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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 1.40PM

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

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

THE COMMISSIONER: Yes, Mr Moses.

MR MOSES: Yes, Commissioner. This is an issue that I've raised with Counsel Assisting. You may recall, Commissioner, in the opening on Monday 29 at page 6 of the transcript at about line 11 there was a submission that was made by Counsel Assisting along these lines that recommendations from external auditors were not followed, and we have sought clarification in relation to that issue, that is whether it has been suggested that the external auditors made recommendations to the Council and that the Council it's being alleged made a conscious decision or otherwise not to follow those recommendations. As I understand it from my learned friend, but he'll correct me if I'm wrong, they, that is Counsel Assisting, doesn't understand or know at this stage what happened with those recommendations, that is with any certainty as to A, what those recommendations were, and B, who they were given to, and C, what happened to them.

THE COMMISSIONER: Mmm.

MR MOSES: But the position of the Council is for the record that the Audit Committee of the Council did not receive recommendations from the external auditors about any serious issue, let alone identifying any alleged weaknesses in the Council structures and certainly didn't make any decisions declining to follow recommendations, so in due course no doubt we'll find out what that is about, but I just wanted to confirm that on the record, because as you would appreciate, Commissioner, there's been some public interest in wanting to ascertain what exactly Counsel Assisting was referring to and we thought we should make the position of the Council clear on the record about that.

MR THANGARAJ: I think I'd better – there might be some, a little bit of misunderstanding. What I said about recommendations from external auditors were not followed, is our understanding and that matters from the external auditors included such things as the amount of control that Mark Thompson had and because he had too much control over certain areas such as the visibility of financials - - -

MR MOSES: Is that Gary Goodman or Mark Thompson?

MR THANGARAJ: That's Mark Thompson.

MR MOSES: Thank you.

MR THANGARAJ: And I don't think the – so part of what we're saying is, the recommendations were made for example that Mark Thompson not have such much control, exclusive control, and a follow-on from that, and I'm not saying this is about the external auditors, but they certainly raised those concerns and they raised those concerns not just last year, but before that.

The product of that as we now know as a result of the investigation is when managers don't have access to their own financials, such as Gary Goodman's given, such as Mark Goodman's - - -

THE COMMISSIONER: Mark, yes.

10 MR THANGARAJ: - - - given evidence about and hundreds of thousands or perhaps more are going through from a particular contract within a particular time, that concentration of power, concentration of responsibility - - -

THE COMMISSIONER: Control.

20 MR THANGARAJ: - - - within one person meant that there was no control that picked up such things as multiple Jovane invoices going through, and so that was a fraud discovery problem. And that is a problem that came about we say, or the investigation seems to suggest, as a result of Mark Thompson having such control and that was a recommendation from the external auditor that had been made more than once.

20 So it's not a matter of we don't know or we can't say for certain. Some things we know and other things we're here to find out. Another example that the external auditors raised was bank reconciliation, that they were not being provided with documents with respect to bank reconciliation, which may have uncovered the level of fraud because part of that process involves working out money coming in and money coming out. And so I certainly don't shy away from what I said in the opening but I can say there are aspects of it that are yet to be fully determined.

30 THE COMMISSIONER: Mmm.

40 MR THANGARAJ: And one of the questions, the external auditor is coming as a witness and one of the questions, one of the concerns he raised was he spoke to Mr Goodman and Mr Goodman was either not providing information, not getting back to him, and one of the questions I'll certainly be asking him is, well, why didn't he escalate that in those circumstances. So there are a number of matters with respect to the external auditors that need to be considered further and that will happen during the course of next week.

40 THE COMMISSIONER: All right. Well, Mr Moses will have an opportunity to - - -

MR MOSES: I'm indebted.

THE COMMISSIONER: - - - ask the questions of that person.

MR MOSES: I'm indebted to my friend for that clarification because the position of the Audit Committee of Council is that that was not raised with them by the external auditor and - - -

MR THANGARAJ: That might be right.

MR MOSES: And we want to find out - - -

MR THANGARAJ: That might be right, yeah.

10

MR MOSES: - - - why that was not being done. And I understand, the Commission may be aware of this but the Department of Local Government recently there's been a report produced about in effect the abolition of external auditors from Councils and having it done in effect through the auspices of the Department of Local Government. That has yet to be implemented but there's a report that has been produced, I think Mr Hurst may be hopefully in a position to tell you about that, Commissioner, when he's called to give evidence. May it please the Commission.

20 THE COMMISSIONER: All right. So we need to continue with Mr Gajic.

MR THANGARAJ: No, he's finished.

THE COMMISSIONER: Sorry, no, he was finished. Yes, I'm sorry. Yes,

MR MOSES: Just finished giving evidence.

MR THANGARAJ: Mr Anmol Rajbhandari.

30 THE COMMISSIONER: Mr Rajbhandari, can you come forward, please. And Mr Rajbhandari is unrepresented as I understand it?

MR THANGARAJ: Yes, that's correct.

THE COMMISSIONER: Yes. Just come forward, please. Take a seat.

Mr Rajbhandari, you must answer the questions asked of you truthfully. You do not have the option of refusing to answer, even if your answers might implicate you or involve you in some kind of wrongdoing. Do you understand that?

40

MR RAJBHANDARI: I do.

THE COMMISSIONER: I can make an order that protects you from the use of your answers against you in any future civil or criminal proceedings but the order does not protect you if you give deliberately false or misleading evidence to the Commission because in those circumstances

your answers could be used against you to prosecute you for an offence under the ICAC Act. Do you understand that?

MR RAJBHANDARI: Mmm.

10 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
10 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 **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**

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

30 MR RAJBHANDARI: Affirmed.

THE COMMISSIONER: Sworn or affirmed, affirmed?

MR RAJBHANDARI: Yes.

THE COMMISSIONER: Can we have the witness affirmed, please.

THE COMMISSIONER: Yes, Mr Thangaraj.

MR THANGARAJ: Is your full name Anmol Rajbhandari?---Yeah.

You did some work for Botany Council and for people who did work for Botany Council?---Sorry?

10

You did some work for Botany Council?---Yeah, I, I didn't directly do the work for Council but I was just a labourer, so I work under Zoran or Gardens to do the work for Council.

And when you were around Council, what were people calling you, what did they call you?---I have different names. Sometimes they call me Adam, sometimes they call me Andy.

20

Okay. Adam or Andy?---Ah hmm.

All right. And were you studying at that time or are you still studying? ---I'm still studying.

And you're studying a Master of Information Technology at UTS?---Yes.

All right. Okay. When did you do work for a company that did work for Council?---Sorry?

30

When did you do – you worked for a couple of companies that did work for Council?---Ah hmm.

Who were they?---Speedy Cleaning and - - -

Speedy - - -?---Speedy Ceiling.

Speedy Ceilings, yeah?---And Gardens2envy.

40

All right. And at Speedy, Speedy Ceilings, that was with Mr Zoran Gajic? ---Yeah.

And do you remember when you did that work?---I don't exactly remember the date but it's probably around August of 2014.

And how long did you work for?---Probably six months.

Okay. And how were you paid, sorry, what work did you do?---I was a labourer so I work as a landscaper, steam cleaning, litter control and that sort of job.

And who would tell you what work to do?---Malcolm.

Malcolm who?---Malcolm, Malcolm Foo.

Malcolm Foo?---Ah hmm.

10 All right. So you were working for Mr Gajic and would he send you to do work and Malcolm Foo would tell you what to do. Is that right?---Yeah, Malcolm asked me to do the job.

Okay. And who was paying you?---Zoran.

And how was he paying you?---Tax in bank account.

He was paying you into your bank account?---Yeah.

20 All right. And you then – after that you worked for Gardens2envy did you? ---Yes.

And who did you work for there?---Robert.

Do you remember his surname?---No.

Okay. And how did you – why did you stop working for Mr Gajic? ---Because (not transcribable) just said that Zoran is now working for Council and then Malcolm want me to work under Robert.

30 So Malcolm organised did he for you to work for Gardens2envy?---Yeah.

So what had happened, did he say ring this guy or this guy, this guy is going to ring you?---No. I worked with Robert before.

Okay?---And then he said just to come and work and just send your hours through Robert. That was it.

All right. Okay. So when you were doing work for Zoran Gajic were you also doing work for Gary Goodman?---No.

40 When you – so you started doing work or little jobs – when I say work I mean – all right, we'll go back a step. Did you do any work for Gary Goodman?---Yeah.

What did you do for him?---I work in weekends like doing the cleanings - -

Right?--- - - - and gardening at his place.

Okay. So cleaning and gardening at his house?---Ah hmm.

Only one house or more than one house?---His house and then his workshop.

Okay. Yeah. What else did you do for him?---And sometimes he wants me to do other short jobs.

10 Like what?---Like buying food or cigarettes or filling up the car or sending money.

Sending money overseas?---Overseas.

And where would you go to do that?---Sometimes MoneyGram, sometimes Western Union.

20 Okay. And was he paying you for this work?---He was not like, I haven't – I was not like, calculating how much I worked or what I do but sometime I asked him money and he would just give it to me.

All right. Were you on an hourly rate?---Basically I was able to work on an hourly rate before I started there but later he paid \$100 a day.

Okay. And how was he paying you?---Cash.

All right. And – all right. And when were you doing that, were you – who – were you working for Mr Gajic or Gardens2envy at that time?---I probably was working for Robert.

30 Okay. So after you stopped working for Mr Gajic you started working for Robert and at the same time you were doing weekend work for Mr Goodman were you?---Maybe after sometimes after I shift to Robert.

Right?---Then maybe after a month or two I work for Gary.

Okay. And during the week he would ring you sometimes and ask you to go and deposit money or go and pick up a cheque or deliver something or something would he?---Yeah.

40 Okay. And so you would do that if you were available?---Ah hmm.

And you would help him doing it that way?---Yeah.

All right. Now I might have – sorry, I might have asked you this. How did Robert pay you from Gardens2envy, how were you paid for that work?
---Bank account.

Bank account?---Ah hmm.

The same bank account?---Yeah.

All right. And did you have an hourly rate when you were working for Gardens2envy?---Yeah.

What was that?---20.

10 Okay. Did you once go to Newcastle to pick up something for Mr Goodman?---Yeah.

What did you pick up?---I went to collect cash from Zoran.

Right?---And then I send it to overseas.

Okay. You picked it up from Mr Gajic and then you sent it overseas? ---Yeah.

20 Okay. Now where did you get the account details from?---Gary Goodman provided me.

All right. Now how did you – how did you get paid for the number of hours, so what I mean is let's say you're working for Mr Gajic?---Ah hmm.

Would you keep a record of how many hours you did for him?---Yes.

You did?---Yeah.

30 And then what would you do, would you tell him how many hours or did somebody else tell him?---I, I said to Malcolm and he would fix it up.

Sorry, you told Malcolm?---Ah hmm.

Right. So when – you were telling Malcolm how many hours you did for Mr Gajic and then you would get paid?---Yeah.

All right. And did you check whether you were being paid the right amount?---Yeah.

40 Okay. And were you being paid the right amount?---Yeah.

Okay. And then when you started working for Gardens2envy - - -? ---Ah hmm.

- - - what happened with your hours then to get paid?---When I started work at Gardens2envy the bloke usually doesn't pay me on time so it was like, pending, pending payment for maybe a month, sometime even two months so - - -

So he owed you for two months, one or two months' work?---Ah hmm.

Right?---And then later he pay me, pay me the time.

Okay?---So there are - - -

All right. So in the end did – are you owed any money by either of those companies?---I still – he still owes me for 30 hours or 40 hours.

10

Who, Gardens2envy do?---Yeah.

Okay. Now when you gave your hours – sorry, did you give your Gardens2envy hours to Malcolm?---Yeah.

Did you – so for all of your Gardens2envy payments -?---Ah hmm.

- - - and your payments with Robert – with Mr Gajic they all went through Malcolm did they?---Yeah.

20

Okay. And when Malcolm – so then the money was put into your account? ---Ah hmm.

The – when you told Mr Foo about your hours did you include the hours you were doing with Gary Goodman?---Sometimes he wants to put the money and send it to Malcolm.

Yeah?---So I put it sometime but not always, maybe once or twice.

30

Okay. So once or twice did you tell Malcolm Foo I've done this many hours with Gardens2envy and this many hours with Gary Goodman?---Yeah.

And did Malcolm – and why did you do that, did Malcolm Foo ask you or did you just tell him?---I, I asked Gary about the money.

That he owed you?---Yeah.

40

Right?---And he said that send it to Malcolm and he will fix it up so I sent it to Malcolm.

Okay. And then you got paid by Gardens2envy for that?---Yeah.

And when you spoke to Malcolm did you say to him I've done this many hours for Gardens2envy and this many hours for Gary?---Yeah.

And then you got paid all together?---Yeah.

All right. Did Gary ever give you a – sorry, did Mr Goodman ever give you a car to use?---Yes.

Do you know what car that was or do you remember, sorry, do you remember what car that was?---It was a Ford ute.

A Ford ute?---Yeah.

10 And how long did you have that for?---Maybe one month.

Okay. And any other cars after that?---Toyota Hilux.

And how long have you had that one?---Two to three weeks maybe.

Do you know who owned the cars?---No.

Where did you get the cars from?---From his place.

20 When you say his place, do you mean his house or the workshop?---His workshop, Gas Motors.

Gas Motorsports?---Yeah.

And when you finished with them what did you do with them?---Sorry?

Where did you keep the cars overnight, at your house or at the - - -?---At my house.

30 Okay. So when, when you stopped using the Ford ute - - -?---Ah hmm.

- - - where did you leave it?---At Gas Motorsport.

And the same with the Hilux?---Yeah.

All right. Does Mr Goodman owe you any money now?---No.

Did anyone ever pay you cash for any work that you did besides Mr Goodman?---Cash. No.

40 All right?---Only once Alex gave me \$50 extra.

Alex Subeski?---I don't know his full name.

Okay. And what was – what did you do for that person?---I went to collect cash or cheque maybe. I don't remember.

So who asked - - -?---For Gary.

- - - you to go and pick it up?---Gary.

Okay. You went and picked up a cheque from, from an Alex?---Cash or cheque I don't actually remember.

Cash or cheque. All right. To give back to Mr Goodman?---Yeah.

And he gave you a \$50 tip did he?---Yeah.

10 Okay. Have you ever been to Flower Power at Taren Point for Mr Goodman?---Yeah.

And what did you pick up from there?---A couple of pots.

A couple of pots?---Uh-huh.

Yeah. Anything else?---And what is it like, pot mixing (not transcribable)

Right?---And a couple of bamboos.

20

And was it just you or someone else with you?---Someone else with me.

Who was with you?---My brother-in-law.

Okay. Does he work for Council?---Yeah.

What does he do for Council?---He's a labourer too.

Right. What's his name?---Sachin Joshi.

30

Okay. And he and you went out to Taren Point to pick up this – these materials?---Yeah.

Who asked you to do that?---Gary.

And where did you leave it?---At Gary's place.

Which place?---His house. His house.

40 His house. Okay. And do you know who paid for that?---No idea but I call Robert because the guy who was under (not transcribable) place he didn't allow us to take the materials.

Yeah?---So I had to call Robert and then Robert talking to that guy and it was all fixed.

Okay. All right. So you did not pay for anything?---No. I just purchased a pot, a flower for myself.

That's separate?---That's separate, I paid for myself.

Okay. So you paid for what you wanted and the rest you don't know what happened but you know Robert spoke to the - - -?---Yeah.

Okay. Did you ever send your hours to Lyndal?---Yeah.

Who's she?---She apparently is accountant of Robert.

10

So you think she's an accountant for Gardens2envy?---I think, I usually talk with her about hours. But I don't exactly know her or what she does over there.

Who told you to speak to her?---Robert.

Robert did?---Yeah.

20

All right. So, sorry, I, maybe I misunderstood. I thought before you were saying your hours for Gardens2envy went through Malcolm Foo?---Yeah. I sent hours to Malcolm and Lyndal.

To?---So I send one of them hours and - - -

You told both of them your hours?---Yeah.

Okay. And how would you tell Lyndal what your hours were?---Text or email.

30

Okay. And what about with Malcolm Foo?---Text.

Text?---Ah hmm.

All right. Did Mr Foo ever give you any equipment?---Yeah.

What did he give you?---A blower.

40

A blower to use in the gardening that sort of equipment?---No, for litter control. I used to do night shift - - -

Sorry, for what, sorry?---For litter control in airport.

For litter control?---Yeah.

Right. So it picks up rubbish, does it or blows rubbish?---No, it blow, blow the rubbish to the road and the sweeper machine will come and pick it up.

Okay. Any other equipment?---No.

So he gave it to you to use for work, did he?---Yeah.

And what happened to it?---I gave it back to him when I leave.

To who?---I gave it back to Malcolm.

10 Okay. All right. Did he ever give you any equipment for you to keep for yourself?---No.

Okay. All right. Nothing further.

THE COMMISSIONER: Yes, Mr Moses.

20 MR MOSES: Sir, I just have a few questions. Could the witness be shown volume 1, page 175. Just while that's coming up on the screen, I think you said that you picked up money from Mr Subeski, is that right, Alex Subeski?---Yeah.

Yeah. And I just want to show you a document. This is a cheque made out to cash for \$8,050 from Iced Air and is that your signature that appears - - - ?---Yeah. It's mine.

Yeah. So you – how many times would you go to Mr Subeski to pick up cash or cheques?---I can remember maybe I went to his place twice.

Twice?---And I met him at his work for the cheque maybe two times.

30 And who asked you to go there?---Gary.

And did Mr Goodman tell you what he wanted you to do with the money when you picked it up?---He just wanted to send overseas.

Both times?---Yeah. All the time.

Okay. So this cheque that you cashed for \$8,050, what did you do with it - - -?---This one?

40 - - - with the cash, yes?---How much is it?

That was \$8,050?---I think I send some of it to overseas and then I went and gave to him.

The rest of it to Mr Goodman?---Yeah.

Okay. And I'll just be very quick about these questions. Did you do work at Ms Baccam's house, Marny Baccam's house?---I just dropped some cement, maybe a sack, couple of sacks of cement.

Yeah. Okay. And where did you get that from?---I don't know, it was in his Volkswagen, the big van.

Okay. And did you do some work at Ms Mishra's house?---Yeah. I went there to do the cleaning and some gardening too.

10

Okay. And who paid you for doing that work?---Gary.

Directly he paid you?---Yeah.

What did he pay you with?---Cash.

Cash. Okay. And Gardens2envy, sorry, withdraw that. Just going back if I can. When did he pay you that money?---Which one?

20 For working at Ms Mishra's house?---Suman's house?

Yeah?---The same day.

Do you when, last year, this year?---Last year.

Okay. And Gardens2envy, you did work for Gardens2envy?---Yeah.

Where would you do that work?---I usually work at airport.

30 At the airport?---Ah hmm.

Okay. I have no further questions of the witness.

THE COMMISSIONER: Does anyone have any other questions? No. Thank you, Mr Rajbhandari?---Thank you.

You can step down. You're excused.

40 **THE WITNESS EXCUSED**

[2.05pm]

THE COMMISSIONER: Just leave those documents there, thank you.

MR THANGARAJ: Joe Freitas, Commissioner. While he's coming up, can I say he's the last witness for today. Next week's witnesses are up on the website with, can I just make a couple of slight alterations in part because we've asked by legal representatives. Mr Gligorov will be first on

Monday, followed by Malcolm Foo and then the rest of the witnesses. If there any other changes of course, we'll notify the legal reps.

THE COMMISSIONER: Thank you. Just take a seat Mr Freitas. Mr Bowe, have you told your client about the effect of the section 38 order?

MR BOWE: 37 and 38, Your Honour.

10 THE COMMISSIONER: Yes, thank you. Just take seat, thank you. Mr Freitas, you need to appreciate that the order that I'm about to make protects you from the use of your answers against you in any future civil or criminal proceedings but it doesn't protect you if it should find you have given false or misleading evidence to the Commission. Do you understand?

MR FREITAS: Yeah. My, my hearing's bad.

THE COMMISSIONER: All right. Did you hear what I just said?

20 MR FREITAS: Yes.

THE COMMISSIONER: Right. So you understand that you must answer the questions truthfully?

MR FREITAS: Yes. Yes. Yes.

30 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.

40 **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**

THE COMMISSIONER: Do you want to be sworn or affirmed Mr Freitas? Sworn or affirmed?

MR FREITAS: Sorry?

THE COMMISSIONER: Do you want to swear, do you want to give an oath?

MR FREITAS: I'll swear on the Bible, yeah. Yeah. Sorry.

THE COMMISSIONER: All right.

10

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

Sorry. Could you give the Commission your full name?---My name is Joe Freitas.

10 All right. When did you meet Mr Goodman?---I met him probably around 14 years ago. When I first got into business his wife works for a local school and they had a bus that had rust and that on it and he asked me if I was interested in giving him a quote to do the job, which I did. And they were happy about it and then after that he asked me to, to quote some of the cars for the Council, some of the old cars and that.

All right. When did you start doing work for Botany Council?---Sorry.

20 When did you start doing work for Botany Council?---I can't remember the exact date.

Just roughly?---Probably around 10 years or something like that, 12. I'm not sure.

And did you get that work because of Mr Goodman?---I'm not sure. I got the work, I done the quotes and - - -

Well he asked - - -?--- - - - I done the job.

30 He asked you to quote for something, did he?---Yeah. He asked me to do the quotes. At the time it was someone else that was in charge of it. I quoted a couple of small trucks and they gave me one job, they were happy with it and I did a few other jobs from then on, yeah.

After you did the job on the school bus you start and - - -?---Sorry.

You did the work on the school bus, the bus that his wife had brought in? ---Yeah. His wife worked for a local school.

40 Yeah. So after, after - - -?---And, the bus had - - -

Rust?--- - - - wheelchair access that had rust in it. And I repaired that but that was - the school paid for that. That had nothing to do with - that was prior to any work being done for the Council.

All right. Did you ever do work for Mr Goodman himself?---Sorry?

Did you ever do work for Mr Goodman?---I apologise, I can't, my hearing is really bad and - - -

Did you ever do work for Mr Goodman?---Yes.

What work did you do for him?---I painted the car once for him, a Mazda, yes.

10 Only one job?---No, no, that was a few jobs throughout the time.

And were you doing that when you were doing work for Botany Council or before?---No, the jobs that I did for him he paid for them separately, nothing to do with the Council.

I understand that. He paid you cash for those jobs, didn't he?---Yes, some, yes.

20 And was that, were you doing those jobs after you had started doing work for Botany Council?---I did some of them before, before that.

And some after?---And then yeah, after, throughout the time yes.

All right. All the work that you did for Mr Goodman did you charge him your normal rate?---Yes.

And did he pay them all?---Sorry.

Did he pay for all of it?---Yes, he paid for all.

30 Now did you ever have to put in a quote, once you got your first job at Botany Council, after that, did you have to put in any quotes?---Sorry.

For Botany Council, did you have to put in quotes for every job?---The first yes and after that sometimes no because sometimes they wanted the quote, basically they wanted the car repaired over the weekend and they rang you up on the Friday and I can't quote things until I see it.

So if it wasn't urgent - - -?---Sorry?

40 You did not put in a quote when it was urgent?---No, you can't quote things.

I understand things.---Yes.

Were there times where you could have put in a quote but you were not asked to put in a quote?---Yeah, I done the quotes for them, yes.

All right. Were there other times where you did not put in a quote but you had time to put in a quote?---Not necessarily, no.

Okay. All right. When you put in a quote, who did you send it to?---I used to a lot of them to Brian Burloch um, I send it to, it depends where they were from. Send some for the Depot who was working at the Depot, Botany Depot but he demanded all the quotes got send to him after a while.

Mr Goodman?---Yes.

10 So, when did that happen, when did he say he wanted all the quotes coming to him?---Probably about five/six years ago, something like that.

Okay. And then after that, no matter who asked you for the work you send the quotes only to Mr Goodman did you?--Yes, I normally send it to him and send it to whoever asked me to do the quotes like after, I think, Doris ended up doing a lot of the work so if she asked me to do a quote I done it for her or yeah, I can't remember anyone else.

20 All right. So you were not only sending to Mr Goodman you were sending them to whoever was responsible and Mr Goodman, is that what you're saying?---Sorry?

You're sending them to Mr Goodman and whoever - - -?---Yeah, whoever asked me to do the quote for, yes.

And what about invoices for your Council work?---Invoices was the same, used to send them to Brian Burloch if it was his part and but Gary demanded all the invoices be sent to him.

30 All right.---A lot of them, depends, if I did a job for the Botany Depot, I send them an invoice but you can't send twice, you know.

What happened then, did you send every invoice to Mr Goodman?---Yes.

And did you send any invoices to anyone else?---No.

Okay. Did you ever send in a false invoice to Council?---No.

40 Are you saying that all the invoices you sent into Council was what you were entitled to send in?---Sorry?

Did you ever ask from money from Council that you were not entitled to?---No.

Okay. So every invoice you sent in was a genuine invoice was it?---Yes.

Okay. Did Mr Goodman ever ask you to put on an invoice so he could get some extra money?---No, not that I recall.

Did you owe, did he ever borrow money from you?---I for like \$200, \$500 sometimes, I don't have a lot so I didn't lend him a lot.

But you lent him some?---Sorry.

You lent him some money.---Some, some, not all.

Did he repay you that money?---Yeah most of the time he did.

10 So he still owes some money does he?---Probably owes me about \$500 I don't know just the top of my head.

Do you know how he got the money back that he used to repay you?---I don't know I seen him go the bank a lot of times and get money out, that's all I know, a couple of times where I got a lift off him to either pick a car up or drop a car off and he'd stop by the bank and get money out.

20 All right. Now when you did your work for the Council, you wanted to be paid?---Sorry.

When you did your work, you wanted to be paid of course?---Yes, of course.

So when you did the work you sent in the invoice?---Yes.

He didn't need to tell you to send in an invoice, you wanted to send in your invoice?---Sorry.

30 When you had done the work - - -?---Yes.

- - - you sent in the invoice?---Yes.

You did not need him to ask you to ask for an invoice did you?---I didn't need to, sometimes he asked for it because I've taken a vehicle back and I just got busy and I didn't do an invoice so he, he rang me up and where's the invoice for that.

40 All right. And what about, he would not need to tell you what to put on the invoice would he?---He wouldn't need to tell me, no.

Well, because you would be, you would be the one who would say, well, this was the work I did and this is how much it costs?---Yeah, on, yeah.

Can we play 7861 please.

TELEPHONE RECORDING PLAYED

[2.17PM]

MR THANGARAJ: Do you remember that conversation you had with Mr Goodman?---Yeah, I remember that, yes.

All right.---I just.

Do you want to change your evidence?---Sorry.

10 Do you want to change what you said before about false invoicing?---Yes.

Okay. Now Mr Goodman owed you some money?---Sorry.

He owed you some money?---Oh yeah, he did.

He wanted to repay you some of that money?---Yes.

20 Look Mr Freitas, I'm not saying, I've listened to these telephone intercepts, to be frank, you don't sound, I'm sorry. I've listened to these telephone intercepts, you did not seem like you were too happy about doing this.---No.

But you did do it?---Yes.

And I encourage you to tell the truth because as you now know there is proof of what you did. Do you understand that?---Yes.

Okay. Mr Goodman owed you money, right.---Yes.

I assume you were chasing him for some time for that money?---Yes.

30 He wasn't paying you?---Sorry?

He wasn't paying you? He still owed you the money, he wasn't repaying you?---Oh, yeah, he still owes me money, yeah.

Yeah. How much does he owe you now?---I don't know, I can't think off the top of my head, but yeah.

10,000?---Sorry?

40 10,000?---No, probably around the 5,000 maybe.

Okay, 5,000. All right. Let's go back to this call. He owed you some money?---Yeah.

He wanted to repay, he wanted to reduce the debt to you?---Yeah.

And the way that he wanted to do it was by you putting in a false invoice?---Yes.

And you agreed to do that?---Yes.

All right. Now, this isn't the only phone call where that happened, is it?
---Sorry?

It's not the only time he did that, is it?---Oh, probably not, no. He used to ring a lot of times and a lot of times I couldn't hear what the hell he was saying.

10

Well, these phones calls, you're not telling him I don't, I can't hear what you're saying, you're engaging, you're having a conversation with him. All right. Just accept that from me?---Yeah.

There were other occasions – and we'll go back. So you put in false invoices to Council, didn't you?---Yes.

And that money went into your account. Right?---Yes.

20 And some of that money was used to reduce the debt that Mr Goodman owed to you?---Yes.

All right. How much do you think was repaid to you through this scheme?
---Well, I'm not sure, no.

Well, you must know roughly what you lent Mr Goodman, you know that he – you say he owes you about 5,000, how much do you think you lent him over all?---Oh, well, over the period of time it was about 5,000, but yeah, I think - - -

30

No, 5,000 is what he owes you?---Yeah.

What did you lend him overall? Because he's - - -?---Sorry?

What did you lend him overall?---Oh, at the time um, probably around, I'm not sure, six maybe, I don't know.

Well, this invoice alone you're being repaid 2,000?---Yeah.

40 And that's just the first invoice. That's just the first false invoice?---Yeah.

So you must have been repaid a lot more than \$1,000?---Yeah, yeah, oh, no doubt. I'm not sure how much it was. I don't know.

All right. Well, I tender that.

THE COMMISSIONER: Yes. That's Exhibit R38.

#EXHIBIT R38 – TRANSCRIPT SESSION 7861

MR THANGARAJ: How many times do you think you put in a false invoice to Council?---Well, a few times.

Well, how many's - - -?---I'm not sure.

10 How many is a few roughly?---Sorry?

Roughly how many do you think?---I don't know, four or five.

All right. I'll just be one moment, Commissioner.

When you were giving Mr Goodman money, did you give him cash?
---No, yeah, well, most of the time, yes.

20 And you were also paying bills for him, were you?---Yeah, I paid some bills for him, yeah.

There's one call where you say something like, "All I've been doing for the last 12 months is paying your bills." Is that right?---Yeah, could have said that, yeah.

What sort of bills were you paying?---Oh, just used to get car parts and just pay the bills for him, that's all.

30 How would you get the bill?---Sorry?

How would you get the bill?---Well, he ordered the parts and he asked me to pay the bill for him.

So who would you pay?---Sorry?

Who would you pay?---Oh, whoever he ordered the parts from.

How many times, how many bills do you think you paid?---I'm not sure.

40 Well, are we talking one or two or more than 10?---Be probably more than 10, yeah.

Okay. Well, what sort of bills were you paying besides car parts, what else?
---That's pretty much just car parts, nothing - - -

Are you talking about 10, more than 10 bills for car parts?---Yeah, oh, different bits and pieces he used to get from different parts, that's all, yeah.

And what, would you be given a bill and you would then pay it or would he just tell you to pay a certain person an amount of money?---Yeah, he'd give me the bill and said pay that bill for me.

And how would you pay it?---Oh, with a cheque or credit card.

All right. And why were you doing this?---Basically made me do it.

Well, when you say made you do it, what do you mean by that?
10 ---Well, if I didn't do it I didn't get the work pretty much.

The Council work?---Yes.

Was that something he said or was it your understanding?---Sorry?

Did he say that?---Yes.

What did he say?---I said, "It's not fair," but - - -

20 Sorry?---I told him it's not fair for him - - -

No, what did he say?---He just jumped up and down pretty much.

But when you say – you've just said that you would not get the Council work unless you paid it, what did he say to make you believe that?
---Sorry?

What did he say about the Council work?---What do you mean, what - - -
30 About you paying these bills or giving him cash?---Yeah.

You said you would lose the Council work?---Yes.

Well, what did he say to you?---What do you mean, about, about - - -

About losing the work?---Oh, he basically said because of all that once I'd done once he had me with um, you know um - - -

Well, I don't want, I don't want – I want you to tell me your best memory of
40 the words he used when he said these things to you?---Um, I can't, I can't think of what, what - - -

Well, what did you think would happen if you did not pay his bills?
---Um, I'm not sure. Can't answer that.

Well, a few minutes ago you were suggesting that you had to do it?
---Sorry?

A few minutes ago you said he made you do it. What did you mean by that?
---Basically if I didn't do it I wouldn't get the work.

Yeah?---Right?

Yeah?---Um - - -

Did he say that to you?---Yes.

10 Okay?---And - - -

Because what, you understood what you were doing was a very serious - - -?
---Sorry?

You understood what you were doing was very serious?---I - - -

Well, putting in a false invoice you understood was a very serious step to
take?---Yes.

20 All right. We'll play 2188.

AUDIO RECORDING PLAYED

[2.28pm]

MR THANGARAJ: All right. Is that an example of Mr Goodman - - -?
---Yeah.

30 - - - basically saying if you don't want to do - - -?---Yeah.

- - - the false invoices he'll take the work away from you?---Yeah.

Okay. I'll tender that on Monday that transcript, Commissioner.

THE COMMISSIONER: Yes.

MR THANGARAJ: Can you tell by looking at an invoice which is the false
one and which is the genuine one?---Yeah, I probably could.

40 All right. So if you were to sit – would that take some time or could you do
it quickly?---Sorry?

Can you do that by looking – if I show you an invoice can you tell whether
it's false or not or do you need to go through them all?---I'm not sure.

All right. But if you sat down and had some time to go through them with
your records you think you could work out which is false and which is not
false?---Yeah. Yeah.

All right. There were a few invoices that had golf ball damage?---Yeah.

What was that about?---Oh, some of them, some of them were golf ball damage, yeah.

Were they – was that real or not?---Oh, some of them were, some of them weren't.

10 Some of them - - -?---Some of there and some weren't.

Okay. Who decided what to put on the invoice?---Mr Goodman did.

Okay. And he was suggesting at times that you should put on extra for yourself?---Yeah.

Did you do that sometimes?---No.

20 All right. He – to be fair to you he seemed at times to - - -?---Sorry?

Okay. It seemed like you were not too happy about - - -?---No.

- - - being involved?---No.

But at the end of the day you did get involved?---Well, once you got involved with him he just got you over - - -

I understand?---He's a very demanding person.

30 I understand?---And um, I'm basically weak.

All right. And you did not tell the truth about this when you were asked- - -?---Sorry?

You were asked about this previously in this room and you didn't tell the truth about it then, right?---No.

40 And until I played the recording here you were proposing to not tell the truth about it as well. Is that right?---Sorry?

Until I played the recording you weren't telling the truth - - -?---Yeah.

- - - either here?---Yeah, well, yeah.

All right. Nothing further.

THE COMMISSIONER: Yes, Mr Moses.

MR MOSES: Sir, I act for the Council. I just have a few questions to ask you. Can you hear me?---Sorry?

Can you hear me?

THE COMMISSIONER: You might want to move forward, Mr Moses. It's just easier when there's a microphone straight in front of you.

MR MOSES: Sir, your company Elias & Sons - - -?---Yes.

10

- - - how long have you been working in that company full-time?---About 15 years.

How many years?---15.

Okay. Did you have a period of employment with MCS Maritime Container Services?---Sorry?

20

MCS Container Services did you work for them?---LC, no.

No. What about Chess Hanley's Removals?---Sorry?

Chess Hanley's Removals have you worked for them?---No.

Sorry?---No, I - - -

No?---I don't recall them.

30

Grace Removals?---Sorry?

Grace Removals?---Crush Removals?

Grace Removals?---Grace Removals?

Yeah?---No, no, I never worked for them.

40

Okay. I'm going to show you a document. This is an email from sonelias which is your work email address to Gary Goodman. I just want to understand whether - - -?---Grace Removals.

Yeah?---No, I've never - - -

You've never heard of them?---Oh - - -

Okay?---My brother used to work for them.

Your brother used to?---Yeah.

Not you?--- No.

Okay. Okay. Now your company Elias & Sons that's based where, at Wetherill Park?---Yes.

In the business unit near Mr Goodman's Gas Motorsports?---Sorry?

Near Gas Motorsports?---Yes.

10 Correct?---Yes.

Okay. And you were heard on the phone talking about doing your tax returns?---Yes.

When is the last time your company put in a tax return?---That would have been – I am not sure. I'm not sure.

Was it last year?---Sorry?

20 Last year?---The last invoice, sorry?

Your last year – did you put in last year's tax return?---The last year - - -

2015, did you put a tax return in last year?---Yeah, yeah.

You did?---Yes.

Okay. What's the name of your accountant?---Sorry?

30 Who is your accountant?---Roger LRJ Accountant.

Where at?---He's in Wetherill Park.

Okay. Now when did you meet Gary Goodman?---When did I meet him?

Yeah?---When I got, when I bought the business.

Because his Gas Motorsports was nearby you?---Not at the time, no.

40 Okay. So how did you meet him?---Sorry?

How did you meet him?---Oh, he, he was dealing with someone else.

Okay?---I bought the business.

For his motor company?---Sorry?

For his motor company. Is that right?---Sorry?

Were you doing work for his motor company?---No.

Were you repairing his cars?---Sorry?

Were you repairing his cars?---Like prior to - - -

When you bought the business?---Yeah, I was – when I bought the business I didn't know him.

10

Yes, but then you started doing work for him?---Probably a year after that I done some work for him, yes.

Do you know Sam Alexander?---Sorry?

Sam Alexander?---He's the phone bloke.

He's the what?---Telephone bloke.

20

Yeah. How did you meet Sam Alexander?---I met him through Mr Goodman.

Did you know Bruce Gray?---Sorry?

Bruce Gray, have you met Bruce Gray?---Yes.

And who is he?---Bruce Gray, yeah. He was at the airport.

30

He was the Business Unit mechanic?---Yes.

Now the invoices that you sent to Council, you sent them to Gary Goodman?---Yes.

And who else?---Sorry?

Who else did you send the invoices to?---Brian Burlock (not transcribable) Yeah, I can't remember anyway.

40

Is this the position, that Gary Goodman wanted you only to send the invoices to him, correct?---Sorry?

Gary Goodman wanted you only to send the invoices to him, is that correct?---Yes.

Because is this right. On one occasion when you sent an invoice in to the Council you were asked to reimburse money because you had put in a bill for something that you shouldn't have got? Do you remember that happening?---Yeah. I (not transcribable)

Do you remember there was an occasion where you had been asked to repay the sum of \$8,800 as a reimbursement?---Yes.

That was in 2014, correct?---Sorry?

That was in 2014? Do you recall that happening?---Yeah, yeah.

10 And that was an email, an email was sent to you by Brian Burlock?---Yes.

In which he copied Barry Byrnes to say that money needed to be repaid to the Council, correct?---Yes.

Did you pay that money back?---No, not yet.

You haven't?---Gary told me to not do that just wait.

20 Well I'm going to show you an email. If the witness could be shown this document. So Mr Goodman told you not to repay this money back to Council?---Yes.

Okay. Now you accept, don't you, that you created false invoices and sent them to Council, correct?---Yeah.

And you did that at Mr Goodman's direction?---Sorry?

And you did that at Mr Goodman's direction? He told you to put - - -?---Yes.

30 - - - false invoices in?---Yes.

I'm just going to show you a couple of documents. I'm just going to show you, I'm not going to take you through all of the false invoices but I want to show you one, volume 2, page 149 through to 153. At page 149, that's the remittance advice that sets out the sum of money that was paid to Elias & Sons. Do you have that in front of you, sir?---Sorry?

40 Do you have the remittance advice on the screen, can you see that?---(No Audible Reply)

Can you see it, sir?---Yeah.

And that's the sum of \$16,105.85. Do you see that, sir?---Yeah. Yeah.

Okay. Now if we go to page 153?---Sorry?

153. It will come up on the screen in front of you or you can look at it in hard copy. Do you have that in front of you?---(No Audible Reply)

That's an invoice dated 21 July, 2014?---Yeah.

And that's for a Mitsubishi, do you see that, C-B-B-5-0-0, the sum of \$6,656.85. Do you have that in front of you?---(No Audible Reply)

Sir, do you have - - -?---Yeah, yeah.

- - - a problem reading?---Sorry?

10

Can you read?---Yeah. I'm just - - -

Okay. Thank you?--- - - - reading, sorry.

That's okay?---Yeah.

And then you'll see at page 152, there's another invoice on the same day and again it's for the same vehicle with the misspelling of additional, do you see that?---Yeah.

20

Do you see that, sir?---(No Audible Reply)

Sir, do you see that?---Yeah.

And then we go to page 151, again the invoice on the same day, again - - -?--Sorry?

Go to page 151, page 151, it's on the screen now for you. Again an invoice on the same day relating to the same vehicle. Do you see that?---Yeah.

30

Do you see it, sir?---Sorry?

Do you see it on the screen in front of you?---Yeah.

Okay. And then page 150, again same invoice date with the same work on the vehicle just another invoice, do you see that?---(No Audible Reply)

Do you have it in front of you?---(No Audible Reply)

40

Sir?---Yeah.

Do you see that? Now all those invoices are recorded on page 149 and you were paid, the company was paid about \$16,000, correct?---Yeah.

Okay. So basically is this the position? The way in which the fraud happened that Mr Goodman wanted you to be involved in and you've done the right thing by telling the truth today, he asked you to prepare multiple invoices to go into Council - - -?---Yeah.

- - - when he wanted to get money from you, correct?---Yes.

And you would keep 40 per cent of it?---Sorry?

You would keep 40 per cent of the money that was taken from Council, was that right?---Yes. Well actually - - -

10 Yeah. So you would take 40 per cent of the money - - -?---No. Actually - - -

- - - that you got for work that you didn't do?---Yeah.

Is that right?---Yeah. Something like that, I can't - - -

And was that the figure that you agreed to with Mr Goodman?---No, not really. I didn't want to do it.

I know you didn't want to do it. And we've heard the telephone intercept? ---Yeah.

20

But the fact is you did it, correct?---Yeah. The fact is, yeah.

We all make choices and when we make the wrong choice - - -?---Yes.

- - - we've got to cop what's coming to us, correct?---Yes. Yes.

Okay. Now so the invoice fraud happened this way. You would create multiple invoices for work that you didn't do, correct?---Yeah.

30 Okay. Now in relation to the money that you overcharged the Council for? ---Yeah.

How did you give the money to Mr Goodman?---Sorry?

How did you give the money to Mr Goodman? The money that you needed to give to him that he wanted, did you give it to him in cash or by cheque? ---Basically in cash.

40 So you would withdraw money from the bank and give it to him?---Sorry?

Would you withdraw money from the bank and give it to him or did you write him out a cash cheque?---Not all the time, no. But it was - - -

Well how would you do it?---Sorry?

How would you do it then?---Yeah. But not all the time from the bank but just from other things.

Such as?---From other work that I did.

Okay. Like work on his Motorsports cars?---Sorry?

Work on his Motorsports cars?---Yes.

Okay. Now Mr Subeski, Alex Subeski, did you know him?---The electrician, yeah.

10 Did you ever pick up money from him for Mr Goodman?---Sorry?

Did he ever give you money to give to Mr Goodman?---He left once, yeah, some money for him, yes.

So he gave – did you pick it up from Mr Subeski?---Yes.

And how much was that?---I don't know. I didn't, I didn't count, I didn't have a look.

20 So did you go to Mr Subeski's house to pick up the money?---No, no. No, no.

Where did you get the money from?---He dropped it off in my unit.

He dropped it for you for Mr Goodman?---Yes.

Okay. Now do you know how much money you've earned from Council? ---Sorry?

30 Do you know how much money your company got from Council? ---Not exactly, no.

Okay. Well between 2004 and 2015 the Council paid nearly \$2 million worth of invoices to your company?---How much?

\$2 million?---I wasn't aware of that.

I'm sorry?---I wasn't aware of that.

40 Okay. Well do you know that in 2009 you did \$72,000 worth of work, well withdraw that. You were paid \$72,000 - - -?---Yeah. There was a lot of - - -

- - - by Council?---There was a lot their trucks and that - - -

Yeah?--- - - - that was done there.

And then in 2009/2010 - - -?---Yeah.

- - - it went up to \$251,369?---Sorry?

\$251,369. It went up?---Went up?

Yeah. So was that when the fraud started with Mr Goodman? When did you start inflating invoices?---Sorry?

Counsel Assisting asked you when did you start putting in false invoices to Council, when did you start doing it?---I'm not sure when.

10

Well, was it in 2009/2010 when you were paid a quarter of a million dollars by Council?---Sorry?

Was it in 2009/2010 when you were paid a quarter of a million dollars by Council, was that the year that you started putting in fraudulent invoices? ---Probably, I can't remember.

Okay. And how many employees do you have?---Sorry?

20 How many employees do you have?---(No Audible Reply)

How many workers?---How many invoices?

Workers, workers, how many workers do you have?---Sorry?

How many workers?

THE COMMISSIONER: How many people work for you, how many people work for you?---How many workers?

30

MR MOSES: Yeah, work for your company?---Um, just two.

Just two?---I used to get part-time workers in.

Yeah. But two full-time workers?---Yeah.

You and who else?---Sorry?

You and somebody else?---Yeah, another two.

40

Another two. So three?---Yeah.

Okay?---Basically three, yeah.

Three. That's a lot of, it's a lot of money for three workers. So you agree most of it was false invoices. Correct?---Um, I worked basically seven days a week.

Yeah, but most of the money you got paid by the council was for false invoices?---Not – some of it, not all.

Some. Most? Over 50 per cent?---No, no, no.

Not over 50 per cent?---No.

How much of it? So how much do you think you stole from the Council?
---Sorry?

10

How much do you think you stole from the Council? How much from the false invoices? We know you put false invoices in?---I'm not sure.

You don't know?---No.

Okay. Okay. Now what about cars?---Sorry?

Council cars. There were Council cars at your premises that were owned by the Council?---Yeah.

20

And the police picked up a car that was being driven - - -?---Sorry, no, I never did.

No, focus on the question. How many of Council's cars did you keep on your premises?---Only when I work on them. I do keep - - -

Really?---Yes.

Really?---Yeah.

30

Are you sure about that?---Yes. Only when I worked on them. Gary had 'em all.

Well, do you know that there were, do you know that there were cars that were returned in November by you?---Sorry?

Do you know that there were cars that were returned back to the Council that were held at your workshop?---Yeah, well, they weren't - - -

40

How many were there?---They weren't, they - - -

How many were there?---Sorry?

How many were there?---I don't now 'cause there weren't none there and they were there the next day. I don't know where they came from and they weren't - - -

You don't know where they came from?---They weren't being - - -

They were just there in your workshop?---Sorry? They weren't in my workshop.

They were just outside your workshop?---They were in the complex.

They were in the complex?---Where Gary's got the unit there and they were in front of his unit.

10 Yeah. You see there was no record at the Council that they were being held
- - -?---Sorry?

There were no records at the Council that these cars were being held at your workshop?---Yeah, well, they weren't at my workshop.

They weren't?---No.

No. Is that your evidence, they weren't there?---They were not in the workshop.

20

Mmm. Okay?---They were in the car park.

Okay?---But I had nothing to do with them, no.

Okay. Well, do you know that there were two vehicles that were allocated to Mr Goodman that were at your premises?---Sorry?

30 There were two vehicles that were, that were allocated to Mr Goodman, that were registered out to him, that were at your premises. What were you doing with them?---No, they weren't at my premises.

They weren't?---I had two trucks there - - -

Ah hmm?--- - - - which were Council trucks.

Ah hmm?---Ah, one was a water tanker - - -

Ah hmm?--- - - - and the other one was tipper, they were trying to put a water tank on it which I didn't do 'cause I'm not, I never worked on them.

40

They were they, they got delivered and they got picked up.

Was there a Toyota LandCruiser at - - -?---Sorry?

Was there a Toyota LandCruiser there?---That was not in my shop, no.

It was not in your shop?---No, nothing to do with that.

What about the Volkswagen Caddy, was that in your workshop?---No, nothing to do with me.

Okay. Do you recall the police arriving at, at your premises in November?
---Sorry?

Do you recall the police going to your business premises in November?---
Sorry?

10 Did you see any police in the vicinity of your business in November?---Oh, I'm not sure, no.

No. Okay. Did you deal with Marny Baccam?---Sorry?

Ms Baccam, do you know who Ms Baccam is?---Sorry?

Marny Baccam?---Yeah.

20 Who is she?---A friend of Gary's.

And how did you meet her?---Through Gary.

And did you do work for her?---No.

No. Did she pick up cars from you?---Sorry?

Did she pick up cars from you?---No.

30 Did you give her money?---She owes me some money, yeah.

Yeah. How much money did you give Ms Baccam?---Sorry?

How much money did you give Ms Baccam?---What I didn't give her money, she borrowed money to pay the rego on her car.

Okay. And what about Ms Mishra?---Sorry?

40 Suman Mishra, have you met Ms Mishra?---I don't know, she worked at the Council, yeah.

Did you meet her?---Yes.

Did you loan her money?---Sorry?

Did you loan her money?---(No Audible Reply)

Did you loan her money?---No.

Okay. I have no further questions of the witness. If I could tender the email dated 12 – withdraw that.

THE COMMISSIONER: Yes. The email is Exhibit R39.

#EXHIBIT R39 - EMAIL FROM BARRY BYRNES TO GARY GOODMAN DATED 1 APRIL 2014

10

MR THANGARAJ: Thank you.

THE COMMISSIONER: Does anyone else have any questions of Mr Freitas? No. Anything arising, Mr Thangaraj?

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MR THANGARAJ: No, but can I just say one thing. I know Mr Freitas has difficulties but Mr Bowe can tell him, our understanding is the cars were collected from the complex car park not from Mr Freitas's car park so which is what he said. That's our understanding of where the cars were collected from. And also if there is a register that has identified persons allocated identified vehicles, if we could be given a copy of that?

THE COMMISSIONER: Yes, thank you, Mr Freitas. You can step down.

THE WITNESS STOOD DOWN

[2.57pm]

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THE COMMISSIONER: Yes, thank you. We'll resume at 10.00am on Monday.

AT 2.57PM THE MATTER WAS ADJOURNED ACCORDINGLY

[2.57PM]