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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 MONDAY 7 MARCH 2016

AT 2.17PM

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

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

THE COMMISSIONER: Yes Mr Thangaraj.

MR THANGARAJ: Mr Foo, if you look at the screen, I want to go back to that call that was just played before lunch.---Yes.

You'll see that there was discussion of a blower.---Yes.

And you said to Mr Goodman that you would blow a blower, meaning Council would buy a blower for Anmol to use.---Yes.

10

And that he would, and you were justifying doing that on the basis that he would use it at Mr Goodman's house.---Yes.

Which of course would be an improper use anyway.---Yes.

Did it end up being the case that you wanted a blower for yourself, you wanted Council to buy a blower that you would keep for yourself?---No.

Did you ever keep any blower or any other equipment?---No.

20

All right. Can I play you this call 10941 please.

**AUDIO RECORDING PLAYED**

**[2.18PM]**

MR THANGARAJ: Now if we go back to that first page, Mr Goodman is looking at an invoice and talking to you about it.---Yes.

30

What did he mean when he said, "How much are you owed?---Yeah, it came up on the (not transcribable) how much are you - - -

THE COMMISSIONER: He's talking about three grand, you are owed three grand.---Yeah, yes because he borrowed three grand from me.

MR THANGARAJ: And when he says he's owed four eight, who is he talking about?---I think he owes Anmol four eight.

40

And your invoice wasn't large enough to cover the two debts, is that right? ---Yes.

And so what you were trying to work out was how much the next false invoice would have to be to cover your debt and Anmol's debt.---Mmm, you see there's certainly invoices is made by the Business Unit and all, and was all to, to Gary and Gary approve it and then it goes to Mark Goodman and Mark Goodman - - -

I'll put it this way, Mr Goodman owed you money.---Yes.

You were, the proposal was that you would be repaid that money by Council of Botany Bay receiving a false invoice.---Yes.

Right. Now did you receive any kickbacks from your involvement in these various schemes?---No, no.

Did you ever receive any benefit improperly from Botany Bay Council?---No.

10

You're saying that all you got was your debt repaid?---That's right.

So why were you agreeing to facilitate all these other improper behaviours?--Well, because Gary Goodman he used, he used to help a lot of all the boys here and there.

He used to what?---He used to help the boys, you know, getting jobs like getting employment so that's why - - -

20 Which boys?---Like new staffs.

Right.--- (not transcribable) I'm short of staff and then he says yeah, just give the jobs to Gardens2envy.

So what.---To do all the works that we have - - -

Why would that mean that you would agree to steal all this money from Council in various ways?---I don't think that I'm stealing the money, it's just that - - -

30

You're helping - - -?---Helping, yeah you're right.

You're helping to steal the money.---Yeah, that's right.

All right.---I agree with that.

The reason that you've just given us, that's not an explanation for helping to steal money through false invoicing is it?---Yes.

40 That's the explanation?---That's right.

I tender that call.

THE COMMISSIONER: Exhibit R43.

**#EXHIBIT R43 - TRANSCRIPT SESSION 10941**

MR THANGARAJ: You were a, you were part of Mr Goodman's inner circle with respect to this false invoicing scheme, weren't you?---Yes.

And people were supposed to be kept out of it?---Yes.

Okay. The work that was done at Marny Baccam's house that Council ended up being paid for - - -?---Yes.

10 - - - that invoice had your email address on it, didn't it?---(No audible reply)

Those invoices had your email address on it?---Yeah, normally when any work get done through Marny, Marny herself work with all the invoices.

Yes, but - - -?---She (not transcribable) invoices.

Sorry, she prepared the invoices did she?---She prepared the invoices.

20 Okay. So she had the Gardens2envy template - - -?---Yes, yes.

- - - and she used that?---That's right.

And you knew that she had a template?---No, I never knew.

Well, how could she prepare the invoice then?---Oh may be (not transcribable) she would use the template without me knowing.

30 All right. Well, you said that she prepared the invoices, you knew that? ---Yes.

Well, where ever she got the form from, she prepared the invoice.---That's right.

And she had your email address on it?---Yeah.

So the idea was, the only people whose names were on the invoice who were required to approve the invoices were people who were part of the scam?---Yes.

40 Okay. Now you've told us about the \$10,000 that went to Mr Goodman, that was of course was never repaid by Mr Goodman was it?---Yes.

You agree with that?---I agree with that.

Now, you've told us previously that there, you said that Mr Goodman had some dodgy signatures.---Yes.

Was that the truth or not?---Yes, that's the truth.

Okay. So why did you understand that he was using this dodgy signature sometimes?---Well, he use the need to get some money from the Council.

How?---To put in the false invoice.

So how would he do that?---Normally he'd prepare that and he put my name and then he came to my understanding and when I look at it and I see it's not my signature.

10

So, but was he using a dodgy signature being your signature or a signature that looked like his signature but not his signature?---His signature.

Okay. So, right. Which companies were they in?---Well, I think all those companies were based on, all on 2envygardens.

Gardens2envy?---Yeah, Gardens2envy, sorry.

20 What about other, other companies?---Other companies it didn't come to my attention.

So you're saying that he had used a dodgy signature for Gardens2envy invoices but that's all you knew, is it?---That's all I knew.

Now, Gardens2envy ended up being a vehicle by which different improper payments were made to people?---Yes.

We've already been through all that?---Yes.

30 Do you agree with the evidence of Mr Floudas that you threatened him and said if he stopped putting in false invoices that you would stop giving them work?---I never said that.

You don't agree with that?---Because he knew that his rate is the cheapest in town, \$28.

That doesn't mean that you couldn't have - - -?---Yeah.

40 - - - got someone else?---No, no we couldn't get anyone to come in at that time.

MR DUNNE: Excuse me, Your Honour, sorry for this being late, but there were some several questions about a dodgy signature and there was reference to Mr Goodman, meaning Mr Gary Goodman. Is that correct?

MR THANGARAJ: No, no, sorry, it was, it was about Mark Goodman.

MR DUNNE: Okay.

THE COMMISSIONER: Yes.

MR THANGARAJ: You have given evidence previously of Mr Mark Goodman using dodgy signatures, haven't you?---That's right.

You understood the questions I just asked you about signatures and invoices - - -?---Yes, yes, I understand.

10 Who were you talking about?---I was talking about - - -

Were you talking about Mark Goodman or Gary Goodman?---Mark Goodman.

All right.

THE COMMISSIONER: So, sorry, just to, just to make sure we understand that, are you saying that Mr Mark Goodman would affix a signature to an invoice by way of an approval but he would deliberately make the signature look indistinct or - - -

MR THANGARAJ: Not his normal one.

THE COMMISSIONER: Not his?---Yes.

Right?---Yes.

Right.

30 MR THANGARAJ: Now, I know that you say that they were cheap, but this was not your money being spent, was it, it was Council money? ---Council money.

You've already told us you were part of different methods of stealing from Council, right?---Yeah.

Correct?---Yes.

40 So you weren't interested in doing everything you could to save Council money?---Mmm.

Right?---Yes.

So the fact that Gardens2envy were cheaper than someone else, that was irrelevant to the question of whether or not they could be replaced if they didn't do what you said?---Yes.

Right?---Yeah.

So the fact that they were cheaper doesn't matter?---Yes.

You threatened Robert Floudas with losing Botany Bay Council work if he didn't keep doing what you wanted him to do?---No, I - - -

Do you agree with that?---No, I never threaten him.

10 Do you agree that Ari Landscape was another vehicle designed to steal from Council?---Yes.

And do you agree that when you told Marny Baccam about setting up a company that that was the purpose for which it was to be set up?---Yes.

Okay. Was Mr Goodman involved in that - - -?---No.

- - - or was that your idea?---No, not my idea.

20 Sorry?---In setting up the company I didn't play any part in it.

I know you didn't play any part – I didn't say you had played any part in actually setting it up, but the discussion with Marny Baccam about setting up Ari Landscape - - -?---Yeah.

- - - you wanted her to set up a company that could be used for false invoicing. Would you agree with that?---No, 'cause I, I was always against her putting a false invoice.

30 So you wanted to be the one putting in the false invoices?---No, I, no, I was – I, I never agreed 'cause I do not know because I have received a lot of, a lot of my signatures that she just sign for her.

Well, I've already put to you something about Ari Landscape and that company before lunch, so I won't go with that, do that anymore. Was Civilcraft, was that used as another vehicle to get money for Council employees?---Say again?

Civilcraft?---Oh, Civilcraft, yes.

40 We've spoken about that?---Yes.

The way that Gardens2envy was used - - -?---Yes.

- - - was Civilcraft used the same way?---Oh, as far as I know Civilcraft (not transcribable) give, loan, loan Gary Goodman, loan, loan Gary Goodman \$10,000.

Yeah. Did he repay that money?---Well, he say he want to repay and, and today we are still waiting for it.

Okay. So it hasn't been repaid?---Yes, I believe.

And how long has it been?---Oh, been around seven or eight months.

Did Civilcraft put any false invoices in to get paid that money?---No.

10 How do you know that?---Not to my attention. Because I know he's a, he's, he's a very straight man.

All right. Nothing further.

THE COMMISSIONER: Yes, yes, Mr Moses.

MR MOSES: Yes, thank you, Commissioner.

20 Mr Foo, you were shown a statement that you provided to SINC Solutions on 12 November, 2015?---Yes.

That's Exhibit 40 in these proceedings and Counsel Assisting asked you some questions in relation to the truthfulness or otherwise of the statements which you made to the investigators. Do you recall being asked some questions about that?---Yes.

30 The statement that was taken from you on 12 November that was done was it not in the presence of two investigators from SINC solutions and Mr Dutton who was your supervisor, ultimate supervisor?---No, Mr Dutton is my director.

Yeah. And that was on 12 November. Correct?---Correct.

And before that on 9 November you met with the General Manager - - -?  
---Yeah.

40 - - - together with Mr Dutton and Ms Brogan from SINC Solutions in order that you speak to the General Manager about what you understood had been going on within the Business Unit. Correct?---Correct.

And it's true isn't it that you did not inform them of the matters that you've admitted to today to the Commission, that is that you had - - -?---Yes.

- - -asked for money from suppliers?---Yes.

Correct?---All right.

And that you had been involved in the preparation of false invoices that were submitted to Council. Correct?---Right.

And the reason you didn't tell them was that you knew if you told them then you would be sacked from your employment for misconducted. Correct?  
---Correct.

10 And you of course were aware that there was a code of conduct at the Council - - -?---Yes.

- - - which prohibited you from taking any benefits or seeking any benefits from a supplier. Correct?---Right.

And yet in breach of that you did that. Correct?---Yes, correct.

And you have been suspended from your employment at this time. Correct?---Correct.

20 And it wouldn't surprise you to learn would it if I informed you now that the General Manger determined after your evidence this morning that your employment has been terminated forthwith from the Council for misconduct?---Correct.

Okay. And can we just clear up a number of things. There are about eight points I want to just clarify with you?---Sure.

30 So the first is this. Do you accept that you facilitated payments of money to Mark Goodman from Gardens2envy?---Yes, correct.

Do you know how much money you provided to Mr Goodman, Mark Goodman that came from Gardens2envy?---I wouldn't know the, I wouldn't know – roughly, so I'm thinking around 20, 20 to 30.

And that is money is it that - - -?---Yes.

- - - that was handed over to – by you to - - -?---Yeah.

- - - Mr Goodman?---Yes.

40 Okay?---Correct.

Thirdly, in relation to the false invoices that were prepared by Gardens2envy was that done at your direction as to what they should put in the invoices?---No. Normally she will come every Saturday - - -

And you're referring now to Mrs Marshall, to Lyndal Marshall?---Lyndal Marshall.

Yeah?---She, she comes every Saturday and then – and I go through with her and then I go through the hours because I’ve got the diary there with the hours and then I – and then she says is it okay and I look through and I say – and then I ask her to, to, to, to email Corey because Corey is our admin.

Corey?---Yeah, Corey.

Chloe you mean, Chloe Dickey?---Sorry, Chloe, yeah.

10

But let’s just focus on the question in respect of the false invoices. Did you assist Mrs Marshall as to what she should put in the false invoices to be sent to Council?---Yes.

You accept that don’t you?---Yes.

And did you do that at the direction of Mark Goodman or his brother Gary Goodman?---Both of them.

20

Both of them. Okay. Did Mr Gary Goodman know that you were facilitating payments to his brother from Gardens2envy?---Yes.

Thank you. Now I want to deal with the fourth point. Did you involved yourself in false invoices that were coming in from a company called Jovane Pty Ltd?---No, never heard of them.

What about Highland?---No, never heard of them.

30

What about Cube DNC Pty Ltd?---Cube DNC is that under Zoran?

Correct?---Yes.

You did. Did you, did you facilitate –listen to the question before you answer it. Did you, did you assist in false invoices being issued by that company associated with Mr Gajic?---No, I don’t see the invoice. It goes directly to, to Mark Goodman.

It went straight to him?---Yeah.

40

So any invoices that came in from that company went straight to Mr Mark Goodman?---Yeah.

Okay?---And Gary Goodman.

Gary Goodman?---Yeah.

Thank you. Now the fifth question I want to ask you is if the witness could be shown a document volume 5, page 43. So this document here, Australian Landscape Creations, are these invoices that would come across your desk?  
---No. It just came through from, from, from Sinclair.

From who?---From, what's the company that's looking after the Council, Sinclair.

SINC?---Yeah. I think, SINC.

10

Okay?---Yeah. They, they emailed me and I, and I told him this is not, this was not my signature.

Okay. So that signature that appears at page 43 where it's got approved by M Foo, that's not your signature?---No, never, no.

Thank you. And if the witness could then be shown, Commissioner, a document that appears at volume 11, page 100. Is that your signature that appears?---Yes. This is my signature.

20

And you would approve Highland Profiles invoices, correct?---This is for the Council, supply labour and (not transcribable). Because you see this, this one Highland Profiles (not transcribable), it's not, I have never dealt with them. The only person I did was with Garden2envy.

Okay. But look is that your signature on that page?---Yeah. It's my signature.

30

Well, why would your signature be on that page?---Maybe, you know, they were – because I mean, that's why it's a 100 per cent, I never deal with Highland Profiles. I was surprised to see this one now.

Okay. If we go back to page 85 of volume 11. Is that, you see there, I think it's Mr Goodman's signature, I think it's Gary Goodman's signature?---Yeah.

It says there that you verbally approved work undertaken by Highland Profiles for 3,000, sorry, \$4,048. That's the balance of that invoice so they're not an entity that you had anything to do with? Just so that we understand that?---Yes.

40

Correct?---Correct.

Okay. If your signature appears on the document as it does at page 100 as we've seen in volume 11, can we assume that that may have been a circumstance where Mr Goodman asked you to sign the invoice in order to procure payment which was not otherwise due by the Council?---Yes.

Thank you. Now the sixth issue is Mr Goodman used to borrow money from you, is that what you've said?---Yes.

Okay?---Yes.

Now you were in the position you were in you were earning what \$35.60 per hour, correct?---Yes.

10 Perhaps I might just provide at this stage, I think the Commission has these folders for Mr Foo, because we're going to seek to tender them. But they just contain his contract of employment, the Code of Conduct and the like and various other documents. But I just want to show the witness the document that appears behind tab 2, page 3. Your remuneration was \$35.60?---Yes.

Okay?---Yes.

20 So just part of the sixth point that I wanted to ask you about. How much money do you say you were loaning Mr Goodman all-up, how much money did you provide him all-up?---I think, I, I think mostly three, three or \$4,000.

Three to \$4,000?---Yeah, that's it.

And that came from your own money?---Yes.

30 Now, the seventh point that I wanted to ask you a question about is this. In relation to Gardens2envy, Mr Floudas has said that you told him that if they did not provide money for you to give to Mr Goodman, then in effect they would lose work at the Council because you could go elsewhere?---I never say that to him.

You never said that to him?---Never. That's why we needed him 'cause he does good work for us and also anytime I call him at 10.00, 11 o'clock at night when there's an emergency and he, he comes and deliver all the boys and do the job for us.

40 Okay. This is, well, let's be clear about this. Who came up with the idea to approach Gardens2envy and take money from them to give to Mark Goodman, who told you that you should go and get the money from them? ---Can you repeat the question again, please.

Was it your idea or somebody else's idea to approach Gardens2envy and ask them for money to give to Mark Goodman?---It's not, it's not my idea.

Well, whose idea was it? Now's your time to tell the Commissioner, who is to blame for the crime, who is it, tell the Commissioner?---Well, it's either, it's either Mark Goodman or Gary Goodman.

No, no, either of them. So did both of them tell you or one of them, who told you?---One of them.

Do you know which one it was?---(not transcribable) was Mark Goodman.

It was Mark Goodman?---Yeah.

10 So Mark Goodman told you go and get money from Gardens2envy for me.  
Correct?---That's right.

And you did that?---That's right.

Yeah. You had a choice of course?---Yes.

You could have chosen not to do it, correct?---Yes.

20 But you chose to do the wrong thing, correct?---Yes, I chose to do the  
wrong thing and plus I'm scared that I might lose my job.

Well, you've lost it now as I've just told you - - -?---I know, yes, I know.

- - - you've been sacked?---I understand.

Thank you?---Understand.

30 Now, the next point that I wanted to ask you was this. Have you used a  
Council car for your own private purposes?---Well, under my contract I was  
given to use the Council's car.

Have you used a Council car for your own private purposes that was not  
provided for in your contract?---No, I'm allowed to take home the car  
because I'm, I'm on-call, I was on call 24 hours.

Ah hmm. Did you facilitate cars being provided to people who should not  
have had them, Council's cars?---No.

40 And do you accept that you facilitated work being done at Ms Mishra's  
house? Correct?---Whose house?

Miss Mishra?---Yeah.

Suman Mishra?---Yeah.

Correct?---Yeah.

Her evidence was, her evidence was that you paid for work that was  
undertaken?---Yes.

And how was that done?---That's done by Gary Goodman.

Through using one of the contractors?---That's right.

Thank you.

10 I have no further questions of the witness. I seek to tender the folder,  
Commissioner.

THE COMMISSIONER: Yes, the folder is Exhibit R44.

**#EXHIBIT R44 – FOLDER OF MAL FOO DOCUMENTS**

THE COMMISSIONER: Yes.

20 MR DUNNE: Mr Foo?---Yes.

My name is Dunne. I represent Mark Goodman?---Yes.

And I have a few questions to ask you about the evidence that you've given here today. You were asked some questions after lunch about Mark Goodman signing dodgy signatures, I think it was described to you. Is that correct?---Yeah.

30 And am I to understand that that means that he signed his own signature in a  
dodgy way?---No (not transcribable) he signed my signature as, as a M.  
F-o-o, Foo.

So is your evidence therefore that the dodgy signatures you were referring to or that you alleged in your evidence - - -?---Yeah.

- - - only relate to dodgy signatures of your signature. Is that right?---Say again.

40 I'm sorry. When you're talking about Mark Goodman - - -?---Yes.

- - - Goodman making a dodgy signature you're talking about a dodgy signature of your signature?---Yes.

Not of his signature?---Yes.

I'm sorry, you agree that it wasn't his signature that he was dodging it was your signature. Is that right?---No. The signatures which I sign is, is my

own signature and there was a couple of invoices with sign – it was not my signature. It was signed by someone else.

It was signed by someone else?---Yes.

How do you know it was Mark Goodman?---No, I'm saying Mark Goodman already signed M Foo.

10 How do you know that?---Because I know because I don't sign, I don't sign that way and then he – and the reason I knew that, that was \$5,600 and that was I think if I'm not mistaken is, is Gary Goodman's one, one of his companies.

Yes. I'll ask the question again. How do you know it was Mark Goodman who signed your false signature?---I'm not very sure of that.

Okay. Can I go back. What you're saying is your signature appears on documents that you didn't sign. Is that right?---Yes, quite right.

20 How do you know that Mark Goodman was the man or the person who made that forgery?---Well, because as far as I know that company belongs to Gary Goodman and normally he signs my signature to get money from there.

Gary Goodman does?---Yeah.

I'm talking about Mark Goodman. Not Gary, Mark?---Yes. Yeah.

30 How do you know Mark Goodman forged your signature?---Well, so what I think to myself definitely it was his – that he forged my signature.

All right. So you didn't see him forge your signature?---Say again.

You didn't see him forging your signature?---I didn't see him forging.

He didn't tell you that he forged your signature?---No, he didn't tell me.

40 Are you aware that Marny Baccam has admitted to forging your signature in these proceedings?---Yes.

And so why could it not be Marny Baccam who forged your signature and not Mark Goodman?---Because Marny's signature is entirely different signature from Mark Goodman's signature.

I'm sorry?---It's entirely different.

No, but they're forging your signature, Mr Foo?---Yes.

The truth is you only guess it was Mark Goodman that forged your signature don't you?---Well, what I reckon is 99 – is 95 per cent that he forged my signature.

Yes, and I'm asking you on what basis do you form that 95 per cent assessment?---Well, to what I reckon that company was linked to his brother.

10 So simply because he was - - -?---Gary Goodman.

- - - Gary Goodman's brother - - -?---Yeah.

- - - Mark Goodman must have forged your signature. Is that right?---Yes, correct.

That's the only reason?---That's right.

20 I see. But you do accept it could be someone else who did forge your signature?---That I wouldn't have a clue.

You really don't have a clue do you?---Yes.

Sorry, you agree with me there?---I agree with you.

You don't have a clue who forged - - -?---Yes.

- - - your signature?---Yes.

30 Thank you. Now you've given evidence that it was Mark Goodman's idea for you to ask a contractor being Gardens2envy - - -?---Yes.

- - - to pay money?---Yes.

That's just simply untrue isn't it?---That's true.

It was your idea wasn't it?---It's not my idea.

40 Because you were aware that Marny Baccam was receiving money from Gardens2envy weren't you?---I didn't realise until the Gardens2envy – Robert told me about it.

I'm sorry?---I didn't realise until Robert told me about it.

Until Robert told you about it?---Yeah.

When did Robert tell you about it?---He told me about six, seven months ago.

You're aware that Robert gave evidence earlier today?---Yes.

Were you present in court?---Yes.

And you're aware that he said that you asked for the money for Marny Baccam?---As for Marny Baccam I never asked. Because she and me, she hates me, because I've been telling her to stop this.

10 So you think if someone has a grudge against you that's a reason - - -?  
---That's right.

- - - to - - -?---Because I never - - -

- - - tell untruths about, is that right?---Yeah. That's right. Because I never give her money.

I see. You've been with the Council, haven't you, for 18 years, I think you've said?---Yeah, 18 years.

20 And am I not right that when Mark Goodman was promoted to Manager to the Business Unit - - -?---Yes.

- - - you were filthy - - -?---No.

- - - about his appointment?---I was never filthy. Because I didn't want, in fact I didn't want the job.

That's not true?---I didn't want the job.

30 You told people, didn't you, that in fact you thought you should've got his job?---Because I know I'm not qualified, I'm not qualified and my English is not very good. And the only thing I'm qualified is, is ordering all the labour jobs there.

Well that's, that's exactly the reason why you would be upset with Mr Goodman - - -?---No.

- - - wouldn't it, Mark Goodman, wouldn't it?---And - - -

40 He has no qualification other than yours?---No. I was never upset. Because Mark Goodman's position was approved by Peter Fitzgerald.

Yes. When you first gave evidence here today, you denied being involved in, in any false invoicing, didn't you?---Yes.

It wasn't until there was some telephone intercepts and you were faced and confronted with actual hard evidence - - -?---Yes.

- - - that you've changed your evidence, isn't it?---Yes. That's right.

And you said that you read the transcripts?---Yes.

And when you read the transcripts you would've seen, wouldn't you, that Mark Goodman volunteered in an answer to a question from the Council for the Council of Botany Bay - - -

10 MR HICKEY: In fairness, in fairness, Commission, he said that he read parts of the transcript. He didn't say that he read all the transcript.

THE COMMISSIONER: Yes, that's true.

MR DUNNE: I'll take that, I'll take that out. Did you see when you read the transcripts, did you read, sorry, did you read Mark Goodman's evidence in the transcripts?---I just, I just, I just, I just had a glimpse at it.

20 Did you see where he volunteered that he had borrowed money from you, firstly?---Yes.

Did you read that he was subsequently told by you that you were getting the money from a contractor?---Yes.

And did you read that he identified that contractor as being Gardens2envy, is that right?---Right.

30 And he volunteered that information without there being any, well it was the first question he was asked where he could give an answer to do with that particular arrangement, is that right?---Right.

And there's no and there was no evidence where he was compelled to give that answer. There was no telephone, sorry, I'll withdraw that question. There was no telephone intercepts played for him. There was no documents shown to him. There was no evidence provided to him to indicate that this Commission knew anything at all about the arrangement with Gardens2envy. Is that right?

MR HICKEY: Commissioner, to be fair, he said that he wasn't present.

40 THE COMMISSIONER: He has said that. And that's a matter for submissions in any event, Mr Dunne.

MR HICKEY: Thank you.

THE COMMISSIONER: Whether this is a reason or not it doesn't change the position.

MR DUNNE: Well, no, your Honour. But what I'm really going to, your Honour, is that the witness gave some evidence about Marny Baccam wanting to give evidence, Marny Baccam didn't like him and this is why she might've given evidence against him.

THE COMMISSIONER: Oh, I understand. What you need to put him is that he was motivated by a bad face towards your client.

MR DUNNE: Yes.

10

THE COMMISSIONER: That's the substance, isn't it?

MR DUNNE: Yes, your Honour.

THE COMMISSIONER: Yeah.

MR DUNNE: Yes, your Honour. Now, and that's the case, isn't it? The evidence that you've given in relation to the payments from Gardens2envy to you and then onto Mr Goodman - - -?---Yes.

20

- - - is motivated by a bad face towards my client?---No. It was, it started when, when Malcolm was the manager there - - -

I'm sorry, I didn't understand that?---I said, when Malcolm was the manager there he told us all the invoices had to be signed by him. Well for, for approval.

Yes, how is that in answer to my question? I'll repeat the question?---Yes.

30

Your evidence that Mark Goodman, it was Mark Goodman's idea that you ask Garden2envy to provide money to him - - -?---That's right.

- - - is simply incorrect?---Correct.

Are you saying – do you agree or disagree with what I just said, is it incorrect?---Because Mark - - -

I withdraw that and I'll ask it again?---Yes, Mark asked me.

40

So you say Mark asked you?---Mark asked me that he needed some money so I said I, I can't get any money for myself, I say, so he says can you get Garden2envy to.

He said what, I'm sorry? I didn't hear that?---He asked me to get some money from, from Garden2envy.

And I'm suggesting to you he did not say to you can you get money from Gardens2envy?---(not transcribable) then why he accepted the money?

Would you please answer my question?---Yes.

I'm suggesting to you that he did not ask you to get money from Gardens2envy.

MR HICKEY: Commissioner, he's just answered the question.

10 THE COMMISSIONER: I think he has. He's disagreeing with you, Mr Dunne.

MR DUNNE: Now, your evidence was that he started borrowing money from you in late 2014?---Yes.

Now, I'm not sure if I've got my notes down properly about this, but I think you – did you say that one of the reasons he needed money was because of his wife?---Yes, his wife, I think his wife went, went for a couple of operation.

20 His wife went for an operation?---Yeah, one - - -

And so it was after his wife went for the operation that he asked, he started asking you for money?---I think he was, yeah, after.

After, after. So that if you accept that his wife's operation occurred in the middle of last year, being 2015 - - -?---Yeah.

30 You would agree that you didn't start lending him money until after the middle of 2015?---Yeah.

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

And when he first started borrowing money from you, he was borrowing it from you?---Yes.

There's no dispute about that, it wasn't until some later stage that Gardens2envy became involved?---That's right.

40 Now, you've also made a number of other statements implicating Mr Goodman in the false invoicing arrangement?---Ah hmm.

But it's the case, isn't it, that he knew nothing about the false invoicing arrangement that was taking place, at least as far as you were concerned? ---Well, most of the job, most of the invoices comes from the Garden2envy and most of the jobs come from Garden2envy, all the invoices.

Yes, but you've just accepted that he did not know or he did not ask you, whichever version the Commission finds, until after the beginning or after the middle of last year?---Yes.

July or August?---Yes.

All right?---Yes.

And this false invoicing arrangement - - -?---Yeah.

10

- - - didn't start in the middle of last year, did it?---Last year was 2, I think it ah, it started ah, ah, late 2014.

Yes?---Late 2014.

Tell me, weren't you, weren't you involved in getting money for Marny Baccam - - -?---No.

- - - from Gardens2envy?---No, never.

20

So when - is it Mr Flouras, Flouras?

THE COMMISSIONER: Floudas.

MR DUNNE: Floudas, I'm sorry, thank you?---That's, yeah, that, that's Robert.

Yes, when he gave evidence earlier today that you asked him for money for Marny Baccam, you're saying that was untrue?---No, untrue.

30

Okay. I'm suggesting to you that you were intimately involved in the arrangement of the payments from Gardens2envy for Marny Baccam? ---Mmm.

Do you agree with that?---No.

And I'm suggesting because you were aware of that arrangement it was you who proposed to Mr Floudas the same or a similar arrangement for Mr Goodman?---Yes.

40

Sorry, you agree with that?---Yes.

You agree that it was you not Mr Mark Goodman who proposed the arrangement to Mr Floudas for payments to be made for Mark Goodman and false invoices arranged?

MR MOSES: That's - but that's accepted. I mean he did that - - -

THE COMMISSIONER: Yes.

MR MOSES: - - - according to his evidence because Goodman - - -

THE COMMISSIONER: Yes.

MR MOSES: - - - Mr Goodman asked him to.

THE COMMISSIONER: Yes.

10

MR MOSES: So I think my friend has got to put - - -

THE COMMISSIONER: Well, that's right.

MR MOSES: - - - that proposition to him.

THE COMMISSIONER: Well, that's right.

MR MOSES: And then let's get on with it.

20

THE COMMISSIONER: I think the issue, Mr Dunne, is that, as Mr Moses has pointed out, what actually occurred is accepted. The reasons for why he did it is perhaps a contentious issue.

MR DUNNE: Well, I think his, his evidence is it was Mark Goodman's idea.

THE COMMISSIONER: Yes.

30

MR DUNNE: And I'm suggesting to him it was his idea.

THE COMMISSIONER: Well, I think you've got to make it clear to him that what you're putting to him is where the idea originated from not the fact that it occurred.

MR DUNNE: Yes.

40

THE COMMISSIONER: I think that's the confusion. Mr Foo, what's being put to you is that the idea to get Gardens2envy to put in these false invoices and direct the money effectively to Mr Mark Goodman that was not Mr Mark Goodman's idea that was your idea. What do you say to that? ---Well, at first it started, Mark asked me where else we can get the money from.

Right?---So, so Mark says just make sure he gets a lot of jobs from us.

Right. So that was the extent of the request was it?---Yeah, that's right.

MR DUNNE: Thank you, Your Honour. And can I suggest to you, Mark – excuse me, Mr Foo, and can I suggest to you Mr Goodman did not ask you to make sure that Gardens2envy got as many jobs as they could?---Well, if he, if - - -

It's just a yes or no answer?---Can you repeat again please.

What I'm suggesting to you is Mr Goodman did not say to you can you make sure Gardens2envy gets as many jobs as possible?---Yes.

10

THE COMMISSIONER: You mean he did say that?---He did say that.

MR DUNNE: Thank you. Now you've also said that on various occasions you complained, reported or spoke to Mr Goodman - - -?---Yes.

- - - about the following matters. Firstly, that Marny Baccam was forging your signature?---Yes.

And you say you reported it to Mark Goodman?---Yes.

20

You say he spoke to Gary Goodman and he said that it wouldn't happened again?---Yes.

I'm suggesting to you that you never complained or reported Marny Baccam forging your signature to Mark Goodman. Do you agree or disagree?--- Well, when the first signature she forge was - - -

Do you agree or disagree?---I didn't understand. Can you repeat again please.

30

All right.

THE COMMISSIONER: Part of the problem I think, Mr Dunne, is that putting negative propositions and then asking the witness to agree or disagree is confusing Mr Foo who has acknowledged that his English is not the best. It's a difficult concept even for a native English speaker to understand so could I just ask you to simplify it a bit so that he knows what he's responding to.

40

MR DUNNE: I'll do my best, Commissioner. Mr Goodman, sorry. Mr Foo, you didn't complain to Mr Goodman about Marny Baccam forging your signature did you?---I did complain.

You didn't complain to Mark Goodman about false invoices going through did you?---Can you repeat again.

You did not complain to Mark Goodman - - -?---Yes.

- - - about false invoices being put through?---Well - - -

Did you?---I did, I did brought up to him about some false invoices which, which, which, which Marny have, have put in. I think she put in around five to six, seven of my false signature.

That didn't happen is what I'm saying to you. Do you agree?---Yes.

Sorry, Your Honour.

10

THE COMMISSIONER: I think your previous answer indicates that you stand by the evidence that that occurred?---Yes.

Right.

MR DUNNE: Okay. You didn't report the incident – the circumstances where pots were taken out to Gary Goodman's Wetherill Park place - - -? ---Yes.

20

- - -and brought back in?---Yes.

You say that you did?---No, no, I didn't report it 'cause Gary told me that the pots was, 'cause it was – I think if I'm not mistaken it was on the Saturday afternoon.

Yes. Did you tell Mark Goodman about that?---No, I didn't tell him about that because - - -

30

You didn't tell him about that?---No, I didn't tell him about that.

Okay. And you told Her Honour that you spoke to Mark Goodman about Marny Baccam's wanting to be involved in a tender to Centennial Park? ---Yes.

40

You didn't tell Mark Goodman about that, did you?---See, what happened is, we were invited to put a tender at Centennial Park and I spoke to Mark and Mark says we can't afford, we, firstly we don't have any workers, any experienced workers and secondly we just put a tender at Sydney, Sydney Ports too and we wasted three or four months by putting in the tender and we lost it because our price was too high.

Yeah?---And then when this Centennial Park one came in I was offered to Mark and Mark said no, no, no, we, we, we can't, we can't, we can't waste more time and we don't have any experienced workers.

So you're talking about the Business Unit tendering?---Business Unit, yes.

Not, not Marny Baccam?---No.

Thank you. Now, you used, you used the phrase, well, you attributed a phrase to Mark Goodman that whatever happens in the Business Unit stays in the Business Unit?---That's right.

Now, I also might have this unclear but I thought earlier in your evidence you might have said another person may have said that?---Oh, that was Peter Fitzgerald (not transcribable)

10 Peter Fitzgerald said that?---Yeah, because Peter Fitzgerald took, took over from, I mean Mark Goodman, Mark Goodman took over from Peter Fitzgerald.

Peter Fitzgerald?--- Yes.

Peter Fitzgerald Junior. Is that right?---Junior, correct.

Yes. And so those were words from Peter Fitzgerald, weren't they?---Yes.

20 Yes, thank you. Could I please have volume 5, page 42 shown to the witness, please.

Is that volume 5, page 43? Oh, page 43, yes, sorry, thank you.

Now, you gave evidence that the writing – sorry, if you have a look towards the bottom of that document - - -?---Yes.

- - - and there's a square stamp that says, "Approved for payment?"---Yes.

30 And the signature saying, "Approved by," and then you've got the name, M Foo?---Yes.

And you gave evidence that that was Mr Mark Goodman's writing. Is that right?---This, this one is, this on Australian Landscape Creation, yes, he, he put as M Foo.

M Foo?---Yes.

40 Yes. How do you know that's Mark Goodman's writing?---Well - - -

Is it similar to the other questions I asked you about his forgery, that you just assume that it's his writing because he's Gary's brother?---Well, there's, there's nobody, because - - -

It's not your writing. Would you agree with that?---Yes.

But you can't really tell the Commission that that's Mark Goodman's writing, can you?---I can't, I can't, yes, you're right.

You can't. Thank you. You also gave evidence I think that all invoices went to Mark Goodman before they went to - - -?---To Gary Goodman.

Wasn't the system that the, they would go to Mark Goodman's desk then go to Marny Baccam and then to Mark, and then to Gary Goodman?---Because Marny was never there.

10 Marny was never there?---No, because she always go to Thailand and she comes late, she comes at 11 o'clock, 1 o'clock.

Right. But not all invoices would go to Mark Goodman, would they?  
---All invoices have to go to Mark Goodman and Mark Goodman pass through to Marny, to Marny.

To Marny?---Yes.

And who would then pass them on?---Say again?

20 Who would then pass them on to the Council, Finance?---Yes? Marny would take it to the Council for payment.

So she was there?---Yeah.

And so it is possible that not all invoices went through Mark Goodman, particularly if they were false invoices they were not to go to him?--- Sometimes she, she create her own false invoices there.

30 Yeah?---And send it to - - -

And they would not go through Mark Goodman, would they?---Yes.

No. Thank you. You also said, I think, that you sent Mark Goodman Anmol's hours, Adam's hours of work?---Yeah, yes.

That's not true, is it?---Well, you see, Anmol works mostly (not transcribable) works and variation works.

40 Yes. But you didn't have a meeting where you verbally told him hours? That just didn't happen, did it?---Yes.

You say it did. He also said, I think, that Zoran - - -?---Yes.

- - - dealt with Mark Goodman, is that right?---At first, Gary Goodman was the one who put Zoran there.

Yeah?---And then after that, Zoran used to go to Gary, I mean, Zoran used to go to Mark's office and then they talk about all the upcoming works.

Yes. You said that?---Yeah.

You said that he dealt with Mark?---Yeah.

You accept that Mark didn't become the Business Unit leader until October, 2013?---Yes.

That's Exhibit 27?---Yes.

10

And you accept that shortly after you gave that evidence you said that the last time Zoran did work for the Council was three years ago?---Three years ago.

Yes?---Yes.

20

Before Mark Goodman was the Business Unit Manager. So could you be mistaken that Zoran went and dealt only with Mark Goodman?---Mark Goodman was not officially made yet, but he, he was still running the show before he was appointed to be Business Unit Manager.

But Mark Goodman wasn't the person who dealt with Zoran, you're mistaken, would you agree?---I think so.

Or you're just not sure?---I'm not sure. But I'm a 100 per cent that Zoran used to deal with Gary Goodman.

Gary Goodman?---That's right.

30

Yes. Not Mark?---Yes.

Thank you. Coming towards the end. Just clarifying a point. The – just bear with me just one moment. The Council workers who went to Mark Goodman's – I'm sorry, I'll take that back. The workers that went to Mark Goodman's house to perform the clearing of - - -?---Rubbish.

- - - rubbish?---Yes.

40

And the painting, they went there about four or five times?---Yes.

They were Council employees, they weren't people from one of your contractors, were they?---Yes, they were, yeah, they were. They were Council employees.

And you were present when Mr (not transcribable) gave an interview?---Yes.

With SINC Solutions, weren't you?---Yes, I was there.

Yes. And he gave evidence that he went there after he finished work, didn't he, with the Council?---Yes.

Yes. Thank you. Do you want to just bear with me a moment. No more questions.

THE COMMISSIONER: Any other questions of Mr Foo? No.

MR THANGARAJ: Just one question.

10

THE COMMISSIONER: Mr Thangaraj.

MR THANGARAJ: Could I have the suppression order lifted with respected to page 529 lines 18 to 23 please, Commissioner?

THE COMMISSIONER: Yes. That non publication order made in relation to the evidence on, what date was it, sorry, Mr Thangaraj?

MR THANGARAJ: Sorry, I didn't say it, 5 February.

20

THE COMMISSIONER: On 5 February, to the extent indicated is varied. Yes, go on.

MR THANGARAJ: Mr Foo, I just want to remind you of a question and answer you were asked when you came here last time a few weeks ago. This is what was asked?---Yes.

30

“So is this anything like Mark Goodman's signature?” Your answer, “The whole trouble Mark he got a couple of signatures. He's a very, very intelligent man and certain signature like genuine one he writes his own signature a bit bodgie so he just – that's why I did question. I did ask him. I said, 'Mark.' I said, 'Gee I wish I was like you, you know, having such fanciful signatures though.'”?---Yes.

All right?---Yes.

Now that's – I use the word dodgy but that was the wrong word. It was bodgie that was the - - -?---Yeah.

40

- - - how you described it?---Yes.

Was that a truthful answer or not?---Yes, a truthful answer.

All right. Nothing further.

THE COMMISSIONER: All right. Thank you, Mr Foo. You may step down, you're excused for the time being?---Thank you.

**THE WITNESS STOOD DOWN**

**[3.16pm]**

MR THANGARAJ: Because of the witnesses that are no longer required, they're the witnesses for today, Commissioner. Could I just tender the transcripts of 5-3-5- and 5-3-7 from the end of last week and the transcript of 2-1-8-8 and the audio of that call from last week.

10 THE COMMISSIONER: Sorry, so the transcripts from calls 5-3-5 and 5-3-7?

MR THANGARAJ: Yes. They're SMS messages.

THE COMMISSIONER: Sorry, the transcripts of the SMS messages will be Exhibit R45.

**#EXHIBIT R45 - FOLDER OF MAL FOO DOCUMENTS**

20

THE COMMISSIONER: And call 2-1-8-8 will be Exhibit R46.

**#EXHIBIT R46 - TRANSCRIPT SESSION 2188**

MR THANGARAJ: Mr Foo, you can – sorry, you can - - -?---Thank you.

30 And could I tender a call that I have not played 8-9-7-3 of 11 September last year between Mr Goodman and Mr Foo. I didn't need to play it but I'm doing it out of fairness to Ms Mishra. I put a question to Mr Foo that he was part of the inner circle and at times there were people who were deliberately not told things. This is an example of Ms Mishra being told something that she was not supposed to be told so I'm only tendering it for her benefit.

THE COMMISSIONER: All right. Exhibit R47 is call 8-9-7-3.

**#EXHIBIT R47 - TRANSCRIPT SESSION 8973**

40

MR THANGARAJ: And tomorrow's witnesses are Mark Thompson, Barry Byrnes, Sharon Dale, Chloe Dickey.

THE COMMISSIONER: Thank you.

MR THANGARAJ: Chloe Dickey, I don't know if I have any questions for her but she'll be here in case anyone else does.

MR MOSES: Sorry, who was that?

MR THANGARAJ: Chloe Dickey.

MR MOSES: I don't have any questions. So how many witnesses tomorrow?

MR THANGARAJ: Four.

10 MR MOSES: O.K. Thank you.

THE COMMISSIONER: All right. Thank you. I'll resume at 10 o'clock tomorrow. Thank you.

**AT 3.18PM THE MATTER WAS ADJOURNED ACCORDINGLY  
[3.18PM]**