. And do you recall how much you billed?---No.

Okay. Would it surprise you to know it was about \$44,921?---No.

No. Okay. And then 2012/2013, did you do work for Council?---Yes.

About \$76,000-odd?---It could be, would have been, yes.

So doing this period you're doing the same type of work?---Yes.

Yeah?---But bear in mind with the hours there's also equipment purchases on their behalf as well.

10

Mmm, yeah?---So it's not all consultancy work.

No, rest assured, rest assured know that. And then 2013/2014 your invoices jump to \$225,314?---Right.

Is that when the scam started?---What year was that again?

2013/2014 financial year. Is that when the scam started where Goodman, Mr Gary Goodman and you come up with the scheme to put in false invoices to Council?---I don't know for certain. If I looked at an invoice towards - - -

20

Well, I can take you - - -?---Let me finish.

Yeah, come on?---Ah, I would assume, yes.

Yeah?---But as I sit here I don't know the exact timeframes.

Mmm. And then the following year - - -?---Mmm.

30

- - - you start getting a bit more emboldened, the following year it's about \$271,000. Correct?---Well, that would be the 2014/2015 year?

Yeah, that's right in the heart of the scam?---Yes, well, that covers the period that I know I'm certain of.

Of you being involved in fraud?---Yes.

Mmm. Okay. And do you know how much you have invoiced Council in total since you regrettably came into its life?---No.

40

No? About \$733,000?---Ah hmm.

Did you pay tax on all that?---I have paid tax.

On all of that amount?---No, because I haven't finished all my tax returns.

Okay. When is the last time you put a tax return in, Mr Alexander?

---I believe last year.

Last year?---I believe so.

When you say you believe so, you're a sophisticated - -?---Well, if I say yes and I don't know for certain, I mean I believe I put in a tax return last year. I also last month by coincidence rang the tax, not the, my tax accountants saying have they heard from the Taxation Department asking for my next return and they hadn't.

10

Okay. Who's your tax accountant?---They're in ah, H&R Block.

H&R Block?---Yeah.

So tax agents?---Yes.

Okay. And who's the person you're dealing with there?---I can't recall his name.

20 You can't recall?---No.

Okay. So if through the Commissioner you're asked to provide that information to the Commission staff, you'll do that for us?---Yes, I can do that.

Okay. And you'll also provide will you, if the Commission so directs, copies of all your tax returns since 2010/2011?---Yes.

30 Okay. So let's get this clear. All the money you obtained through the fraud from Botany Council - - -?---Yes.

- - - you recorded in your financial statements as income received by Teletec?---Yes.

And you paid tax on it?---Yes.

And you then gave, and you gave money to Mr Goodman, correct?---Yes.

40 And you didn't keep a cent?---Correct.

That's the evidence you want the Commissioner to believe?---Yes.

Okay. Did Mr Goodman pay you any money for the tax that you paid on the full amount?---No.

No. Okay. Can you go just behind tab 10 of the folder. Just, can you just explain this to me. This is an email from you - - -?---Mmm.

- - - to Gary Goodman?---Yes.

And it's forwarding manager's cheque?---Mmm.

Do you see that?---Yes.

And that comes from Randy Ortiz to you?---Yes.

10 Do you see that? Just go to the next page?---There's nothing on the next page.

There should be?---Oh, there's two cheques, sorry.

Yeah?---Okay, yes.

There's one for 8,000,000 pesos. Do you see that?---Yes.

That's dated 29 October, 2014?---Ah hmm.

20 To Goodman, Gary Goodman. Do you see that?---Yes.

From the Bank of the Philippine Islands?---Yes.

Did you organise that cheque?---No.

You didn't?---No.

Okay. And what about the next one?---No.

30 To Josephina McCormick and William McCormick?---No, I didn't.

No. Well, why were the cheques being sent to you, do you know?
---They weren't sent to me.

No, no, just focus. Go to the email below. Randy Ortiz sends you the cheques and then you forward them to Mr Alexander. Okay. To Mr Gary Goodman. Why was that happening?---At the time there were some cashier's cheques made from property sold in The Philippines - - -

40 Ah hmm?--- - - - by Gary's interested parties.

Sorry, there was some property sold?---That's my understanding.

Well, who told you this?---Gary.

So Gary told you some property had been sold in The Philippines - - -?
---Yes.

- - - by Gary's interested parties?---Yes.

What does that mean?---Well, I understand Jenny and Bill McCormick.

So they sold property?---They sold properties and then they sent two cheques to Gary and I received the copies of the cheque to – probably on Gary's behest to show that there had been genuine reason to send, you know, to have justified these, but then my understanding was that the cheques never arrived.

10

So, is this what you want the Commission to believe, that you Mr Alexander were a friend of Mr Goodman's, correct?---Yes.

That you started off innocently providing services to the Council, correct?---Correct.

You were then told by Mr Goodman to put in fraudulent invoices?---Correct.

20 Correct. That you did?---I did, to my shame.

Yeah. So you agreed to commit a criminal offence and you did that multiple times, correct?---Yes.

That your bank account had put into it money that you knew had been stolen from Botany Council, correct?---Yes.

And you then withdrew money and gave it to Mr Goodman?---Correct.

30 The amount of the fraud?---Yes.

And when the Commissioner asked you, when Counsel Assisting asked you what was the cut in terms of what was the take, you said there was no take?--That's correct.

All of the money that had been over charged or fabricated went straight to Goodman?---Correct.

40 Is that right?---Yes.

Yet you're unable to tell us which invoices are the frauds and which were the ones that are the correct ones, correct?---No, I'm not saying that.

Oh, so you would be able to sit down would you - - -?---Yes.

- - - later - - -?---Yes.

- - - and work out which invoices you put your hand up to be the fabricated ones?---Yes.

So you'll instruct your lawyer about which ones are the fabricated ones- - -?
---Yes.

- - - and which ones are not so that they can be set to the Commission, is that right?---Yes.

10 Okay. And also at Mr Goodman's behalf, you went out to to pick up cheques for him?---Yes.

As a mate/courier?---No, mate.

Mate?---I'm not a courier.

Yeah. As a mate and you would then cash the cheques and give them to him?---Yes. Or pay on his behalf, money - - -

20 And you didn't keep a cent?---No.

Okay. And you did all that because you're a mate?---Yes.

So you would commit criminal offences for a mate, is that right?---I did.

You did. And you want the Commissioner to believe that?---Well, I wish I could say I didn't.

30 Did you get any gifts from Mr Goodman during this period?---No.

No?---No.

Did you ever use a Council car?---No.

Sorry?---No.

40 No. Did you ever, apart from going to this warehouse where this seems to be a bit of a sports club going there with middle-aged men there, tell me this, what else were you doing there? Did he give you hospitality, did he buy gifts for you, anything - - -?---No.

- - - of that nature?---No.

You never received nothing from him?---No.

Never?---We may have had burgers or things to that effect, there was never a gift I received from Gary.

Never a gift. Are you a gambler?---Sorry?

Are you a gambler?---No.

Do you gamble?---No.

No?---I have a punt occasionally and buy a Lotto ticket but I'm not a gambler.

10 Okay. And what Gas Motorsports, did you ever use one of their cars?
---Yes, I've used their cars.

Yeah. For what purpose?---At the moment I'm using one of their cars at the moment because my car is being repaired.

Okay. What car is that?---It's a Mazda 3, I believe.

20 A Mazda 3. So that's one of Mr Goodman's cars?---Either Gary's or his wife's. I think – it's the car Dianne, his wife uses. So whether it's her car or the family car, I don't know.

And when did you collect that car from him?---I think a month and a half ago.

A month and a half ago?---Actually probably two, two months or so ago. Before, just at Christmastime.

About two months ago?---Yeah.

30 Okay. And where did you collect that car from?---From Gary, actually from Gary's home.

Okay. So you've got that car in your custody?---Yes.

And you don't know who it's registered in the name of?---No, I don't know.

And you're just driving it around at the moment?---Yes.

40 Okay. Where is it now?---It is in the Goulburn Street car park.

Thank you. Did Mr Goodman tell you there have been freezing orders made over his assets?---I heard that from Gary a couple of weeks ago, I believe.

Okay. Has he asked you to do anything for him since 23 December by way of picking up cash?---No. He's been very guarded in everything he's told me since ICAC's been investigating him.

Okay. And have you given him any cash?---No.

And when is the last time you saw him?---I believe two weeks ago, two and a half weeks ago.

Where was that?---At the workshop.

10 Okay. Now I'm just going to ask you the same question that Counsel Assisting asked you. When you lied yesterday to the Commission was that a story that was spun between you and Mr Goodman to tell the Commission?---No.

Sorry?---No.

No. Okay. Did you tell Mr Goodman you were going to lie to the Commission?---No.

20 Thank you. Now I just want to finish off on some documents that are in the folder that's been provided to you. If you go to tab 13, it's an email from you to Mr Goodman, subject "Cash thanks". Are you seeking cash for these invoices that appear behind tab 13 from Mr Goodman?---Yes, I am.

Yeah. So you're seeking cash, correct?---Correct.

Why do you want cash?---I'll just have a look. I can't recall but it could be because I was going to give the cash to Gary.

But you don't know, do you?---No.

30 So cash thanks, so you could then, so he could give you cash so you could then give cash back to him, is that right?---I don't know. I can't be specific.

You just don't know, do you?---I don't know.

No. Okay?---On that.

40 Okay. Now in relation to Botany Council, apart from Mr Goodman who you were involved in this corrupt activity with, was there any other employee at the Botany Council that you engaged in dishonest activity with?---(No Audible Reply)

Now is the time to say?---Well within Botany Council there's a certain largesse - - -

Don't worry about descriptors answer, answer the question. Who else was there?---My understanding is when I purchased phones for the Council, phones would go to Councillors, Councillor's families - - -

Yeah. Who said that to you? Just so that you're not openly slandering people here, I'm asking you to focus on my question?---Yes.

So be very careful. You don't have the right to sit there and say what you want, you have to answer the question?---Yes.

Who were the employees within Council first, who you say engaged in dishonest activity with you, name them?---I was referring to Councillors, I'm referring now to the IT Department - - -

10

Yeah. Name them?--- - - - who I delivered the phones to were telling me that this is going to that Councillor and that Councillor's family member.

Yeah. Who told you that, name them? Name the employee who told you that?---There'd be a group of them.

Name them? Name them?---Okay. I'll name one, Wolfgang Gill.

Wolfgang Gill?---Yes.

20

And when did Wolfgang Gill have a discussion with you to that effect? ---Probably in the very beginning, 2011/2012.

And when you say probably, did he have that discussion with you?---Yes.

And what did he say to you?---I can't recall the words spoken to me.

You can't recall the words?---No, not the words, no.

30

Okay, okay. Let's him to one side. Who's the next employee?---Him I specifically remember.

Well you mentioned before - - -?---Yes.

You gave the impression there are others, anybody else who said this to you?---From the IT Department?

Yeah?---Fred Saad, perhaps.

40

So Fred Saad, perhaps. Did he say this to you? Because remember your on oath, you were warned yesterday?---Yeah. And you're asking me and I'm, I'm trying to answer you.

Perhaps, did he say it to you or not?---I don't know. I don't recall if he specifically said it or not.

So apart from Wolfgang, is there anybody else you can specifically recall said that to you?---The original IT Manager, Mark, I can't recall his first name, surname.

You can't recall him?---No. See, what would happen - - -

No, no. Don't - - -?---Okay.

10 You don't have the right to sit there and start talking, you answer the question. Was it Mark Thompson?---No.

No. Okay. Now is this the fact, sir. That defamatory statement that you made earlier that you've decided you'd just slip into your answer, that comes from the fact that Wolfgang Gill said that to you in 2010/2011, correct?---Correct.

And apart from that you have no other evidence, correct?---Correct.

20 Thank you. Now let's go to tab 12. Now look at that email for 26 November, 2014. Did you at one stage seek to tender for a proposal to Council?---Yes.

And is this the case, that it was pointed out by the Deputy General Manager that you couldn't prepare the tender specifications if you were submitting a quotation or tender because you had a conflict of interest. Correct?---Yes.

And then she was informed by Mr Goodman subsequently that you were not going to tender, you're not interested in it. Correct?---Correct.

30 Okay. And that didn't go ahead did it, you didn't put a tender in?---I didn't put at tender in, no.

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

THE COMMISSIONER: Yes, Mr Overall.

MR OVERALL: Mr Alexander, I represent Mr Goodman?---Ah hmm.

40 And I've just got a few questions about the transfer of money?---Yes.

Cash. You said that you transferred some of the cash to the Philippines?---Yes.

And you named two people?---Yes.

I think one was Mr Buchaman or Buchanan?---No, no. I've not come across that person before in my life. That email to Gary where – or vice versa where my name was mentioned - - -

Okay?--- - - - that was some other document that I have not seen before today.

And - - -?---But the people – I could give you the list of people.

10 Yes, could you?---I would have sent money to Cheryl Ortiz, the brother Randy Ortiz. Two other names. Her solicitor Oliver – again I can't recall. I'd have to go looking through some old notes to try and - - -

Could you do that for me?---Yes, I could.

And perhaps - - -?---But I have seen some Western Union documents floating around and they would have all the names there.

20 I'm going to get to the Western Union in a minute?---Okay.

Yes. So you would be able to provide to the Commission a list of all the name – or the names of the people that you sent money to in the Philippines?---Yes.

And that's because you have records of them?---I would have notes somewhere, yes.

30 And the process for sending the money, I presume you sent it all through Western Union?---No. Some I sent through MoneyGram, MoneyGram and others I placed money into either a Westpac or an ANZ account that I believe Jenny McCormick had access to in the Philippines.

40 Okay. And can you tell me the procedure that occurred when you were transferring money overseas, for example from the Western Union?---You would – Western Union had a few offices outside but the easiest way was through a post office because the Australia Post handles Western Union and some of the credit unions also and you would go and if you were going to deposit \$3,000 you would fill out a form and you'd give all your details including the, the amount and the party you were going to send it to and your own personal details and there would be a fee of \$18 or \$20 or something on top of the, the funds you'd send.

And you paid that fee with the cash?---Yes.

And so Western Union would have a record wouldn't they?---They will have a record of all my payments.

All your transfers as would MoneyGram, Westpac and the ANZ?---Yes.

And did you keep a copy of the record that they give you?---No, I didn't.

Did you keep a file note in your diary?---No.

So how much money did you send to the Philippines?---I can't recall. It was quite a – it was a considerable amount which came from Gary.

Yes. Could you perhaps estimate how much money you may have sent to the Philippines?---\$75,000.

10

And did you know what these people in the Philippines were going to do with this money?---My understanding was that Bill McCormick was in a coma in a hospital in the Philippines and they were charging an absorbent – absorbent, a large amount of money to keep him there.

Yeah?---And there was her family there as well. Living expenses.

Now some of the money you gave in cash to Mr Goodman?---Yes.

20 Can you tell us how much approximately?---No, because I don't know – no, I can't. I'd only be guessing.

Well, can we have an educated guess?---\$20,000. The majority in each case was paid into something.

Sorry?---The majority of all the money I gave Gary was usually paid somewhere or another because of the convenience of me having the money and he needing something done with it.

30 I don't understand what you're saying?---Okay. In other words, I would not give him \$5,000 to be phoned the next day to deposit \$5,000 so most of the time if I picked up money on behalf of Gary I would deposit it somewhere.

THE COMMISSIONER: Or you would pay a bill or something like that - - -?---Or pay a bill or something.

- - - on his behalf?---Yeah, on his behalf, yeah.

40 And so what you're saying is that you would very rarely give him cash?
---Yes.

Right?---Yes.

MR OVERALL: Okay. So you're saying approximately - - -?---20,000 cash.

- - - 20 for him and 75 to the Philippines - - -?---Yes.

- - - about \$95,000?---Yes.

THE COMMISSIONER: In cash?

MR OVERALL: Yes. Were there any payments to anybody else from these false accounts?---No, they were all - - -

10 False invoices?--- - - - to do with Gary's relationship with the people in the Philippines.

Yes. I have no further questions, Commissioner.

THE COMMISSIONER: Mr Alexander, apart from the money that was being sent to the Philippines that was the proceeds of these false invoices, did you yourself ever lend any money to Mr Goodman?---Yes, personally.

Personally you lent him money?---Yes.

20 How much did you lend him?---As worked out \$35,000 of which he returned 10,000-odd dollars.

So he still owes you 25,000?---That's correct, plus interest.

And when Mr Moses was taking you through the amount that you invoiced the Council over that period of time - - -?---Mmm.

30 Just to remind you 2011/12 it was 45, 2012/13 it was 76 and then in the last two years it tripled to 225,000 and 271,000. Now the question I have for you is in the years 2011-2013 did you have any other source of income? ---Yes. Outside Botany Council other Telstra clients and Telstra dealerships.

So you worked in a Telstra dealership?---At times I did, yes.

Were you on a wage at that time?---At times, at times I was on a wage, at times I was on commission only.

40 All right. In the years 2013-15 when you were invoicing the Council in the amount of 225,000 and 271,000 did you have any other sources of income? ---Yes. Again other dealerships, telecommunications dealerships or other clients I was doing consulting work for and some silver sales.

Right. Yes, Mr Thangaraj.

MR THANGARAJ: Mr Alexander, could I just confirm your mobile number and it will be suppressed which means no one will be allowed to – I just want to confirm that your number was [REDACTED]

---That's correct.

All right. And if that could be suppressed.

THE COMMISSIONER: Yes, that's suppressed under section 112 of the Act.

10 **SUPPRESSION OF MR ALEXANDER'S MOBILE TELEPHONE NUMBER**

MR THANGARAJ: There were times do you agree that you raised money to – from other people because Mr Goodman was looking for money?

---Well, with what I've been told I was giving money from Alex to Gary Goodman. I didn't - - -

No, I don't – sorry?---Other than that no, it was only my own, own money if I recall.

20

All right. Do you remember a couple of times he asked you if you could borrow money, you said I don't have any and then you raised it from somewhere else?---Yes, but then I, I, I repaid that straightaway so - - -

Yeah, and that's what I wanted to ask you about. So part of the false invoices involved getting money to repay people that you had sourced money from to lend to Mr Goodman?---I don't know - - -

Do you remember a call - - -?---I'm hearing what you're saying.

30

Yes?---I'm just trying to - - -

I'll just try to refresh your memory?---Yeah.

Do you remember there was a time where you – he asked you for 2,000 – I'll play you the call if we need to but you - - -?---No, no.

- - - you had - - -?---Yeah, yeah.

40 He asked for 2,000. You didn't have it but you got 2,000 from somewhere else. He already owned you 2,000. You put in an invoice for 4,000 and you explained to him how 2,000 would have to go back to someone that you borrowed the money from, 2,000 would - - -?---Yeah, in that respect, yes.

So there were times where, it might not have been frequent but once or twice at least where - - -?---Yes.

- - - you borrowed money and you used the false invoicing process to repay that to a third party?---Or I may have used my own money and insist that I get it back straightaway.

And that might have been through false, that would have been through false invoicing then?---From Gary, yes.

All right. Nothing further.

10 THE COMMISSIONER: Mr Moses, did you want to tender the folder that you showed to Mr Alexander.

MR MOSES: Yes Commissioner.

THE COMMISSIONER: So that will be Exhibit R35.

#EXHIBIT R35 - FOLDER OF SAM ALEXANDER DOCUMENTS

20

THE COMMISSIONER: Thank you Mr Alexander you can step down. You're excused.

THE WITNESS EXCUSED

[11.10PM]

MR THANGARAJ: Mr Gajic, Zoran Gajic.

30 THE COMMISSIONER: Yes, just take a seat Mr Gajic. Mr Gajic - - -

MR DHANJI: Thank you. Can I indicate that the effect of Sections 37 and 38 have been explained to Mr Gajic and he wishes to take a general objection.

40 THE COMMISSIONER: Right, thank you. Mr Gajic I just need to make sure that you appreciate that the order under Section 38 protects you from the use of your answers against you in any future civil or criminal proceeds but it doesn't protect you if it should be found that you've given false or misleading evidence to The Commission because in that case your answers could be used for a prosecution under The ICAC Act. Do you understand that?

MR GAJIC: Yes.

THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the

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

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

20 THE COMMISSIONER: Would you liked to be sworn or affirmed Mr Gajic?

MR GAJIC: Sworn thank you.

THE COMMISSIONER: Can we have him sworn, thank you.

MR THANGARAJ: Mr Gajic, can you give The Commission your full name please.---Zoran Gajic.

And a brief work history?---Straight after school I started working in the family business.

10 And what was that?---Speedy ceilings.

And what did that company do or does?---Plasterboard, plasterboard works.

Anything else?---Like a large, like we do like a shopping centres and - - -

Sorry, what type of work do you do?---Plasterboard, partitioning, ceilings.

All right. How do you know Gary Goodman?---I purchased a race car and then I got him to put an engine and do all the engine work and - - -
20

How did you know, how did you meet him?---So then, when we brought the car we were deciding what engine we were going to put in it and then we heard about Gas Motorsports.

Right.---So we got in contact with them and went to down to visit him and started building the car.

And how did you end up working for Council, Botany Council?---So, as obviously with the race car we started a bit of a, like I'd been seeing him and we started racing the team I think it was after may be two years after that we started talking about work and I don't know who said to who but um, I think he approached me and said, Oh, do you want to do some work, we need some work done. And I said, yeah, I've got a building background.
30

All right. So in the time period before you did work for Council, you were paying him for work he was doing on your cars.---Correct.

And when he'd send you a bill or tell him how much, would you pay him straightaway?---Correct.
40

And during that time, was he ever asking you for money?---No.

When did he first ask you for a loan?---(No audible reply)

Well put it this way, was it before or after you started at the Council?
---After.

Okay. What sort of work did you start doing for Council?---Initially there was a bit of, I remember changing a pit in the road, I went down to the Business Unit a few times and priced a few jobs um, some raving repairs and then started supplying um, labour hire to do their maintenance works and work at the airport and - - -

THE COMMISSIONER: Sorry, when you say labour hire, you mean you were providing labourers to Council who you were charging out to Council, is that what you mean?---Yes.

10

Right.

MR THANGARAJ: Was it skilled labour or unskilled or both?---Bit of both.

What were the skilled labourers you were providing?---Say if we had to like go down and change a pit, they would be skilled people changing the pit.

20 What do you mean by changing the pit?---So in the road the pit was, it had to be changed in the actual road.

What do you mean, fixing a pot hole?---Not a pot hole, like a pit like um, the pits in the road and so - - -

Okay. With gratings or covers?---Yes, and then I would have to get the skilled labourers to come and do that, that was done at night work and then you had unskilled labourers that I would supply and they would do the general maintenance and - - -

30 Okay. And at the beginning were you using Speedy Ceilings to do this?---No, not that I recall.

Do you remember, did you set up a company to do this work?---No.

So, those invoices for that original work, how was that being paid?---Through Cube I believe.

Right.---Cube has been established since I think 2000, early 2000.

40 Did it do work for anyone besides Council?---Yeah, definitely.

And it did work before you did Council work?---Yes, definitely, and it still does to this day.

Do you use the same bank account with Cube for Botany Council that you had with earlier clients?---Yes.

Okay. And what about Highland?---Highland was a company that came, Highland was a company that we originally had but we re, so it was sitting, just sitting there so I re-started using it.

When?---I think 2014 I think or - - -

For Botany Council?---Yes, I was going to, like when I spoke to Gary, Gary said it's going to be a lot of that, one the contract or something for the, for the - - -

10

Airport.---- - - - airport works and he said, and I said, I might as well open up a company and use as like a direct supply of labour company to keep it separate for the airport.

All right. So you had Highland waiting on the shelf and you brought it out to - - -?---Yes, it was like, we used a company a long time ago and it was sitting there and we just re-used it again.

All right.

20

THE COMMISSIONER: Why didn't you simply charge it through Cube the way that you had been doing in relation to the other labour that you provided?---I just, I just decided to have one specific company with the Council, I thought it was going to grow into a bigger, you know, more men and that's just a plan that I had.

MR THANGARAJ: All right. Who were you speaking to at Council besides Mr Goodman?---So Mr Goodman, Malcolm - - -

30 Malcolm who?---Malcolm Foo.

Yes. So what was the, what was the professional relationship you had with Malcolm Foo?---So I would supply labour to him and he would direct them and utilise the men for whatever works was required and then I'd speak to Malcolm on a weekly basis and he would tell me how much work they did and how many hours and I'd invoice accordingly.

When did you first meet him?---Early.

40 Before or after you started working for Council?---I met him at the Council but I haven't done any job at the time, so I went there to start looking and pricing some work up.

So after Mr Goodman introduced you to Botany Council then you met Mr Foo?---That's correct.

So who would give you work, who would send you the work was it Mr Foo and Mr Goodman or was it just Mr Foo?---Mr, both, both.

All right. And did you have to give, did either of them require quotes?
---There were a few quotes initially and then it was just relation based after that.

All right. Did you tender for anything?---I believe I have.

And were you successful in all your quotes and all your tenders?---No.

10 And did anyone get back to you about them and say, you've lost that tender or you've been unsuccessful with that quote or amend your quote?---I wouldn't be able to tell you, yeah - - -

All right. Once you started doing the work were you required then to put in tenders or quotes after that or you weren't required to anymore?---Not, sometimes, not always.

20 And what about invoices, who would you send the invoices to?---There was invoices sent I believe to, I'm not sure, I know Gary, I sent invoices to Gary, I've sent invoices to Marny, I think.

Right?---And I've sent, I don't know if I've sent invoices to Mal, yeah.

Who told you where to send the invoices?---Gary would've told me where to send them.

And were you doing work for the airport – do you know the different between the Business Unit and the Council?---(No Audible Reply)

30 You know they have different buildings, you've been to the Business Unit?--Yeah. I've been to both, both buildings, that's correct.

Yeah. So you know that they have separate buildings. Do you know that they have different responsibilities, did you know that?---No.

So the work that you did, do you know which section it was for?---I've done work at the airport and I've done actual work at the Council.

40 The Council building?---Yeah. The Council building, yes.

Okay. All right. And do you know Marny Baccam?---Yes.

And do you know her?---Well like when I was quoting jobs down there I think Gary told me to invoice to her.

Out where?---At the, at the airport.

All right?---Yeah.

Did you have an arrangement where if it was Business Unit work you'd invoice a particular person, if it was airport, say if it was work at the airport office, sorry, at the Council office, that you would invoice a separate person or?---No.

Just who you were told?---Yeah. Who I was told to invoice. Or who I had the dealing with. Like who asked me to do the job.

- 10 Okay. So were there any times where one of them would ask you to do a job but then you would be told to invoice someone else?---Not that I, not that I can remember.

Okay. Did you do any work at Centennial Park?---I believe so.

- 20 What do you think you might've done?---Just when I send the labour hire to Malcolm and then he, he allocates them where they work. And then he reports back and goes, oh, he done work at Centennial, they worked at Centennial Park or they worked here and that's how I'd invoice it, how many hours.

So he would tell you I need X number of men for X number of hours or days, would he?---Yeah.

And you'd supply it?---Yeah.

And then how would you know what to put on the invoice?---I'd speak to him on a weekly basis.

- 30 Right?---And he would tell me, they done, where they worked and how many hours they did.

Right. How many employees did the – so did you have employees that were only working for Speedy or were only working for Highland or only working for Cube or you'd send them around where you needed them to go?---Well, yeah. All my employees worked for Speedy.

Right?---And then I utilise them as I need.

- 40 All right. So how many employees did Speedy have at any one time?---Speedy's a fairly large company, it's had about 300 employees.

Over time?---Over time, yeah.

So you're employing casuals, are you?---No, yeah, casual, yeah, sorry.

And how did you – where did you get them from?---Well Speedy's been established for what, 20 years, I think now, so it's just people like been in and out of our company.

If you needed people for a job for example, where would you get them from?---Word of mouth.

Right?---Yeah. Like everyone knows – in our industry everyone knows each other and, yeah, Speedy does a lot of big jobs.

10

So you can tell someone I need three and they'll, between them they'll find them and then you've got them there?---Yeah.

All right. How would you pay these people?---Wages.

How would you pay them though, how would you pay their wages?---Through, like what kind of - - -

20

The employees you're talking about who would do – say, say you're talking about, say you've sent Malcolm Foo or a team of labourers, how would you pay the labourers?---EFT.

Right?---Yeah. Is that what you're asking, like, yeah.

Yeah. That's what I'm asking?---Yeah, EFT.

Did you ever pay them in cash?---No.

30

So the funds transfer to pay them, what accounts was it coming out of?---From Speedy.

The Speedy bank account?---Speedy, yeah. Because I pay all my wages from Speedy. That's what it's set up for.

Okay. Is Costa is he one of your employees or is someone else?---There's a Costa but, yeah, he's been a long time – do you have a last name?

40

No. There's an entry from one of your accounts that says a payment to Costa for \$28,000 but do you know what that was about?---Costa?

It was a long time ago, it was a few years ago. I'm just - - -?---(No Audible Reply)

All right. But are you saying you had an employee who'd been there for some time?---We've got a long time, a fairly long-time friend called Costa but I don't know if that's the same guy?

All right. Okay?---He's never done work at the Council.

All right. Apart from supplying labour did you supply any materials?---
Yeah. We've done a few jobs. We supplied some scissor lifts, some bins
when we were doing work, we would change a roof at the Council - - -

Sorry, I think that was my fault. I didn't mean materials to do the job. So if
you're replacing a ceiling of course you're going to bring in - - -?---The
materials.

10 Yeah. Stuff, things like waste bins, there's an invoice for supply waste
bins?---Yeah.

Did you provide any other hardware like that besides bins?---Scissor lifts.

Yeah. What are they?---They're mobiles - - -

Are they the mobile ones?---Yeah.

Is that for you to use or - - -?---Yeah. For me to use.

20

Yeah. Okay?---Yeah.

No, I'm talking about things not for you to use on your jobs but for like the
bins that you're providing to Council for them to then use themselves?---
Yeah.

Apart from the bins, was there anything else?---There would've been I just
can't recall at the moment.

30 What's traffic management, when you're billing for traffic management what
does that mean?---Like Malcolm would tell me the guys he was using they
were doing a traffic control.

They were, sorry, they were doing what?---Traffic control. Like when they
were working they would be holding the - - -

Stop, slow, that - - -?--- - - - stop, slow down, make sure, yeah, safety.

40 Is there a difference between supplying traffic management and supplying
labour?---That would be the same. Because the same guys are doing it.

Okay. Some of these invoices and I'm not expecting you to remember the
detail of any invoice, I'm just asking you generally. But some of these
invoices say supply of materials and just sort of, supplying materials and
labour to install an overflow and downpipe for example. Does that mean
the materials are needed for the job, so you're costing of the job plus the
labour to do the job?---I believe so, yeah.

All right. There are a number of invoices that say, "Work as directed" but not much more detail than that. Why were invoices sometimes described that way?---That's when I was, when I'd send labour, that's, that's, that's what I was told to put, work as directed. They were getting directed, well I wasn't directing them so - - -

Okay. Well I presume sometimes you did not know what work was being required - - -?---Yeah.

10 - - - but you sent the men?---I just send the men, I didn't go out there and manage them and - - -

Have you ever worked under a contract there or was it always just individual jobs?---Individual jobs.

All right. I want to ask you about invoicing. Do you agree that the time came where you and Mr Goodman were putting in false invoices to Council?---Yes.

20 And that you and Mr Goodman were profiting from putting in false invoices?---I was just - - -

MR DHANJI: I object. It's two questions, Mr Goodman and - - -

MR THANGARAJ: All right.

THE COMMISSIONER: Were you receiving part of the proceeds of those false invoices?---What do you mean by that, like, what - - -

30 Did your business profit from part of the proceeds of those - - -?---I was trying to recover money. My business was just trying to recover money I was owed.

MR THANGARAJ: All right. We'll start with the lending then?---Yeah.

When did you start lending money to Mr Goodman?---(No Audible Reply)

Well, maybe this might make it easier for you. How long after you started working at Council do you think you started lending money to Mr
40 Goodman?---Maybe a year, maybe a year. I've had it like it's hard for me to remember.

Yeah. I don't expect you to have any - - -?---Can I just make something - - -

- - - great specificity?---Sorry, to cut you off. Just to make something clear to you, we, my, I run, like Speedy Ceilings business, I run the whole thing and like 100 per cent of my time is over there, so this is very hard for me to recall and remember if you understand like - - -

Yeah. No, I understand?---Yeah.

I'm not going to be expecting you to remember the detail of dates or even months?---Yeah.

10 It's not really, it's more the sequence of events rather than the timing that I might be interested in. So what I want to know is, firstly you didn't start lending money to Mr Goodman till after you had already done Council work. Is that right?---That's correct.

You think it was about a year - - -?---Year into it, yeah.

- - - a year or so that he first asked you to borrow money?---Yeah, but I still had to give him money for ongoing with the car thing 'cause I was still racing the, I still had the car and - - -

20 All right. When did you stop having to pay him any money for work at Gas Motorsports or otherwise?---I can't recall.

Okay. From the time that you - - -?---But I - - -

- - - started working at Council, how long do you think you still used him for your race car?---Yeah, definitely.

Yeah, but do you know for roughly how long?---As long as I was racing it I think to 2015 I was still racing the car.

30 So when last year did you stop racing?---I think mid last year, yeah, I stopped racing that car.

Okay. So presumably after mid last year you didn't use Mr Goodman anymore for your car, you didn't pay Gas Motorsports anything after mid last year or Mr Goodman anything. Is that right or not?---Well, there was other things like the, like there was an engine there that I wanted and I didn't get it and there was just an ongoing - - -

All right?---Like a, how can I say, a common hobby together - - -

40 Yep?--- - - - with the cars.

All right. All right. Well, when did – how did it come up that he wanted to borrow some money off you, do you remember how that first arose?
---Oh, he just probably rang me and said, I need money, I need, can I get some money off you.

Do you remember roughly how much he wanted to borrow?---2,000 or something, \$1,000, 2,000.

And did you lend him any?---Yeah, I lent him money.

So how frequently were you lending him money?---I can't recall honestly.

Do you remember roughly – did you keep a record of how much he owed you?---Like on a scrap bit of paper here and there and then, yeah, sort of, I yeah, yeah.

10 Does he still owe you money?---Yeah, he still owes me money, yeah.

How much?---I done some work and that and he still owes me for a car, probably around 40,000.

Right. And was any of the money – did he ever repay any money?---Yeah, yeah.

20 And how much did he repay?---Well, everything that we repaid is up, like, from the money he owes me now was paid up to date, I don't know over the time.

Well, you're saying that he repaid you, how often did he repay you?
---Well, it worked two ways because if we went racing or something, then he might cover some costs for the racing.

Right?---So I'll take that as a credit - - -

Yeah?--- - - - for the money he owed me, so - - -

30 Well, before the false invoicing started, how much did – at the point the false invoicing started, how much do you think he owed you?---It was always, always cleared up, so it was – do you know what I'm trying to say, like?

Well, it can't be cleared up now because he owes you 40,000?---Yeah, now he does, yeah, but back then, like - - -

40 Well, when did it start accumulating rather than being paid out?
---(No Audible Reply)

So when did he stop, when was the last time he repaid you any money?
---I wouldn't be able to recall when he repaid me, so yeah.

Well, was it last year or the year before?---Oh, probably last year sometime.

Okay. And then from the time that he stopped giving you money, how often did you then keep lending him money?---Not very often after that.

But enough to get it up to 40,000?---The 40,000 was for works done and
- - -

Sorry, when you say works done - - -?---Yeah.

- - - what work?---Oh, I done some ah, work at a house um, when he got
- - -

This is Suman Mishra's house, is it?---Yeah.

10

So you haven't been paid for that work, have you, right?---There was, there was two lots of work done there, there was some work done earlier that I've been paid for and then now there's some recent works haven't been paid for.

Right. Okay. And the work that you were paid for originally with her house, Suman Mishra's house, was that paid through a false invoice to Council?---Ah, partly.

20

Okay. So Mr Goodman paid some of it and the Council paid some of it?
---Yeah, and then there was a car in that, there was, that's - how can I say it, like, you know, there was always things that he wanted, that I wanted and
- - -

Yeah, no, I understand, I think we - - -?---Like, it was like a bartering, how can I say, because - - -

I think we understand? - - - - - of the relationship with the drag racing and that.

30

Yeah. So this car, did he give you a car to offset some of the debt?---Yeah.

So what car was that?---The RX7.

And do you know where that came from?---When I transferred the rego it was under his name.

Okay?---I don't know where it, like - - -

40

And what did you agree the value of that was?---About 45,000.

Okay. And presumably you didn't inherit any debt, no, no loan came with that car - when you got the car it was just your car?---Yeah, because I would have um, you mean a loan on the car or a loan with Gary?

When you got the car did you also have to take over a loan or you just got the car?---No, just got the car.

Okay. So that means he repair \$45,000 of debt through that car?---Yeah, to me.

To you. How much – do you have any – you must have some recollection of how much he’s paid you other than the car over time, a ballpark?

---Honestly, I - - -

Well, is it a couple of thousand or is it 50,000?---Because of our dealings, like - - -

10

Yeah?--- - - - just like if I did my race car, he’d done the engine and then I’d blow it up - - -

Yeah?--- - - - and the he would supply me a new one or get it built and it was always, so it’s hard to pinpoint.

All right?---Do you know what I’m trying to like - - -

20

Yeah, no, I understand. But if he’s – if he owes you 40 now and he gave you a car for 45 and he’s supplying – engines are expensive?---Yes, that’s correct.

What sort of value were the engines that were you using in your car, in your race car?---Like up to 50,000.

Right. So that sounds then like you’ve lent him over time a couple of hundred thousand at least?---How – what do you – how do you mean?

30

Well, he owes you 40 now?---Yeah.

He’s offset 45 with the car?---45 was owed from before so he’s - - -

No, I understand that?---Yeah, yeah.

But I’m talking about how much – if he owes you 40 now, you’ve given him that 40. He gave you 45 for a car, you’ve given him that 45. So that’s 85. These engines are very expensive, so how many engines has he supplied you to offset the - - -?---Oh, it’s not always been an engine, it could be a head or a - - -

40

No, no, I understand that?---Yeah, yeah.

But the example you gave was you blew up an engine. So he’s given you a lot of parts effectively for free and then does he used the labour or is it your labour to put it back in the car or fix the car?---Ah, I used to go to his workshop and do it.

Okay. So he's supplying hardware and then on top of that you've giving him, you're advancing him cash?---So the cash I advance - - -

As a loan?---As a loan.

Yeah, some of that would have been repaid with the car?---Yeah.

Some of it's still outstanding?---Yeah.

10 So does a couple of hundred thousand dollars sound about right?
---Like in a total - - -

Total, total that you've lent him over time?---But I didn't lend it to him, I um, like you know you're saying a couple of hundred thousand, how do you mean did I lend it to him, like, if I, if he gave me car parts I didn't lend that to him.

20 Well, wasn't it to offset money that he already owed you?---But I did pay for some parts as well.

Yeah, okay. So some things you – I'm not saying that you didn't pay for anything, some things you paid for and other things you'd already he already owed you money and I thought your evidence was sometimes you owed him money, sorry he owed you money - - -?---Yeah, yeah.

- - - and he would offset that debt by giving you free parts, like parts of an engine or an engine?---Yeah, to cover the difference.

30 Yeah?---Yeah.

So the reason he was giving you that for free was because you'd already lent him the money?---That's correct.

And setting aside that, there's 85,000 separate to that which was the car and the cash still outstanding. So do you agree that - - -?---Yeah, you could say - - -

40 A couple of hundred thousand or so? All right. How did the false invoicing come up, whose idea was it?---Gary's.

And what did he say?---Oh, I was chasing him for some money and he goes, oh, just send me an invoice to cover it.

Right. So can you be a little bit more specific or not?---That's pretty much the end of it. That was pretty much it.

All right. Well, is this the situation, that he owed you money, he - - -?
---He was very hard to get money out of.

Right. You'd been chasing him, you couldn't get anywhere. He said put it in, put in an invoice and you can keep some of the proceeds or all of the proceeds and that will offset the debt I owe you for that amount?---That's correct.

Is that right? All right. And how often did that happen or how many times did that happen I should say?---A few times, I can't be too - - -

10 And what about working out how much would go into those false invoices?
---Who - - -

Who decided how much would go into the invoices?---He would tell me how much.

Right. And were the invoices that you were putting in on that basis, were they entirely false or were they inflated or both?---A bit of both.

20 Okay?---So sometimes I think, that I can remember, yeah, if there was an actual thing he would inflate it to cover it or some were total false.

All right. And can – to the best of your recollection can you work out now how much Botany Bay paid that it should not have paid into your accounts or your account?---I couldn't work that out. The majority of the invoices were legit from my invoices there were a few but it's very hard, a my aspect in my other business, I just, yeah, wasn't something I could remember from
- - -

30 Why did you agree to do it when you must have known it was a very serious
- - -?---Yeah, it is bad and I'm very sorry for it now but I just wanted to get paid, like that was my - - -

Well, did it go a little bit further than that in was there an arrangement where if you gave him a kickback he would then give you work?---No, the reason he was giving me work was the relationship we had through the cars and I would go use his workshop and it wasn't – no kickback.

40 All right. Well, did it – was it ever the case that he would say I want you to give me money and you gave him money because work would come your way or because work already was coming your way?---I just – our – the relationship we had he would always give me work if I, if I like – it was just because through the drag, drag racing scene I just had that, you know, like.

All right. Well, okay, let's – is this right then, you – when – you knew that they got the new contract at the Airport?---He told me that and he goes - - -

Yeah?--- - - - I'll be needing a lot of men. I go like, you know, excellent, like.

Yeah. And you knew it would be very profitable for you if you remained as a contractor with that new contract?---Yeah.

And you were hoping to be able to supply a lot of men, right?---Yeah, yeah.

You knew that other companies were supplying a lot of labour and getting significant amounts per week under their own invoicing?---Other contractors?

10

Yeah?---How, how would I know that?

Well, didn't he tell you that for example Gardens2envy was billing 18,000 a week or had, had billed 18,000 the preceding week because of the amount of labour they'd supplied and that was therefore - - -?---Oh, he might have, yeah, he might have mentioned it, yeah.

Remember that?---Yeah, yeah.

20

And therefore you – what he was doing was telling you look, there's a lot of money for you to be making with your labour. Do you remember that?
---(No Audible Reply)

Do you remember that?---I think so, yeah.

And so there was an incentive to you to make sure that you remained in the panel of contractors that were being used by Council?---Yeah.

30

And you knew that you could make a lot of money going forward because they had just got this new contract with the Airport?---Not make a lot of money but keep, keep busy.

Yeah. All right. Well - - -?---Yeah, like, keep - - -

Whether it's a lot of money or make money the fact is - - -?---Yeah.

- - - there was business to be – a lot of business to be - - -?---Yeah, that's why that Highland came into place. I thought I could have, you know, consistent people working consistently.

40

Yeah. And as a, as a thank you – either as a thank you or to make sure that he kept giving you that work you gave him a few – a couple of thousand dollars didn't you?---A couple of thousand, yeah.

There was an occasion where he said – I assume you understand I've got a – there's a recording of this but to save time, and if you need to be refreshed I'm happy to play the calls or – if you, if you want, but there was a time where he said we've got the contract for another six years. You knew how

important that was for the Council and you knew how big that might have been for you, right, going forwards, keeping busy as you put it?---Yeah, yeah.

And he said he wanted \$2,000 now. Remember that?---Yeah, probably that happened.

10 And then you said – he said, he said – as you said he said look, I’m going to give it to you anyway. You knew you were going to get the work anyway?
---Yeah.

But he wanted the money, he wanted the \$2,000?---He always wanted money.

He always wanted money but he – in this particular phone call he says I’ve got this contract. I’m going to give you the work but I want 2,000 and, and he wanted it immediately and he often wanted money immediately didn’t he?---Always straightaway.

20 All right. And it’s a – there’s a sort of a lengthy – but basically what you’re saying is can I have a couple of hours. I’m at Hornsby. I need a couple of hours. He actually says all right. He actually wanted it there and then as he often did?---Yeah, he wants it straightaway.

And you said look, sorry, I’m not in the area. Then he says can you put it in bank to save him time, he gets the money quickly. Do you remember all this?---(No Audible Reply)

30 And he says I’ll send you the account but then he says actually, can I make it 3,000. Just for the transcript you need to say yes rather than nodding?
---Yes. Sorry

And he kept reminding you the benefits are enormous and you said yeah, I know. You said excellent. And he said I’ll give you an example, Gardens2envy do you know them? You said yes, I do and he said their labour bill last week was 18 grand and you said oh, really, meaning that’s good, effectively that’s good - - -?---Yeah.

40 - - - if I’m on that sort of - - -?---Yeah, they had a lot more, they had a lot, yeah.

But you understood the benefits for you going forward?---Yeah.

And then – and he said – and you said – you were sort of saying and you always give me a hard time about putting in a two grand invoice. You were sort of joking with him about that. And then – this is what I wanted to specifically ask you about. Mr Goodman said, “Yeah, but I don’t get a sling

from this bloke.” And you knew what that meant, a kickback, bribe, right, you understood it that way?---Yeah.

And then you – while you were laughing but you meant it and you said, “Well, you will from me”?---I said that?

Yeah. And before I ask you what you meant by that I’ll remind you that the same day you went him a text saying, “We managed to get 2,000 and it’s been deposited into the account you gave me.” And remember he said,
10 “Look, can you make it three.” You have then sent him a text saying, “I’ll try to get some more when I finish Gary.” All right. So you agree with all that?---Yeah, but I didn’t want to get more because - - -

Sorry?---Yeah, I remember that.

Yeah?---Because I didn’t want to get – like I didn’t want to give him more money because - - -

Yeah?--- - - - it’s hard to get it back off him.
20

Yeah, yeah. Well, it wasn’t really meant to be a loan from his perspective was it. From his perspective it was I’m giving you this work, you’re going to make this money going forward, you’re going to give me 2,000 now and if you can three and you did give him 2,000 immediately and whether it’s described as a sling, bribe, kickback, the reality is you gave him \$2,000 that you clearly shouldn’t have. Correct?---Yes.

And that was for work that you were hoping to keep going forward?---Yes.

30 You wanted to keep him happy?---(No Audible Reply)

All right. And there was another time when, when he was talking about one of the false invoices he said – you asked him can you pay an invoice and he said, “I’ve already done it.” He said, “So you’re charging me 650 bucks for 1,000.” You said, “No, 500.” And then you had a bit of an exchange which I don’t need to go into but relating to that. So what the arrangement was, was that he wanted some money, you put in an invoice which was more than what he wanted and you were going to keep the balance. Is that right?
---Yes.

40

And then you said, apart from saying I love money, I want money too meaning I want my cut. You agree with that?---I said that?

Yeah?---Yeah.

And you said, “I’ll share it back with you. You know I’ll share it back with you.” Meaning the slings are going to continue. Do you agree with that?
---Yeah.

All right. There were also times where he wanted you to do – or at least one time where he wanted you to do work on his property. Something about a drain, fly-screens, et cetera?---Yeah.

So did you do work for him at his private home that you did not charge him for?---Um - - -

Or did you charge him and you - - -?---I think I charged him.

10

Okay?---That was part of the car and that.

Okay?---The RX7.

All right. So what work outside Council – what private work do you recollect Council paying for through these false invoices?---So Suman's place.

20

Yeah?---At Parklea.

Yeah?---I done – there was – just so I can clear it up, I done work at a property of his at, it's not Hoxton Park but it's near there. Marny lived there.

Yeah?---But that was - - -

Marny Baccam lived there?---Yeah.

30

MR MOSES:

MR THANGARAJ: Marny Baccam.

MR MOSES:

MR THANGARAJ: That's the one. And
– but that was – I got paid in cash for that one, full cash.

Sorry, what was that?---I got paid cash by Gary.

40

So you did work at Marny Baccam's house but he took care of that?---He took care of that in cash.

You don't know, you don't know where he got the cash from but he paid you?---Yeah, definitely paid me cash.

All right. Okay?---Around about 40,000.

All right. Now Suman Mishra's house, you put in an invoice to Council to cover at least some of that?---Some of that, yeah.

Why did you do that?---Because I had the – that's what he asked me to do -
- -

Right?--- - - - because I was chasing the money.

10 And how did you – so you put in an invoice with a description that was obviously different to - - -?---Yes.

- - - Suman Mishra's house?---He told me what to put.

Do you remember what that was?---I wouldn't be able to recall.

All right. Had you – there are records of you emailing Mr Goodman at various times over the last couple of years in relation to work done at Suman Mishra's house?---Yes.

20 October, 2013, December, 2014, May it could be last year. Do you remember what description you put on the invoices or what he asked you to put into cover that, some of that?---I couldn't, I couldn't remember that.

All right. Were you chasing these bills for some time with him before the false invoice or not?---Yes.

All right?---Definitely.

30 There were times, weren't there, I'll give you the names in the a moment where Mr Goodman expected you to employ people that he wanted employed, is that right?---(No audible reply)

There was a lady, there's a call where he says, what are you going to do, are you going to employ his missus. Now, did - - -?---Who's missus?

40 There's two possible explanation for that, I'm not sure but, there's two explanations either someone was going to be paid through this invoicing scheme or you were actually going to give them legitimate work, so I'll just ask you separately. Did you ever employ anyone because Mr Goodman asked you to?---No.

All right. Is there a lady by the name of Debbie that was employed by you? ---No.

Okay. Were people, were peoples wages paid through the false invoicing scheme that you had not used, that you were not retainer? So that is, were you pretending to employ someone so they could be paid through the false invoicing?---No, not that I can recall.

All right. I might just play this call, I'm not, it's really to understand what this is about. 11282 please, while that's coming up, there's a part of this where Mr Goodman says, I was talking about when I hung up where we've just got to work out what we are doing with his wife, how he can do that. And you said, "I'll pay her direct from my company and I'll just charge the hours." So it might be that you're putting in a false invoice to - - -?---So if I was going to pay her - - -

10 Anyway, I just want you to keep that in mind when we play the tape, when we play it, the transcript will come up and you can read it so just keep that bit in your mind, just try to refresh your memory.---Can you repeat that, sorry.

So, Mr Goodman says, "We've just got to work out what we're doing with his wife how he can do that." And you said, "I'll pay her direct from my company and I'll just charge the hours." He says, "That's right, it's just an extra person." But that will come up on the transcript so - - -?---Who's wife?

20

Well, we'll see.---Oh right.

You might have a better idea.---All right.

TELEPHONE RECORDING PLAYED

[11.53PM]

30 MR THANGARAJ: Can you just pause it there. So can we just go back to the previous page you see there was discussion about you paying someone direct. The suggestion of those entries afterwards was that the person doesn't exist, it's just someone is going to go through your books - - -?---That he wanted to go through my books.

Yes. So is this the case, you were going to be employing someone for the purposes of the record but you actually weren't employing them and that those hours would be billed to the Council, is that the arrangement?---So he wanted me to employ someone - - -

40 Well, let's go back, let's go to this. Do you know who he's talking about?--I wouldn't know, that's what I'm trying to figure out.

Is this the case, it didn't really matter given what was being arranged or suggested, it didn't matter - - -?---He was arranging it yeah.

So what do you say was being discussed between the two of you there?---So he wanted me to pay someone direct and then put the invoice through the Council.

It was the wife someone that the two of you knew, it seems, he's talking about or do you say you don't know who it was?---I don't know, is there more on the thing the name?

It might be that this came from an earlier discussion between the two of you that was not on the phones, I'm not sure but it probably doesn't matter. What he was suggesting and you agreed - is this right? He wanted your company to pay money to someone - - -?---To someone, yeah.

10

- - - you would then charge that to Council as if that person had done work for your company on a Council job, is that right?---If - - -

And therefore the person would be paid improperly through Council and you would not be any worse off?---That's correct.

Okay. And did that happen, did that end up happening?---No, because as you heard, like, we were supposed to start getting people to work but it never eventuated.

20

Right. And so that's the 24th of September, that's very shortly before ICAC's investigation was known, so is it the case this didn't happen because of the investigation coming to light?---Um, you could say that.

All right. Was this the only person, sorry, I tender that 11282.

THE COMMISSIONER: That's Exhibit R36.

30 **#EXHIBIT R36 - TRANSCRIPT SESSION 11282**

MR THANGARAJ: Just in case anyone wants to know Commissioner, the whole transcript will go up as part of the tender, I don't think there's anything else we need to play but do you want to have a look at the rest of the transcript or do you want me to play, I think that was the relevant issue on that part of it.---Yeah, that was, yeah.

40 Do you remember whether or not anyone else was asked by Mr Goodman to be paid that way?---Not that I recall.

Okay. And why did you - it might be obvious - but why did you agree with him about that?---I haven't got an answer for that, it just.

All right. No worries. Did you have any other personal benefits from Council that you shouldn't have?---No.

What about a Council vehicle, did you ever use a Council vehicle?---So with a vehicle the story of the vehicle is, my father had a Mercedes Benz that I drove and he took a liking to it and he goes to me, can I drive the car. And I go, yeah. And then he gave me his car to drive which I thought nothing wrong of it at the time. So he drove my car and then he goes, oh, can I get this car off you, the Mercedes.

Was that a C200 by any chance?--No, it was an older E500.

10 Right.---And then I started driving his four wheel drive which obviously I gave my dad to drive for the time being because he was driving his car and then I said um, he goes, I want to buy this car. And I go, well, can I buy this car off you, the one he was driving and he goes, yeah, yeah, it's going to go up for sale anyway. So he goes, give me cheque made out to Botany Bay for this car for an amount and I'll put the difference in.

And did that happen?---No.

20 Okay.---And then when I found out, obviously, what's going on, I just took the car back I didn't want nothing to do with it.

Okay. Nothing further.---Thank you.

THE COMMISSIONER: Mr Moses.

MR MOSES: Mr Gajic, you have four companies that you are a director of, correct?---I believe so, can you tell me which ones that are please.

30 If we could have Volume 7 of The ICAC brief page 3 and the following come up on screen. So it's page 3, Mr Gajic of that document. So you're a director of these entities are you, Speedy Ceilings NSW Pty Limited.---I don't believe I'm a director of Speedy Ceilings NSW, that's an older, the Speedy Ceilings we're talking about now is Speedy Ceilings and Petitions.

You're recorded in ASIC documents as - - -?---A director?

- - - a director, yes.---All right.

40 Speedy Ceilings and Partitions Pty Limited.---No, I'm not a director of that - - -

No.---No.

You were, were you?---I don't believe I was, that's my father's company.

Okay. Highland Profiles Pty Limited?---Highland, yes.

And Cube D & C Pty Limited?---Yes.

And which company did you undertake the most work through for Mr Goodman?---Mr Goodman or Council.

No, for Mr Goodman first?---I didn't do no work for Mr Goodman through the, through a company.

10 Okay. So when you did work as Ms Mishra's home or Ms Baccam's home, what company did you use?---I didn't use a company. I did do a quote for Suman's house but that wasn't for any work they wanted a quote because - - -

Ms Mishra's evidence I think in these proceedings was that you did do some work at her house and you were meant to come back in December but you didn't because of the ICAC Investigation.---That's correct, I called her to come and finish the work and but with, I don't, the question you asked before, what work did I do through the company I - - -

20 Through the company for those two women, yes.---I didn't do any work through the company but I have invoiced a quote because they needed for, I think, um, for insurance because it was storm damage or something for that work.

Okay. Now, Highlands, Highland Profiles, Milan Gajic is that your father? ---No, my brother.

Your brother, Okay. Now did Highland do any work for Council?---Yes.

What kind of work?---The same as Cube.

30 Tell me what Highland did, don't worry about same as Cube, what did Highland do?---Supplied labour hire like done, I don't know which one done the works on the Council building, replaced ceilings, roofing.

The invoices that were issued by Highland Profiles, that was for contractor and consultancy work.---Contractor?

And consultancy work, there's no secret about it, these are your company's invoices, did you prepare them?---Yes.

40 Okay. Now, the Sydney Airport On-line Induction course, did you undertake it?---No.

No. And you know that in order to do work at Sydney Airport that course needs to be undertaken?---No.

You didn't know that?---I didn't know that.

Okay. This work that you did through Highland Profiles for Botany Council, where was the work undertaken?---At Centennial Park.

At Centennial Park.---And Sydney Airport.

Let's stop first with Centennial Park. When did you first do work there?
---You would have to check on the invoice, I couldn't recall.

10 Don't recall. Okay. Can we have up on the screen Volume 11 page 44.
Now that's an invoice, is it, from Highland Profiles Pty Limited.---That's correct.

Did you prepare that one?---Yes.

So you prepared all invoices for Highland Profiles?---Yes.

20 The entry there for 5th of August, 2014, supply labour and materials for pavement repairs at T1 for \$7,580 and the notation Gary Goodman said, "It's okay to pay." Do you see that?---Yes, I can see that.

Okay. Was that work undertaken?---I can't recall.

Could that be a false invoice sir?---It could be, I can't recall.

Could we also then show the witness Commissioner, pay 85 Volume 11. That says there dated 14th of October, 2014 maintenance works at ACL Sydney Airport and Centennial Park, do you see that?---Yes.

30 \$3,680.---Yes.

And it says there, hours and day approved by Mal Foo. Do you see that?---Yes.

Now, is that a false invoice or you don't know?---I don't think it is.

You don't think it is.---No - - -

You think that's legit?---Yes.

40 Why do you think it's legit?---Because it's got the, because I did supply labour hire to those areas.

In 2014?---To those areas, yes.

How do you know you supplied that amount of labour and not an inflated amount was put on the invoice?---Because I had a rate say, if we divide the days by hours, by the rate, you should get that amount.

How do you know you actually did that when you supplied the invoice?---
Because I speak to Mal on a daily basis, he goes, the boys this work, one
guy worked that long and - - -

Were you keeping a record?---It was a weekly base so - - -

So we can do this the hard way later on, you know that don't you, what we
do is we collect the wage records that your company should have had - - -?
---Yes.

10

- - - as to what it was paying people, so, you know, just be aware of that.---
Say if we - - -

So, did you keep a wage, did you keep timesheets for employees as you're
required to do and did you record how many people were working and what
you paid them?---No.

No. Did you pay them cash to do this work?---No.

20 So they're on your books?---Yes.

How many employees did Highland have?---Um, Highland didn't have any
because I was paying through Speedy.

Okay. So you were paying what through Speedy?---The - - -

The contractors/employees?---The employees.

30 Yes. How many employees did Speedy have?---For a time, about 300.

How many?---About 300 over time.

What do you mean, over time, at any one time, how many did you have?---
At any one time 300 and then - - -

Full time employees?---Like if we've got big jobs on, yeah.

Full time employees?---If we got big jobs on the company, at any one time?

40 Yes.---Probably about 80 sorry.

Okay.---Yes, like on the big jobs.

Now, between 2014 and 2015 do you know how much Highland billed
Council?---No.

Would it surprise you to learn that it billed the Council \$216,916?---That's
what it is.

And you had a Westpac Bank Account that that money went into?---That's correct.

If we could have on the screen, Commissioner, page 126 of Volume 11. So the money's coming in, you'll see on 6 August there's a deposit from Council. Do you see that?---Yes.

10 And where's the money going, do you know, where the money is going that's coming into this account?---There's no money going out.

So the money's just building up in the account?---Yes, because the way we structured our business then it offset back to Speedy.

Okay.---Do you know what I mean?

So, offset for what?---For like, there's obviously Cube as well, so Speedy's the main one.

20 Yes, we'll come to Cube in a moment. So the money was just sitting in this account and no withdrawals were made from it?---No, only to pay taxes and
- - -

Okay. So, Cube D & C Pty Limited, the registered address for that is [REDACTED]
[REDACTED].---That's correct.

Is that your home address?---That's correct.

30 Now did Cube D & C do any work for Council?---Yes.

Where?---At Council and - - -

Where?---Council.

What headquarters, Council headquarters?---Yeah, I think we done work there.

Not think, where do you think - - -?---I can't recall like, I think we did do.

40 No there was no airport induction undertaken by that company, correct?---
No.

If the witness, Commissioner, could be shown Volume 7 page 15. This is attached to an email, may be perhaps we go back to page 14 from you to Mr Goodman on 12 September, 2002(as said) to start off with, that's a tax invoice. Is that a false invoice?---The supply of bins, is that the one we're looking at.

So if you go to page 18, so page 14, it says "Tax Invoice work as directed" and then the invoice - - -

MR DHANJI: I'm sorry, object. It says supply of waste bins as directed.

MR MOSES: I'm looking at page, I'm looking at page, maybe I've given the wrong description, page 14, volume 11?---Supply of waste bins.

10 I'm just getting radio interference here. I want to go back if I can to volume 11, page 14. I think I've got it right. So volume 11, page 14, you see that, tax invoice. That's an email from you to Mr Goodman?---Yeah.

Work as directed?---Yeah.

If you go to the next page, page 18, if we go to page 18, "Work as directed", do you see that?---Yes.

Was this work done?---I believe so.

20 When you say you believe so, you don't know do you?---I can't recall but (not transcribable) stages work was, yeah.

Is this a dodgy invoice?---No. I don't believe so.

You don't believe so. And where was the work done?---I can't recall where it was done. But it was definitely done.

Okay. And Barris Mustafa, who's that?---He's in my office, my estimator.

30 What is he?---My estimator in my office.

Your estimator?---Yeah.

Okay. When did you start driving for Gas Motorsports?---It wasn't really for them but I started driving the BMW maybe 2009/'10.

2009/2010, okay?---Yeah. That sounds about right.

40 If the witness could be shown a folder. So 2009 is when you started driving for Gas Motorsports or their cars?---My car?

Yeah?---Yeah.

Well the BMW, is that your car?---That's my car.

The orange Gas Motorsport?---Ah, it's got their stickers on it but it's my car.

Okay. So when did you first meet Mr Goodman?---Sorry?

When did you first met Mr Goodman, Gary Goodman when did you first meet him?---When I first started building the car, so 2009, I think it was or 2010.

And you weren't doing any work for Council at that time?---No.

And he invited you to do work for Council?---Yes.

10 Okay. And so do you still appear on his website as one of the drivers?---I believe so because I don't think anything comes down from a website, does it?

Okay. I just want to go back, I'll come back to that folder in a moment. But in respect of Cube, I'm just going to show you another invoice of volume 7, page 15. So that's an email to you from, an email from you (as said) to Mr Goodman dated 27 May attaching an invoice "Work as directed". We'll go to the next page?---Yeah.

20 Now is that a false invoice?---I don't believe so.

Why?---I don't, I couldn't - - -

You don't know either way, do you?---I don't, honestly.

Yeah. So the truthful answer is I don't know?---I don't know.

Okay. Now Cube DNC did work at Suman Mishra's house?---No.

30 No. Okay. Can the witness be shown volume 11, page 22 and page 26. Page 22, volume 11 and page 26. Is that an email from you?---Correct.

And if we go to then the invoice page 26. What's that for?---It's not an invoice, sir, it's a quote.

It's a quote. Was the work undertaken?---(No Audible Reply)

40 Was any of that work undertaken?---No. That was the quote I was talking about that they wanted for insurance. You know I think it was storm damage or something or insurance work, I don't know, they wanted, Gary requested it for Suman to do a quote for her.

You did work at Ms Mishra's house, correct?---Correct.

When was that?---Last year, I believe.

Sorry?---Last year, that I can recall or the year before.

And did you did the work at the house at the same time as Mr Subeski, Alex Subeski?---Not that I, not that I would know.

I'm sorry?---Not that I would know.

Okay?---Yeah, I'd never seen him before.

Okay. Now when was the last time you did work at Ms Mishra's house?---
Late last year.

10

Okay. Could the witness be shown volume 7, page 204. Just while it's coming up on the screen, who paid for that work you undertook?---For?

Ms Mishra?---I haven't been paid yet.

You haven't been paid. How much were you charging her?---Well it was a do and charge thing and - - -

20 I'm sorry?---It was a do and charge so whatever they wanted me to do and I haven't, yeah, been paid for it.

Who asked you to do work there?---Gary.

What did he ask you to do?---They had a leak upstairs on the balcony that they couldn't fix so we retiled the balcony there, sliding door, and there was some plaster board work I still have to do inside. When I rang Suman, I think late last year to come and finish it. She said, no, but I think because the investigation was happening they didn't want nothing to do with it.

30 Because it was dodgy?---The work?

Yeah. That is that you shouldn't have doing it there?---Why shouldn't I have been doing it?

Well who was paying you for it?---I didn't get paid for it.

Who did you think was going to pay you for it?---Gary.

40 The man who owed you money?---Yeah. He still owed me money and there's something that I wanted from him like he had another car there that I was trying to - - -

But you're not – you're a businessman aren't you?---Correct.

Yeah. And you look like the type of bloke who doesn't take a backward step, correct?---Yeah. Correct.

No. And you're not stupid, are you?---No.

No. So you wouldn't have been just doing work for Mr Goodman if he owed you money, you were expecting to get paid from somewhere, weren't you?---But I was trying to - - -

You were expecting to get paid from somewhere, weren't you?---Can I explain myself, please?

10 Were you expecting to get paid from somewhere?---Yes.

Okay. And were you doing the work at Ms Mishra's house to keep him sweet so he could continue to allow you to put in large invoices to Council?--No.

No. So why were you doing it?---I was doing it because I wanted something off him.

Which was?---A car.

20 You wanted a car. Which was the, which car?---It was a Nissan Jetta he had there.

Okay. You wanted that car?---Yeah. I wanted it.

Yeah. Okay?---So I was trying to accumulate to get that car.

Like trying to get brownie points with him?---Not brownie points but to make it to add up to the value.

30 Okay. So you were – so you weren't going to bill him for it you were going to offset it against the car that you wanted?---Yeah. I wanted that car off him, yeah.

Okay. So he was just going to give it to you for nothing?---No. He owed me for the work I was doing.

MR DHANJI: I object. I object.

40 MR MOSES: I'll withdraw it. I'll withdraw it. Page 204, volume 7 is now up on the screen. Is this the Cube bank statement?---Yeah.

So payments are coming in from Botany Council, correct?---(No Audible Reply)

Do you see those payments, large payments coming in?---Yeah. I can see one.

How was that payment made?---Cash. I went - - -

And he - - -?---I actually went and got ah, he gave me a cheque.

Ah hmm?---A cash, cash cheque and I went up there and withdrew the cash.

He gave you a cash cheque?---Yeah, yeah, to get that money out because apparently the work at that house was done for his uncle - - -

10 Okay?--- - - - and we had to make him – because of a disability - - -

Ah hmm?--- - - - we had to make him a bedroom in the garage and - - -

Okay?--- - - - and do a lot of other works they wanted done, yeah.

Okay. Is that recorded here on the break-up?---(No Audible Reply)

It's not the Harvey Norman amounts, is it?---That's all together.

20 No. Where is that recorded as to the scope of work you were doing?
---So labour - - -

Okay?--- - - - and then materials.

Okay. And 18 January, was that again a cash cheque or cash?---Ah, cash.

So that was actually cash, so he gave you 19,000?---I think it was 40 in total, like, I think it was just another 20.

30 But was that one by way of a cash cheque or - - -?---A cash cheque.

A cash cheque. Now, tab 3, you sent this invoice directly to Mr Goodman or this quote?---That's correct.

Did you do that work for Council?---(No Audible Reply)

This is a quote for 26,600?---Is that – I think - - -

40 Did you do that work for Council?---I think we, yeah, I think I would have done – that was at the Council, at the actual Council, they had - - -

Did you do the work?---Yes, I believe so.

When you say you believe so - - -?---I think, yes.

Why were you sending it to the Business Unit?---Actually, actually, sorry, sorry, sorry, sorry, we did do work there but this is, this is a job I quoted for the other side of the building, I don't think it got done, sorry. So - - -

Why were you sending your invoices to the Business Unit at Sydney Airport for something - - -?---That's just - - -

- - - for Gary Goodman. Who told you to send them there?---I had that setup since day 1 and I just, it never got changed and no one ever complained about it.

10 So you'd send the invoices - - -?---Like you mean like why was it made out to Botany Bay, Seventh Street, whatever?

Okay?---That's the initial setup we had in the system and but that's the way - - -

And did he ask you to change that, that quote?---No.

Yes, he did?---He asked me to change what?

20 Did he ask you to change the quote, that one I just showed you?
---Oh, yeah, the quote. I thought you asked if he asked to change the address.

Did he ask you to change the quote?---He asked, I think he asked me to get a cheaper price for him, like, to change a product or something.

Ah hmm. And you did that?---Yes.

30 Okay. So if you go to tab 4 - - -?---Yeah, there was a cheaper tile because of, I think they were trying to reduce the noise and obviously with the different tiles you can reduce the acoustics in the room.

Okay?---So I found a cheaper tile we could have used.

Okay. Sure. Now, if you go to tab 5, Wetherill Park Metal Fabrications, do you know what that's about?---(No Audible Reply)

Is that one of your companies?---No.

40 Okay. Is that one of Mr who's companies, do you know whose company that is?---Wouldn't, wouldn't know.

I'm sorry?---I wouldn't, I don't know. It's got the, it's got someone's name there, S Veljanoski or something.

So you don't know anything about this?---No.

Okay. Do you see there's an email from Mr Goodman to you saying, "Can you give a similar quote, a little more expensive?" What, do you know

what that was about?---I think that was for the insurance quote for her house.

Right?---And they wanted to present a larger, a larger amount quote to the insurance company I believe.

Okay. Now, Ms Marny Baccam?---Yes.

10 Did you do work, did you do work for her?---At the house.

Huh?---The house.

Yep. So you've met her?---Yeah, when we were doing the house.

Okay. Can you go to behind tab 8, tab 6. Do you know what this is about?
---I wouldn't be able to recall, that was back in - - -

You wouldn't have a clue?---It was back in 2013.

20 I'm sorry?---It was back in 2013 as per the email. I wouldn't be able to recall how many emails I get.

Now, Avis, did Mr Goodman arrange for you to hire a car in Brisbane?
---Where, where, where are we looking sorry?

Okay. Well, go behind tab 7?---Behind tab 7, yeah.

30 It's the second Avis for payment instructions. It has you recorded in September renting a vehicle from Brisbane and then you return it at Coolangatta. Did Mr Goodman arrange for you to do that?---Yeah, when we went racing in Queensland.

What, so you used - what, so did you know that - - -?---He said he - - -

- - - he was arranging for Council to pay for this?---No. He just said, hey, I'm organising - - -

40 I'm sorry?---I said, no, he was organising our cars when we went up there when we went racing.

Seriously?---Yeah, why?

Was he with you at this time?---Oh, no, he never caught the same flight as us.

No. So there was you and if you go to the previous page Jacqueline Signorelli, who is she?---Um - - -

She was obviously up there at the same time as you. Is she your wife?---No.

No. Was she there at the same time as you on this little trip?---I can't recall if she was there but she was part of the racing.

She's part of what?---The racing, like when we go racing.

Okay. So who did you think was paying for the car when you were up there?---Who do I think?

10

Yeah?---I don't know.

You don't know. So you just use a car - - -?---I didn't - - -

- - - don't worry who's paying for it?---I didn't organise this.

Sorry?---I said I didn't organise this.

Didn't organise it?---No.

20

No. Who told you to go and pick up the car?---It would have been through Gary.

Gary?---I can't - to be honest I can't recall. We go racing - - -

Did he tell you, did he, did he tell you to tell Avis that you were from Botany Council?---No.

Okay?---Not that I, not that I - - -

30

Not that you can remember?---Yeah. We got off the plane and he said, "Go to Avis. There should be a car under Zoran Gajic." I went there. Didn't even look just signed, picked up the car. Too excited to go racing.

All right?---That's the way it was.

All right. Okay. And you would chase up would you from time to time when your invoices weren't paid with Mr Goodman, you'd, you'd chase him up?---Yeah, I would, yeah, Gary.

40

And you would, you would email him from time to time false invoices to be paid?---Would I email him?

Yes?---Yes.

Now just behind tab 9, this is an email from you to Mr Goodman. Can you explain what this is about?---He asked to use my account that I've got with

WDS to buy some, to buy some gear and then I emailed it to him showing him what he, what he bought and how much the amounts were.

Sorry?---He used my account.

Yeah?---He asked to use my account to buy some – whatever, whatever he bought on my account, see, on Speedy Ceilings.

10 Yeah?---And I think I emailed him the, the invoices because obviously he can't get the invoice when he, when he buys it on someone's account.

Okay. So did he pay you back?---I think it would've, it would've been paid through an invoice.

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

20 No. Okay. So how much do you think now sitting here with the benefit of Counsel Assisting's questions and my questions do you think was the subject of the false invoices to Botany Council via your companies in total, how much do you think was the subject of, of the scam?---To be – I couldn't recall, honestly I couldn't.

Just give us your best shot sitting here today. Is it 300,000?---No. I - - -

No, not that much, no. What, 200?---(No Audible Reply)

You don't know?---I couldn't honestly tell you.

30 You can't honestly tell us?---No, because I did so many dealings.

So many dealings. So if – so that's the best answer so if we were to pursue you in terms of proceeds of crime you wouldn't be able to explain which, which is something that's legitimate and which is not legitimate?---I would have to - - -

So that's your best answer?---I would have to sit down and study, study it and try to - - -

40 Yeah?--- - - - recollect.

But you just don't know, it's all been mixed up hasn't it?---Yes.

Yeah. That may not be a good thing for you?---Yes.

Okay. No further questions.

MR DHANJI: I object.

MR MOSES: Well, it's true. No further questions.

THE COMMISSIONER: I'll take that as a comment.

MR DHANJI: A comment.

10

THE COMMISSIONER: Yes.

MR MOSES: It's a comment. Thank you.

THE COMMISSIONER: Yes. Anyone else wants to ask Mr Gajic any questions? Mr Dhanji, did you want to ask anything?

MR DHANJI: No, thank you.

20

THE COMMISSIONER:

MR THANGARAJ: Just a couple of – could his home address be suppressed.

THE COMMISSIONER: Yes.

MR THANGARAJ: I think that was given at one point.

THE WITNESS: Yeah.

30

THE COMMISSIONER: His home address is suppressed under section 112 of the Act.

SUPPRESSION OF MR GAJIC'S HOME ADDRESS UNDER SECTION 112 OF THE ICAC ACT

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MR THANGARAJ: And could I just ask a couple of these questions, Mr Gajic. Did Highland do any legitimate work for Council?---Yes.

And did Cube do legitimate work for Council?---Yes.

Was – can you tell us whether it was the Airport or the Business Unit or both?---Both.

Both did both legitimately?---Both, both and at the Council.

